



NZO Joint Committee Meeting

Wednesday, May 28, 2014, 3:00 p.m. to 4:15 p.m.

David Gebhard Public Meeting Room

Agenda

I. Overview and Status Update

Overview of the New Zoning Ordinance (NZO) effort including briefing on the Planning Commission meeting of April 17, 2014 (Attachments 1 and 2) and attendance at meetings of the Santa Barbara Association of Realtors, Citizens Planning Association, and City Neighborhood Advisory Council.

II. Scope of Work for Consultant Services

Review of the draft scope of work that will be included in the Request for Proposals (RFP) for consultant services to assist with the development of the New Zoning Ordinance (Attachment 3).

Staff requests Joint Committee members input on:

- The Draft Scope of Work for New Zoning Ordinance
- Do the Zoning Standards to be considered in the NZO effort, included in the draft scope of work, adequately cover the types of areas that would be reviewed through a public process?
- Any additional standards/processes to be included?

III. Public Comment

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the Community Development Department at (805) 564-5470, extension 0. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

Reference Materials / Attachments

1. Planning Commission Questions, April 17, 2014
2. Planning Commission Minutes, April 17, 2014
3. Draft Scope of Work for New Zoning Ordinance (NZO) with Zoning Standards to be Considered in the NZO effort (working list)
4. Excerpt of General Plan Policies and Implementation Actions
5. See Website link at www.SantaBarbaraCA.gov/NZO for other reference documents including:
 - a. About the New Zoning Ordinance Effort
 - b. Confirmed Focus Group Meetings
 - c. Planning Commission Staff Report, April 17, 2014

New Zoning Ordinance (NZO) Draft Scope of Work
 Planning Commissioner's Questions
 Planning Commission Meeting, April 17, 2014

	COMMISSIONER	QUESTION	STAFF RESPONSE
1	Jordan	Do you intend to do a first presentation with the focus groups and then merge them into the public process, or do you intend to have subsequent follow ups with those individual focus groups?	Both. Initially staff will check in with the focus groups and invite them to be involved in the public process. Depending how the process goes, we may need to go back to the focus groups.
2	Jordan	Once people log in and register on the website, will they also receive notices for both the focus groups and NZO Joint Committee meetings and location?	Legal notices will be sent out, but not for the focus group meetings. All public notices will be posted on the website.
3	Thompson	Will residential zone classifications be combined and simplified? It seems as if having so many single family zones isn't so simple.	It depends on lot sizes in the area. We want to preserve the density of single family lots and not allow for further subdivision if not currently allowed. We will look at the unintended consequences of combining zone classifications. We may look at setbacks to be similar.
4	Pujo	Are there a few key differences between a Charter City and a General Law City that would affect us in the zoning ordinance process?	State law is obscure. It is not easy to follow what applies to a charter city. General law cities have to comply with all the standards in the State Code. Charter cities have a select few items that must be followed in the general code and are enumerated. Some examples of standards that apply to both include granny units and emergency shelters.
5	Pujo	Are you touching anything to do with subdivisions?	The only change would be for consistency with the Zoning Ordinance. We are considering having the SHO review subdivisions of four lots or less that need a street frontage modification. We are not looking at the entire Subdivision Ordinance.

New Zoning Ordinance (NZO) Draft Scope of Work
 Planning Commissioner's Questions
 Planning Commission Meeting, April 17, 2014

6	Pujo	Will you be changing any noticing sections?	We do not envision any changes other than clarification of when noticing is required.
	COMMISSIONER	QUESTION	STAFF RESPONSE
7	Bartlett	Referenced Exhibit A, Page 5, 7.g.: Will the NZO thread into making a new Parking Design Standard booklet that the Transportation Division hands out? That booklet is in conflict with the current ordinance.	Yes, we will be looking at that.
8	Schwartz	Page 2 of the Staff Report references research and knowledge of how other communities handle dated regulations. Do we already have a list of those cities that have overhauled zoning?	We do have a list of some cities that are currently updating zoning regulations (list shown on slide). All, except the City of Glendale, are doing it with staff and a consultant and are taking 2-3 years.
9	Schwartz	Will the PowerPoint be loaded on the website so that the public can access the information?	Yes it will.
10	Schwartz	On Page 3 of the Staff Report, Administration of the Code, do you see this as part of a concrete template or clear guideline that would be available for staff and the public to understand what types of issues would fall under this and how staff would consistently handle, similar to what is being developed with the Staff and the Association of Realtors?	That is one of our goals. We hope to have a tool that will show what qualifies from administrative approval through the whole process and what findings would be required.



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

April 17, 2014

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:09 P.M.

I. ROLL CALL

Chair Deborah L. Schwartz, Vice Chair Addison Thompson, Commissioners Bruce Bartlett, John P. Campanella, Mike Jordan, and June Pujo.

Absent: Commissioner Lodge

STAFF PRESENT:

Bettie Weiss, City Planner
Danny Kato, Senior Planner
Rob Dayton, Principal Transportation Planner
Bea Gularte, Project Planner
N. Scott Vincent, Assistant City Attorney
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of April 3, 2014
2. Resolution 008-14
3714 – 3744 State Street

MOTION: Thompson/Pujo

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: As noted. Absent: 1 (Lodge)

B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

C. Announcements and appeals.

Mr. Kato made the following announcements:

1. No appeal was filed for 3714 State Street
2. No appeal was filed for 3744 State Street

D. Comments from members of the public pertaining to items not on this agenda.

Chair Schwartz opened the public hearing at 1:15 P.M.

