DATE: September 26, 2018

TO: Planning Commission

FROM: Allison De Busk, Project Planner

SUBJECT: OC Zone Use Determination

On October 4, 2018, at the Planning Commission lunch meeting, the Planning Commission will be asked to determine if the storage of trolleys is a permitted use in the OC (Ocean-Oriented Commercial) Zone.

In order to make that determination, the Planning Commission must find that the use is an ocean-dependent, ocean-oriented, commercial recreational, or arts-related use that is consistent with the intent of the OC Zone (SBMC §28.71.020.7).

As outlined in SBMC §28.71.010, the intent of the OC zone is to “maintain the small scale, local character that is unique to the Waterfront area. Land uses shall be encouraged in this zone that maintain and enhance the desirability of the Waterfront as a place to work, visit and live. This zone is intended to foster a vital, mixed use neighborhood and preserve and protect the coastal environmental in terms of light, air, and visual amenities.”

The Applicant believes that the use fits within the commercial recreational category (SBMC §28.71.020.2). The Applicant will be at the lunch meeting to provide more information and answer any questions about the proposed use.

As additional background for the discussion, staff has attached the following documents:

1) SBMC Chapter 28.71 “OC Ocean-Oriented Commercial Zone”
2) Applicant Letter dated September 25, 2018 and additional information
10. Museums and other cultural displays relating to the ocean.
11. Offices of businesses or persons engaged in ocean-related activities.
12. Sail manufacturing and/or repair.
13. Seafood sales and processing.
14. Specialty and gift shops.
15. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
16. Other ocean-dependent, ocean-related and visitor-serving uses as deemed appropriate by the Planning Commission.

D. Five year review of uses:
   At least once every five (5) years from March 30, 1993, the Board of Harbor Commissioners shall review the extent and nature of the uses existing in the Harbor and shoreline area of the HC Zone and make a recommendation to the Planning Commission regarding the adequacy of ocean-dependent uses (Harbor primary uses) in relation to ocean-related and visitor-serving uses (Harbor secondary uses) in order to assure that the harbor remains a working harbor. A review of the mix of uses may occur at any other time at the direction of the Board of Harbor Commissioners or Planning Commission. Subsequent reviews shall be at five (5) year intervals thereafter. The Coastal Commission shall receive a copy of the recommendation and accompanying background materials associated with each review. (Ord. 5459, Section 3, 2008; Ord. 4825, 1993; Ord. 4808, 1993; Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.050 Building Height Standards.

Two (2) stories not to exceed thirty (30) feet. (Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.090 Coastal Zone Review.

All development in the Coastal Overlay Zone S-D-3, is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in Development Plan Approval, Chapter 28.85. (Ord. 5609, 2013; Ord. 4670, 1991.)

Chapter 28.71

OC Ocean-Oriented Commercial Zone

Sections:

28.71.010 In General.
28.71.020 Uses Permitted.
28.71.040 Coastal Zone Review.
28.71.050 Development Potential.
28.71.060 Building Height Standards.
28.71.070 Lot Area, Frontage, and Outdoor Living Space Requirements.
28.71.080 Parking Requirements.

28.71.010 In General.

The regulations contained in this Chapter shall apply in the OC Zone unless otherwise provided in this Title. This zone strives to achieve balanced use of the City's Waterfront and maintain the small scale, local character that is unique to the Waterfront area. Land uses shall be encouraged in this zone that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. This zone is intended to foster a vital, mixed use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities.

Land classified in the OC zone may also be classified in the HRC-2 (Hotel and Related Commerce 2) zone and those land uses authorized within the HRC-2 zone are also allowed uses within the dual OC/HRC-2 zone. (Ord. 5343, 2005.)
28.71.020 Uses Permitted.

Any of the following uses are permitted, provided that such operations, manufacturing, processing, or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes which may impose hazard to life or property:

1. Ocean-dependent and ocean-oriented uses such as:
   a. Aquaculture facilities.
   b. Boat and boat trailer rental.
   c. Marine equipment and accessories manufacturing, sales, repair, storage, or rental.
   d. Marine-oriented government facilities.
   e. Marine research and development facilities.
   f. Offices of businesses engaged in ocean-related activities.
   g. Boat and sail manufacturing and repair.
   h. Seafood processing, wholesaling, storage, and related activities.
   i. Services necessary for commercial fishing activities, including such facilities as net repair areas, ice machines, and storage areas.
   j. Ocean-oriented educational facilities.

2. Commercial recreational uses such as:
   a. Bicycle, roller skating, moped, dive gear, boating, surfing, and other recreational equipment rental, sales, manufacturing, and repair.
   b. Public or private parks or recreational facilities.