Ethan Shenkman provided public comments and considerations regarding the Transit Occupancy Tax initiative.

With no one else wishing to speak, the hearing was closed at 1:18 P.M.

III. DISCUSSION ITEM

ACTUAL TIME: 1:18 P.M.

NEW ZONING ORDINANCE (NZO)

Staff gave an overview of the draft Scope of Work for the Request for Proposal (RFP) that will be used to hire a consultant to assist with the development of the New Zoning Ordinance (NZO) effort. Staff requests that the Planning Commission provide input as to the adequacy of the draft Scope of Work and whether any other zoning standards or processes should be included.

The New Zoning Ordinance project will update the Zoning Ordinance, which is contained in Title 28 of the City's Municipal Code. The Zoning Ordinance establishes the zone classifications, permitted uses in the various zones, development standards and regulations, and the development review process for individual lots throughout the City. The zoning regulations affect land use, design, lot size, building heights, density, setbacks, yards, parking, landscaping, fencing and other aspects of property use.

The specific details and recommended direction of zoning standards will be vetted through a public process over the next two years, and additional amendments could be identified through the public process.

Case Planner: Beatriz Gularte, Project Planner

Email: Bgularte@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4556

Beatriz Gularte, Project Planner, gave the Staff presentation.

Chair Schwartz opened the public hearing at 1:39 P.M., and with no one wishing to speak, the public hearing was closed.

Commissioner's Comments:

All Commissioners were supportive of the list included in the Staff Report (Exhibit A) outlining the types of standards and processes to include in the scope of work and that could be amended as part of the NZO effort.

Commissioner Campanella:

- Suggested highlighting more about the General Plan and the basis of sustainability, such as environmental, our resources, social, as well as economic. It would be good to have available throughout the process so that everyone understands the goal we want to have implemented.
- Encouraged adaptive reuse in place. Sustainable neighborhood planning.
- Agreed with scope of work that is included and what is excluded.
- Would like incentive programs that are not being reviewed at this time to be kept in mind and utilized as intended with the zoning changes made.
- Appreciated that the policies and implementation actions contained in the General Plan are delineated for the public to see and serve as a reminder of where we want to be.

Commissioner Jordan:

- Include development groups and property managers in the process. They would have economic development input.
- Include prior and current Planning Commissioners and Board Members in the process.
- When reaching out to public groups, set up an outreach environment where people can be candid in expressing their comments.
- Encourages making the administrative process more casual and less onerous, along with the appeal process as well.
- Increase technology tools to include something like hyperlinks within the document that links to explanations, examples and graphics when looking at the zoning ordinance online.
- Referenced multigenerational facilities and services in a single building as related to secondary dwelling units, in particular suggesting specifically looking at more than one food prep area for separate dwellings to address multigenerational families.
- When looking at encroachments and building setbacks, encourages looking for ways to better handle residential water storage for reuse and home agriculture.

Commissioner Pujo:

- Suggested screening for sustainability practices. Look where there might be opportunities to make small changes such as in energy conservation, water conservation, on site food production, etc.
- Include a definition of 'habitable space'. Many ideas are out there, but no consistency.
- When definitions are reviewed, suggested looking at other ordinance or documents that have similar definition to ensure that they are compatible and consistent.
- Look at how we handle basements, entrances/exits, ventilation, and underground parking.
- This is a perfect opportunity to go 'virtual' with the information produced. Would like the consultant to have strong capabilities and knowledge on compatible programs and web capabilities. Presently the website has too much information to download. Make it easier for the public to search and find.
- Agrees with Commissioner Jordan on streamlining the ordinance and not bulking it up too much. The more you put in the ordinance, the more outdated it becomes. Does not believe that graphics have a place in the ordinance, more suited for user manual or hand-out.
- Suggested setting aside some of the budget to look at the ordinance annually in the future instead of having to wait another generation to comprehensively amend it.

Commissioner Bartlett:

- The main priority is to eliminate and reduce the majority of the non-conforming situations that have been created by the evolution of zoning and density. The properties have not changed, only the rules around them.
- Eliminate redundancies, or where things are not in alignment.
- Eliminate carry over ordinances from the 1920's and 30's, such as the street-widening ordinance at State Street and De la Vina.
- Make the ordinance concise and cohesive. This could even help simplify the ZIR issues.

Commissioner Schwartz:

- Set strict timeline with sequencing issues so that as the committee moves forward, you can whittle down the issues and set aside. Recalled that with the General Plan, as Boards and Commissions changed, many issues kept being revisited. The issues should not continue to be brought back for more discussion.

- If there is a nexus with the 22 excluded items from the scope then consider tackling a subset within the next 2-3 years.
- Connect the General Plan principles, goals and policies with the kinds of findings that the Commission has to make in approving projects. For example modern day land use decisions that support sustainability may mean in certain circumstances that the character in a neighborhood may be different. We may need to look differently at character and compatibility as our society and city evolves.
- Strongly urged looking into civic engagement platforms to improve public involvement.

Danny Kato, Senior Planner, thanked the Commission for its encouragement and comments and stated that secondary dwelling units will not be a part of the NZO scoping process because during the General Plan Process, City Council made it clear that secondary dwelling units needed to be done on a neighborhood by neighborhood basis. That is too large a project for what is being undertaken or budgeted.

Mr. Kato also clarified that the NZO budget does not include civic engagement software. In July, Staff will be working on the process of replacing the permit tracking software, and most new software have more robust civic engagement functionality.

The street widening setback lines ordinance is a larger issue and will also not be a part of the NZO process. Also, project findings will be reviewed, but the definition of compatibility might not be included.

The Commission was appreciative of Staff's work. Staff agreed to Commissioner Campanella's request for a copy of all questions asked and comments made to be given to the NZO subcommittee. Commissioner Jordan added a request for the Commission to be informed of upcoming NZO subcommittee and focus group outreach meetings

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:34 P.M.

- A. Committee and Liaison Reports.
 - 1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meeting held on April 16, 2014.

2. Other Committee and Liaison Reports

- a. Commissioners Bartlett and Campanella reported on the Architectural Board of Review meeting of April 14, 2014.
- b. Commissioner Schwartz reported on the Water Commission meeting of April 14, 2014.

3. Report from the Chair

None given.

V. **ADJOURNMENT**

Chair Schwartz adjourned the meeting at 2:43 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

DRAFT SCOPE OF WORK FOR NEW ZONING ORDINANCE (NZO)

Key Considerations and Objectives

Key considerations and objectives that will guide the consultant and the City in the development of the New Zoning Ordinance (NZO) include:

1. Consistency with those portions of the State Planning Law (Government Code §65800 et.seq) that apply to charter cities;
2. Development standards that are consistent with the General Plan goals and policies;
3. Use of best practices for zoning regulations;
4. Balancing protection of neighborhoods, limited growth, and economic vitality/development;
5. Ease of application, customer service, education, and understanding of City rules;
6. Regulations that reflect the community's values;
7. Coordinate development standards with the update of the City's Local Coastal Program;
8. Consistency with Title 22, ABR, HLC, SFDB and Title 27 Subdivision Ordinances; and
9. A phased program with the first phase being the comprehensive update of the Zoning Ordinance foundation; other phases will follow, including any special or subsequent ordinance amendments (i.e. condo conversion, TEDR) and Coastal Zone related updates.

Project Overview

Main steps in the process to include:

1. Public outreach to focus groups (initially by City staff and currently underway);
2. Review of the City's existing zoning ordinance and evaluate necessary changes to simplify and modernize (consultant);
3. Restructure the zoning ordinance in consultation with staff and the NZO Joint Committee (consultant);
4. Work with the NZO Joint Committee and the public, including focus groups on the zoning standards (consultant and City staff);
5. Prepare draft zoning amendments for review at the Planning Commission (consultant and City staff including City Attorney);
6. Prepare the environmental review documents to meet CEQA requirements (City staff);
7. Present the proposed Final NZO for public hearings before the Planning Commission and City Council (consultant with City staff including City Attorney); and

8. Work is expected to begin in September 2014 and the NZO developed by December 2016

Draft Scope of Work

Under the direction of the Senior Planner and Project Planner in Zoning and Enforcement, the selected consultant shall work closely with staff to provide the following services as part of the City's Zoning Ordinance Update (NZO):

1. Review and Restructure Title 28, The Zoning Ordinance
 - a. Develop a code that is clear, consistent, and easier to understand
 - b. Simplify organization of the chapters
 - c. Reduce redundancy
 - d. Use of best practices including use of graphics and/or tables to reflect standards where appropriate and/or technology tools such as hyperlinks within the document for explanations or examples
2. Develop a detailed work program and schedule including milestones leading toward the adoption of the NZO including:
 - a. Meetings with City staff including a project kick-off meeting to review the ordinance approach. Any travel and other costs associated with meetings with City staff should be included within the appropriate task(s) in the work program.
 - b. Public participation and outreach program including engaging select focus groups (initial outreach to select focus groups is currently underway).
 - c. Working with the NZO Joint Committee made up of 2 Council members and 3 Planning Commissioners.
 - d. Outreach and education materials on the options being considered to assist the public and decision makers in understanding the issues.
 - e. Soliciting the public opinion on standards (e.g., surveys via the City's webpage).
 - f. Developing community outreach meetings (workshops) for public discussion and input. Consultant to provide a cost estimate for two series of public workshops (e.g., before and after development of the draft NZO).
 - g. Synthesizing the public input and incorporating revisions into a Draft and Final NZO as appropriate
 - h. Presentations to Planning Commission and City Council
3. Participate in the drafting of the New Zoning Ordinance to include the attached list of primary topics to be addressed.
4. Attend and present at Planning Commission public hearings with staff once a public draft of the NZO is developed to summarize any proposed changes to standards and administration of the code, with clear explanation of changes to the existing standards and processes.

5. Revise the Draft NZO integrating comments from the public and decision makers following the Planning Commission public hearings.
6. Work with staff and the City Attorney to prepare the draft Final NZO document for review and approval at public hearings of the Planning Commission and City Council.
7. Final NZO work products after adoption by the City Council.