3. Arts related uses such as:
   a. Art galleries (may include sales).
   b. Art schools.
   c. Art studios/workspaces (may include sales).
   d. Blueprinting, photostatting, printing, lithographing, or publishing establishments.
   e. Industrial arts and crafts uses, including, but not limited to, framing, jewelry making, metallurgy, pottery, sculpture, specialty sewing/monogramming, and weaving (industrial arts and crafts uses may include sales).

For the purposes of this Chapter, the term "art" shall be defined as the creative application of a specific skill, the purpose of which is to create objects of form or beauty.

4. Restaurants.

5. Residential Uses.
   a. Generally. Any use permitted in the R-3 zone is allowed in the area bounded by Helena Avenue on the west, the existing railroad right-of-way on the south, Garden Street on the east and Highway 101 on the north, subject to the restrictions and limitations contained in this Chapter so long as the R-3 use is constructed as a project providing a mix of allowed non-residential and residential use where the residential use will not exceed 70 percent of the total building floor area of the development project.

      Any parcel of 5500 square feet or less in size which exist as of the date of the adoption of the ordinance codifying this amendment to Chapter 28.71 and which is not contiguous to another adjacent parcel(s) which is held in common ownership with the first parcel shall be exempt from the above-described mixed-use requirements.

   b. Affordable Housing Projects. Development projects comprised exclusively of units affordable to very low, low, or moderate income households (as evidenced by the recordation of long-term affordability covenants consistent with the City’s Affordable Housing Policies and Procedures) shall be exempt from the above-stated mixed-use requirements for this zone.

   c. Existing Residential Buildings. Residential buildings which exist at the time of the adoption of the Ordinance enacting this Chapter (as established by the existence of a valid certificate of occupancy issued by the City), shall not be deemed non-conforming to the requirements of this Chapter and such buildings may be rehabilitated or remodeled (but not demolished) and expanded so long as any such permitted expansion (or expansions in total) does not exceed twenty percent (20%) of the floor area of the existing dwelling unit with the floor area and percentage calculated as of the date of the adoption of the Ordinance enacting this Chapter.

6. Small Stores. Stores that sell liquor, groceries, or food that do not exceed 2,500 square feet in gross floor area.

7. OC Uses Found Consistent. Other ocean-dependent, ocean-oriented, commercial recreational, or arts-related uses that are found to be consistent with the intent of the OC zone by the Planning Commission. (Ord. 5343, 2005.)


A. Automobile Related Uses. In the OC Zone, automobile rentals and parking lots shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code.

B. Small Hotels. In the OC zone, small hotels shall be permitted upon the issuance of a conditional use permit in the OC zone area designated for “small hotel” on the map attached to this Chapter as Exhibit A subject to the following express limitations:

   1. A small hotel may not have more than six (6) guest rooms;
2. The size of each hotel guest room shall be limited to a maximum of 300 square feet of floor area (including hallways, closets, baths, interior circulation and other similar floor area) and the room may not include an individual kitchen area;

3. A common kitchen/dining/lobby area is allowed but may not be located within a guest room;

4. A manager’s residential unit is allowed with a maximum of 600 square feet of floor area provided that the manager’s unit is located adjacent to, or with immediate access to, the common or lobby area and provided that it not have a separate access from outside the common area.

C. Findings Required for Small Hotels. Planning Commission approval of small hotels in the area of the OC zone for which they are authorized by subsection B hereof shall be subject to all of the following CUP findings:

That the small hotel:
1. will support the goals of the Local Coastal Plan and OC zone to promote a vital, mixed use neighborhood in the Waterfront comprised of a diversity of land uses;
2. is part of a mixed-use project and in a mixed-use setting within a property having pre-existing legal uses or permitted OC uses;
3. is compatible with the surrounding land uses and OC uses;
4. may include a manager’s unit if it is necessary to support the hotel or other improvements on the site;
5. will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;
6. has a sufficient area for the site and has a design for the facilities of an appropriate magnitude in view of the character of the land and in view of the proposed development that significant detrimental impact on surrounding properties is avoided;
7. will provide adequate access and off-street parking in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time; and
8. will have an appearance (in terms of its arrangement, height, scale, and architectural style of the buildings, location of parking areas, landscaping, and other features) which is compatible with the character of the area. (Ord. 5343, 2005.)

28.71.040 Coastal Zone Review.

All development in the Coastal Overlay Zone (S-D-3) is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 5343, 2005.)

28.71.050 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in Development Plan Approval, Chapter 28.85. (Ord. 5609, 2013; Ord. 5343, 2005.)