Zoning Standards to be Considered in the NZO Effort
(Working List)

A. Examples of Standards to be Addressed in NZO (*note the list under 2 - 7 is neither all inclusive nor definitive as the public process will define the changes that will be made to the standards*)

1. Restructure Title 28 and:

- a. maintain a pyramid zoning structure;
- b. make it more current, consistent, clear, and easier to understand;
- c. simplify the organization of the chapters;
- d. have policy alignment with historic interpretations;
- e. reduce redundancy;
- f. reconsider the zone classifications, reducing the number where possible, without increasing allowed densities;
- g. consider a format where all of the relevant standards that apply to the zone classification or use are in the same place (currently not user friendly with regulations in various locations in the code);
- h. consider tables or some other manner in which to reflect what review applies (e.g. Architectural Board of Review (ABR), Historic Landmarks Commission (HLC), Staff Hearing Officer (SHO), Planning Commission (PC));
- i. consider graphics in the document, or a guidelines document with photos and graphics, and interpretations. Consider what other communities are doing in this regard;
- j. add the intent of regulations, to make it easier to determine whether a proposal meets the intent;
- k. Clarify decision making protocols – ministerial, administrative adjustments/waivers, SHO, PC, Council, City Attorney;
- l. provide more administrative flexibility (e.g., proposed administrative approval approved for the fence/hedge height ordinance). Necessary findings may cover the intent (see j. above). Research and consider other tools that could be used for flexibility between allowed standards and modifications; and
- m. keep in mind that the NZO will be processed concurrently with the Local Coastal Plan (LCP) Update. As the LCP Update proceeds, we need to ensure that the NZO is consistent.

2. Update Definitions and:

- a. improve and update with user-friendly terms;
- b. consider graphics to assist in the interpretation of definitions;
- c. consider updating definition of residential units (e.g. duplex, additional unit, accessory units – Neighborhood Preservation Ordinance related);
- d. remove standards from definitions wherever possible;
- e. consider whether definitions specific to a section or chapter should remain in the section or all provided in the main definitions section;

- f. improve definition of mixed use (2 or more uses in building vs. 2 or more uses on a site); clearly define what makes up a mixed use building;
 - g. update with new definitions for “modern” uses, relying on standard dictionary definitions where we can or in line with what other cities use;
 - h. clarify that setbacks are measured from the right of way and not just the property line;
 - i. define “front yard” as to *first* wall of the *first* main building;
 - j. update the definition of building separation requirements, SBMC 28.87.062.D.; and
 - k. define demolition and alteration for development and zoning purposes.
3. Assess Administration of the Code and:
- a. consider where appropriate for Planning staff to make administrative decisions;
 - b. clearly define projects, process, and, any findings needed for staff to make administrative decisions;
 - c. consider flexibility to expedite and assist affordable housing projects (H16.4 and H16.6 - see Attachment 4 for General Plan Policies and Implementation Actions); and
 - d. consider expansion of SHO review (TSM’s of 1-4 lots with public street waivers, all residential condo conversions or at least more than 4 unit limit).
4. Update Zoning Standards to:
- a. simplify where appropriate;
 - b. consider combining similar zone designations where appropriate (e.g. C-1, C-L, C-P);
 - c. consider reducing the number of single family zone classifications;
 - d. review corner lot standards to reduce the number of front yard modifications;
 - e. update encroachment allowances;
 - f. evaluate yards and setbacks and consider:
 - i. Changing setbacks in single family zones where 1975 downzone resulted in nonconforming setbacks. This could also be handled as an amendment to the nonconforming ordinance or an amendment in single family zones that allows for nonconforming additions that build to the pre-1975 setback (like we did in the R-2 zone, SBMC §28.18.065).
 - ii. Consider allowing bigger covered or uncovered steps or landings within interior setbacks and front setbacks.
 - iii. Consider allowing miscellaneous items in the required setback for existing development, as long as there are no visibility or safety issues (e.g. trash cans and enclosures, mailboxes, sign directories, light poles planters, entry gate keypads, public utility equipment, pool equipment, others?).
 - iv. Clarify what is allowed in the “front yard” vs. “front setback” (e.g. pool equipment, trellis, fountains, trash etc.).

- v. Consider changes to the 1,250 s.f. open yard standards for single family zones (maybe all lots, maybe constrained lots only, or maybe just for properties with nonconforming open yard). Consider flexibility for these single family zoned properties, since the only people it affects are the residents.
 - vi. Simplify the R-3/R-4 open space requirement. This item confuses people the most on ministerial permits.
 - vii. Review what is allowed to encroach into open yards.
 - viii. Consider variable building setbacks for 100% commercial buildings Downtown, similar to AUD (AUD only covered mixed use and residential not when 100% commercial) (LG12.3).
 - ix. Consider changes to the standards for commercial and residential setbacks i.e., allowed encroachments, changes to non-conforming openings etc. Evaluate the need for commercial setbacks in various zones.
- g. clarify section on additional dwelling units regarding FAR limitations (how to calculate) open yard, limit on garage and accessory space etc. relative to the Neighborhood Preservation Ordinance;
 - h. consider location and configuration of accessory buildings
 - i. Consider eliminating separation requirements, and let the building code dictate any required separation.
 - ii. Evaluate accessory building and garage size maximums. Consider a combined total floor area limitation for garages and accessory space. (R-3 zones do not have garage size limitations).
 - iii. Consider changing when accessory building area is allowed in the front yard (through and corner lots, etc)
 - i. clarify standards for attached versus detached buildings (e.g. carport building);
 - j. clarify confusing standards when there is more than one zoning designation on a lot (e.g. dual zoning, like R-2/C-P, R-2/R-O;
 - k. consider expanding the modifications allowed for compliance with the Solar Access Ordinance (e.g., very narrow lots that can't move structure further out on northern property line, and consideration for sloped lots where shadow cast is actually the same or less than a flat lot, etc.);
 - i. clarify where base elevation points are measured from in the Solar Ordinance;
 - l. clarify what exactly can occur on a vacant lot when there is no main building or use established (SBMC 8.16.070 and SBMC 28.97.001).
5. Update Allowed Uses and:
- a. modernize allowed uses and language;
 - i. Live work and home occupation uses in residential zones to reflect current trends/realities while considering impacts to residential areas (LG.10, LG10.1)

- ii. Establish criteria for Artists' live-work space in the OC or C-M Zones. (LG10.2)
- iii. Consider allowing Corner Stores/Small Neighborhood Centers in residential zones (LG4.4)
- iv. Consider adding the following uses into appropriate zones
 - 1. "Green" Economic Development (LG7.1.c)
 - 2. Community gardens (LG11.4)
 - 3. Uses under the Sustainable Neighborhood Planning (LG15.1)
 - 4. Eco-tourism (EF7)
 - 5. Electric Charging Stations (ER8)
- b. consider simplifying commercial uses into basic categories such as retail, office, light industrial;
- c. consider granting authority to staff to determine similar uses that fit into basic categories;
- d. consider ways to preserve and encourage the long-term integrity of industrial and light manufacturing uses including possibly narrowing the range of commercial uses in C-M and M-1 zones while not precluding priority housing in the C-M zone. (LG8.1), (LG8.2) (EF15 and 16);
- e. consider expanding Conditional Use Permit findings for public facilities and institutional uses in residential areas (LG15.3);
- f. create consistency with any LCP updates to the OC zone to allow "visitor serving uses" and wineries and include more clarification on changes to nonconforming uses in OC zone. (*Only if LCP update and amendments are considering this*);
- g. consider creating requirements for storage containers (PODS) in residential zones. If they don't need a building permit, can we regulate them?
- h. consider creating requirements for storage containers in commercial zones. Specify that it is considered square footage if enclosed, even if it does not require a Building Permit;
- i. consider auto repair in C-P with a Performance Standard Permit or Conditional Use Permit if work is all done within an enclosed building; and
- j. revise the CUP Ordinance to:
 - i. Consider allowing some uses that currently require a CUP to be permitted without a CUP (either as an allowed use in an appropriate zone, or with a PSP)
 - ii. Simplify CUP for day use facilities for kids, youth and seniors. (LG9.2),
 - iii. Relocate secondary dwelling units from the CUP section.
 - iv. Look at critical public infrastructure – such as Cater wells, reservoirs, etc, and consider a new zone classification to allow uses or consider changing the development process from Conditional Use Permits at the Planning Commission to Performance Standard Permits at the Staff Hearing Officer (currently additions of 500 square feet or less are allowed to an existing Public Works facility in all residential zones and

500 to 1,000 square feet are allowed in R3/R-4 and PR zones for treatment and distribution facilities).

6. Update Nonconforming Uses and Buildings to:

- a. avoid increasing the number of nonconforming properties and reduce the number of nonconforming situations (e.g. as a result of 1975 downzone and parking);
- b. revise standards so frequently requested modifications are now allowed by the standards where appropriate;
- c. consider allowing more changes in setbacks (e.g., allow new doors and windows in the front setback; allow change in location of windows and doors in setbacks) by right, or with administrative approval, or with a modification;
- d. provide incentives or standards for adaptive reuse of commercial buildings (*assuming they do not meet parking requirements*) (EF12);
- e. provide incentives or standards for reconstruction or rehabilitation of existing rental apartments at nonconforming General Plan densities and zoning standards. (H13.3);
- f. consider allowing demo/rebuild of nonconforming structures in the setback without a modification if decreasing the nonconformance (i.e., encroaches less into the setback);
- g. consider allowing nonconforming garages to expand to meet minimum dimensions in the required interior setback if not increasing the number of parking spaces provided or if making the parking requirement more conforming;
- h. clearly state that if a nonconforming building was demolished without a permit, then it cannot be rebuilt in its former nonconforming location. Also, state that a nonconforming building permitted to be demolished has to be reconstructed or Building Permit issued within a certain timeframe to maintain its legal nonconforming status;
- i. consider separate sections for different nonconforming types (Open yard, solar, story, height, use, and parking);
- j. clarify that a lot with nonconforming mixed-use in a residential zone can add residential floor area as long as the residential density conforms to the current standard;
- k. consider changing the standards so that a modification is not necessary when making a conforming second story addition, or any conforming addition (which was the original intent); and
- l. consider allowing minor increases in height in the setback (like changing the orientation of the roof, or slight increases in pitch, or allowing a parapet, etc.).