28.71.060 Building Height Standards.

No building or structure in the OC zone shall exceed three (3) stories nor exceed forty-five (45) feet in height. (Ord. 5343, 2005.)

28.71.070 Lot Area, Frontage, and Outdoor Living Space Requirements.

A. Lot Area and Frontage Requirements. All buildings or portions thereof used for dwelling purposes shall comply with the lot area and frontage provisions of the R-3 Zone.

B. Outdoor Living Space. All buildings or portions thereof used for dwelling purposes shall comply with the outdoor living space provisions of the R-3 zone. (Ord. 5343, 2005.)

28.71.080 Parking Requirements.

Off-street parking and loading space shall be provided as required in Chapter 28.90 of this title. (Ord. 5343, 2005.)
Dear Allison,

My company, Santa Barbara Trolley Company, has been locally operated since 1985 and under my ownership since 1995. We are asking to park our trolleys at the lot on the corner of Mason and Anacapa. This would be parking for our trolleys and not for the use of our customers. We have been approved by the City to park along Cabrillo Blvd and have been doing so for 30 years. This is where we begin and end our City tour. For over 30 years we have been providing City tours to visiting tourists. We have also provided City tours for all cruise ships for over 15 years. We have never picked up our guests at our location. And use our address listed on our brochure as our pick up location. Our previous lot is within 200ft of the lot on Mason and Anacapa therefore we have been in the area for decades. We have been in business for over 30 years and are one of the largest visitor serving commercial businesses in town. I have provided a copy of our brochure, a copy of our business license, as well as an additional letter from the owner of the previous lot we leased for 15 years. Thank you for your help.

Sincerely,

Reggie Drew
September 24, 2018

I, Sonia Torres, Administrative Specialist, in and for the City of Santa Barbara, DO HEREBY CERTIFY that the following business held a valid City of Santa Barbara Business License Tax Certificate from June 18, 1999 through January 15, 2015. The business was located at 22 State Street from June 1999 through October 2006, and at 23 E. Cabrillo Boulevard from November 2006 through January 2015.

Business Name: Santa Barbara Old Town Trolley Company
Business Owner: Reginald Drew
Opened: 06/18/1999
Expiration Date: 01/15/2015
Business Description: Travel or Tour Services

IN WITNESS WHEREOF, I have here unto set my hand this 24th day of September 2018.

Sonia Torres
Business License and Permits
City of Santa Barbara
Welcome aboard Santa Barbara Trolley Tours. Let our local drivers guide you through Santa Barbara’s hot spots! Our fully-narrated tour is packed with historical and pop culture facts that will delight and entertain guests of all ages.

Each of our 13 stops are convenient to shopping, dining and local attractions. HOP ON AND OFF at any of the 13 designated spots. Trolleys come by each stop every 60 minutes. Your tickets are good for 2 consecutive days!

Trolley Tours are the best way to experience Santa Barbara 7 days a week.

Ask about our Private Trolley Tours! Charter a Trolley for your wedding or special event!

Group Tours, Private Charters, Wine Tasting Tours
Please visit our website: www.sbtrolley.com

Contact Us
(805) 965-0353 • info@sbtrolley.com

Find SB Trolley on:
Dear Allison DeBusk,

I am writing this letter on behalf of Santa Barbara Trolley Company. Santa Barbara Trolley Company was a tenant of ours on our lot located at 15 E. Mason St. They were a tenant for approximately 15 years until 2010 when The Hotel California established a 99 year master lease. I hope this helps resolves any problems.

Thanks,
Teddí Sanchez
Sanchez Trustee
25 September 2018

Alison DeBusk, Project Planner
City of Santa Barbara / Community Development
630 Garden Street
Santa Barbara, CA 93101

RE: Santa Barbara Trolley Company

Ms. DeBusk:

On behalf of our member and strategic partner, Santa Barbara Trolley Company, we are writing in strong support of their request for trolley storage on City property.

Santa Barbara Trolley Company is one of the most important visitor serving businesses in the region, carrying thousands of people every year through the streets of Santa Barbara. The City-supported Visitor Center sells 90% of all trolley tickets (the number one selling ticket at the facility) and those visitors board the trolley for their tour at the Visitor Center.

In addition, Santa Barbara Trolley Company provides incoming cruise ships with trolleys for their passengers to tour our beautiful city. In terms of volume, frequency and service to the community, Santa Barbara Trolley may very well be the biggest visitor serving business in town.

We ask for support for this request, and stand ready to assist in any way we can.

Sincerely,

Kenneth Opflinger, ACE, President/CEO
The Chamber of Commerce of the Santa Barbara Region

Annmarie Rogers, Director
Santa Barbara Visitor Center