7. Update Parking Standards and:

- a. look at ways to simplify the commercial parking standards and other standards (e.g., either 1 space per 250 square feet or 1 space per 500 square feet) as much as possible;

- b. evaluate the CP Zone 1/200, to determine whether the parking standard should be maintained at 1/200 or made consistent with other commercial zones, given 1/200 is to avoid affecting the surrounding lower density residential;
- c. avoid creating nonconformance, reducing when possible, and consider changing how we handle nonconforming parking situations;
- d. simplify the parking standard for restaurants (1 space/3 seats, or 1/100 s.f. for fast food, outdoor seating). Consider standardizing for all restaurants to have the same parking requirement;
- e. fix odd differences in residential parking. For example: make parking requirements consistent (e.g. condominiums requiring covered parking, where condo conversions do not; parking requirements for multi-family units that are detached versus attached; and condo conversions currently do not refer you to parking ordinance that allows reduced parking for affordable and senior units);
- f. clarify standards for covered and uncovered parking in C-2 zone;
- g. make the zoning parking standards, zoning design standards for parking lots, and City of Santa Barbara Standards for Parking Design consistent;
- h. consider appropriate trigger for upgrades to non-conforming parking lots. Specifically landscaping and bike parking. Consider removing or revising the 50% rule (i.e. if an addition of 50% or greater is proposed, nonconforming parking must be brought up to current standards, including design standards);
- i. consider allowing parking in driveways in front of garages for properties that contain single family residences; and if so, consider limitations on driveway and turnaround widths to minimum needed; and
- j. consider increasing or eliminating garage size maximums, while continuing to include garage size as part of Neighborhood Preservation Ordinance FAR.

B. The Following Are Not Included In Scope Of NZO Effort

- 1. Form Based Codes
- 2. Vacation Rentals
- 3. Storm Water Management Program Changes
- 4. Changes to Residential Density or Average Unit Density Ordinance, SBMC Chapter 28.20
- 5. Growth Management Ordinance Amendments, SBMC Chapter 28.85
- 6. Condominium Conversion Ordinance Amendments, SBMC Chapter 28.88 (H13.1 and H13.2)
- 7. Open space standards (LG5.2)
- 8. Mission Creek and Creek Setbacks, SBMC §28.87.250
- 9. Inclusionary Housing Ordinance, SBMC Chapter 28.43, 2004 (H11.3)

10. Design Overlays (LG12.1)
11. Floor Area Ratios (LG12.2.b.)
12. Transfer of Existing Development Rights Ordinance, SMBC Chapter 28.95, 1992 (LG2.4)
13. Illegal Dwelling Units (H20.5)
14. Renewable Energy Technology Standards (ER6.5)
15. Solar energy systems standards (ER6.6)
16. CUP for cellular antennas
17. The Sign Ordinance, Chapter 22.70
18. Mobilehome and Permanent Recreational Vehicle Park Conversion Regulations, SBMC Chapter 28.78
19. HWMF Hazardous Waste Management Facility Overlay Zone, SBMC §28.75
20. Adult Entertainment Facilities , SBMC Chapter 28.81
21. Neighborhood Preservation Ordinance, SBMC Chapter 22.69
22. Medical Cannabis Dispensaries, SBMC Chapter 28.80
23. Building Heights
24. Street Widening Setback Lines, SBMC Chapter 28.82
25. Secondary Dwelling Units

Excerpt of General Plan Policies and Implementation Actions

The following are General Plan Policies or Implementation Actions that could be addressed as part of the current NZO effort and that are referenced in the Planning Commission Staff Report and/or Scope of Work.

Housing Element

H13. Non-Subsidized Rental Housing. Preserve and promote non-subsidized affordable rental housing.

Possible Implementation Actions to be Considered

(Related to updating nonconforming buildings)

H13.3 Rental Units. Allow the reconstruction or rehabilitation of existing rental apartments at non-conforming General Plan densities and zoning standards. The loss of some rental units may be considered to meet building code requirements.

H16. Expedite Development Review Process. Assist affordable housing sponsors to produce affordable housing by reducing the time and cost associated with the development review process while maintaining the City's commitment to high quality planning, environmental protection and urban design.

Possible Implementation Actions to be Considered

(Related to administration of the code/administrative approvals)

H16.4 Coordinated Project Review. Address issues of coordination between the Architectural Board of Review (ABR), the Historic Landmarks Commission (HLC), the Staff Hearing Officer (SHO) and the Planning Commission (PC). Identify areas where additional staff authority could be given for administrative approvals.

H16.6 Administrative Approvals. Develop a list of administrative approvals for small infill projects that would include, but not be limited to the following:

- Paint color
- Window changes
- Water heater enclosures
- Room additions
- Additions of less than 250 s.f.
- Small infill projects consistent with adopted design prototypes

Land Use Element

LG4. Principles for Development. Establish the following Principles for Development to focus growth, encourage a mix of land uses, strengthen mobility options and promote healthy active living.

- **Focus Growth.** Encourage workforce and affordable housing within a quarter mile of frequent transit service and commercial services through smaller units and increased density, transit resources, parking demand standards, targeted infrastructure improvements, and increased public areas and open space. Incorporate ideas as a result of an employee survey.
- **Mix of Land Uses.** Encourage a mix of land uses, particularly in the Downtown to maintain its strength as a viable commercial center, to include retail, office, restaurant, residential, institutional, financial and cultural arts, encourage easy access to basic needs such as groceries, drug stores, community services, recreation, and public space.
- **Mobility and Active Living.** Link mixed-use development with main transit lines; promote active living by encouraging compact, vibrant, walkable places; encourage the use of bicycles; and reduce the need for residential parking.
- *Possible Implementation Actions to be Considered*

(Related to updating allowed uses)

LG4.4 Corner Stores/Small Neighborhood Centers. Amend the Zoning Ordinance to enable and ease establishment of limited neighborhood-serving commercial and mixed use in residential zones.

LG7. Community Benefit Non-Residential Land Uses. Community Benefit Land Uses are determined and defined by City Council and shall include the following categories:

- a. Community Priority,
- b. Economic Development,
- c. “Green” Economic Development,
- d. Small and Local Business, or
- e. Development of Special Needs

Possible Implementation Actions to be Considered

(Related to updating allowed uses)

LG7.1 Findings. Develop project level findings of approval for the following Community Benefit Non-residential development uses:

- c. “Green” Economic Development. Business that provides “green” products or “green-collar” jobs (e.g., sustainable water, energy and waste management facilities, or green building products, or climate change research, but not solely a green building or structure.

LG8. Manufacturing Uses. Preserve and encourage the long-term integrity of light manufacturing uses.

Possible Implementation Actions to be Considered

(Related to updating allowed uses)

LG8.1 Narrow Commercial Uses. Narrow the range of permitted commercial uses to ancillary types in the M-1 zone for protection of industrial/manufacturing and related land uses.

LG8.2 Limit Residential. Better define residential uses in the C-M Zone to both encourage priority housing and to protect existing manufacturing and industrial uses.

LG9. Multigenerational Facilities and Services. The City recognizes that there is an increasing need for multigenerational facilities and services. The City shall encourage development which provides for multigenerational facilities and services.

Possible Implementation Actions to be Considered

(Related to updating allowed uses)

LG9.2 Use Permits. Simplify the Conditional Use Permit process to facilitate the development of day use facilities and/or services that serve children, youth and seniors.

LG10. Live-Work. Provide viable live-work opportunities throughout the City.

Possible Implementation Actions to be Considered

(Related to updating allowed uses)

LG10.1 Live Work. Create a live-work land use category, zoning designation, or standards to enable viable live work opportunities including standards for home occupations in residential zones that are consistent with building codes.

LG10.2 Establish Criteria. Establish criteria and standards for Artists' live-work space in the OC or C-M zones of the City.

LG11. Healthy Urban Environment. Consider health in land use, circulation and park and recreation decisions.

Possible Implementation Actions to be Considered

(Related to updating allowed uses only, NZO effort will not include developing an audit of City owned land)

LG11.4 Audit for Community Gardens. Conduct an audit to determine if the City owns land that could be used for community gardens and encourage voluntary private development of gardens.

LG12. Community Character. Strengthen and enhance design and development review standards and process to enhance community character, promote affordable housing, and further community sustainability principles.

Possible Implementation Actions to be Considered

(Related to updating zoning standards)

LG12.3 Building Set-Backs. The frontage of commercial buildings Downtown should have variation in building setback along the street facades to make the streetscape more interesting.

LG15. Sustainable Neighborhood Planning. Neighborhoods shall be encouraged to preserve and enhance the sense of place, provide opportunities for healthy living and accessibility, while reducing the community's carbon footprint.

Possible Implementation Actions to be Considered

(Related to updating allowed uses only, development of comprehensive "Sustainable Neighborhood Plans" program not part of NPO).

LG15.1 Sustainable Neighborhood Plans (SNPs). Develop comprehensive SNPs through-out the City (where desired by residents). A SNP may incorporate goals, objectives, policies and implementation actions addressing the following components, as applicable:

- a. A variety of housing types and affordability ranges;
- b. Neighborhood-serving commercial uses, especially retail food establishments such as small markets, green groceries, coffee shops;
- c. New grocery stores in underserved areas;
- d. Parks, recreational facilities, trails;
- e. Community gardens;
- f. Street tree planting program;
- g. Watershed protection, creeks restoration, public access to creeks;
- h. Transit, bicycle (including new Class 1 bike paths) and vehicle connectivity;
- i. Walkable streets with an appealing and comfortable pedestrian environment that promote physical activity and can be used safely by people of all ages or abilities including wheelchairs;
- j. Traffic calming along walkable and bicycle routes to school;
- k. Reduced impervious area (such as street and parking areas);
- l. Community services (e.g., schools, branch library, community center, clinics, etc.);
- m. Childcare and senior serving facilities;
- n. General safety (e.g., lighting); and
- o. Infrastructure needs.

LG15.3 Institutional Uses. Review the permitting process for government public facilities and institutional uses and strengthen the findings as needed for neighborhood compatibility in residential areas.

Economy and Fiscal Health Element

(Policy related to updating allowed uses)

EF7. Eco-Tourism. Support eco-tourism, such as bicycle tours, that takes advantage of existing hotels and resources such as the beach, ocean, and foothill trails.

(Policy related to nonconforming buildings)

EF12. Re-Use of Commercial Space. Provide incentives for adaptive re-use of vacant commercial buildings.

(Policies related to updating allowed uses)

EF15. Protect Industrial Zoned Areas. Preserve the industrial zones as a resource for the service trades, product development companies, and other industrial businesses not precluding priority housing in the C-M, Commercial Manufacturing Zone.

EF16. Industrial Uses. Ensure that there is sufficient land available for industrial uses.

Environmental Resources Element

(Policy related to updating allowed uses)

ER8. **Low-Emission Vehicles and Equipment.** Expand infrastructure and establish incentives for use of lower emission vehicles and equipment (e.g., parking priority, electric vehicle plug-ins). Support the amendment of speed limit restrictions to permit the wider use of electric vehicles.

Implementation Actions Referenced as Not Included in Scope of Current NZO Effort

Housing Element

H11. Promote Affordable Units. The production of affordable housing units shall be the highest priority and the City will encourage all opportunities to construct new housing units that are affordable to extremely low, very low, low, moderate and middle income owners and renters.

Possible Implementation Actions to be Considered

H11.3 **Inclusionary Housing.** Amend the Inclusionary Housing Ordinance to:

- a. Consider a 15 - 25 percent inclusionary affordable housing provision in new residential ownership developments for affordable housing to accommodate workforce (middle) income earners; and
- b. Amend the payment of in-lieu fees to include the following considerations:
 - Eliminate or reduce inclusionary housing in-lieu fees based on preferred development, such as affordable or special needs housing projects;
 - Adjust the inclusionary housing in-lieu fee rate based on unit size (i.e., lower fees for smaller units); and
- c. Require a Housing Mitigation Fee Program for commercial development; and
- d. Suspend the inclusionary housing requirements or in-lieu fees during times of economic downturn if development costs are prohibitive.

H13. Non-Subsidized Rental Housing. Preserve and promote non-subsidized affordable rental housing.

Possible Implementation Actions to be Considered

H13.1 Preserve Rentals. Explore ways to avoid condominium conversions, or alternatively, the creation of cooperative tenant ownership of previous rentals..

H13.2 Condominium Conversions. Amend section 28.88.120B of the Municipal Code to require all condominium conversions to conform to the density requirements of the General Plan.

H20. Property Improvements. The City shall encourage residential property owners to improve the conditions of their property(ies) to a level that exceeds the minimum standards of the California Building Code and the Uniform Housing Code

Possible Implementation Actions to be Considered

H20.5 Illegal Dwelling Units. Consider ways to legalize illegal dwelling units in accordance with the requirements of the Zoning Ordinance.

Land Use Element

LG2. Limit Non-Residential Growth. Establish the net new non-residential square-foot limitations through the year 2030 at 1.35 million square feet, and assess the need for increases in non-residential square footage based on availability of resources, and on economic and community need through a comprehensive Adaptive Management Program.

The 1.35 million square feet of non-residential development potential shall be allocated to the three following categories:

<u>Category</u>	<u>Square Footage</u>
Small Additions	400,000
Vacant	350,000
Community Benefit	600,000

Non-residential square footage associated with Minor Additions, demolition and replacement of existing square-footage on-site, projects that are pending and approved as of time of ordinance adoption, government buildings, and sphere of influence annexations with existing development are not included in the 1.35 million square feet established above.

Existing permitted square footage not in the City, but in the sphere of influence, that is part of an annexation shall not count as new square footage necessitating a growth management allocation. However, once annexed, all development or developable parcels that propose net new square footage are subject to the limitations of the City's growth management ordinance.

Possible Implementation Actions to be Considered

LG2.4 Transfer of Existing Development Rights (TEDR). Study the existing TEDR Ordinance and the disposition of future demolished non-residential square footage that is not rebuilt.

LG5. Community Benefit Housing. While acknowledging the need to balance the provision of affordable housing with market-rate housing, new residential development in multi-family and commercial zones, including mixed-use projects, should include affordable housing and open space benefits.

Possible Implementation Actions to be Considered

LG5.2 Open Space. Develop on and off site open space standards for incorporation into the development review process to include:

- Access to adequate public open space within a ½-mile radius; and/or
- Dedication of sufficient useable open space on-site; and/or
- A contribution made toward future parks through in-lieu fees.

LG12. Community Character. Strengthen and enhance design and development review standards and process to enhance community character, promote affordable housing, and further community sustainability principles.

Possible Implementation Actions to be Considered

LG12.1 Design Overlays. Create Design Overlay areas for selected non-residential and residential areas of the city through Floor Area Ratios (FARs), building setbacks, landscaping and open space requirements, and design guidelines. Commercial areas, historic districts, streets, or a single block with unique qualities can be evaluated for improved guidance to ensure compatibility in scale, bulk and size. Specific areas to receive priority evaluation for a Design Overlay area include:

1. Downtown
2. Coast Village Road
3. Upper State Street
4. Milpas Street
5. Haley/Gutierrez Streets
6. The "Funk Zone" (i.e., Yanonali and Helena Streets)

LG12.2 Building Size, Bulk and Scale. Ensure that proposed buildings are compatible in scale with the surrounding built environment.

b. Floor Area Ratios (FARs). Develop a set of maximum FARs for the non-residential and High Density areas of the City, with particular attention to protecting historic resources and areas that are adjacent to single family zoned areas, maintaining Santa Barbara's small town character, and encouraging small, affordable residential units.

- i) **Maximums.** Develop a set of maximum FARs that permit the largest structures in the center of the city (adjacent to transit and commercial services), and reduce maximum building size/FARs moving outward from the center. (This approval would be similar to the "Parking Zone of Benefit" model);

- ii) **Buffers.** On parcels adjoining historic structures, establish “buffers” using more restrictive FAR limits;
- iii) **Incentives.** Consider higher FARs for multi-family rental projects and small, affordable residential units; and
- iv) **Guidelines.** Consider FAR Guidelines for development models such as where parking is proposed at the ground or in basement floors.
- v) **Development Community.** Create a working group that includes local professionals from the development community when developing FARs.

Environmental Resources Element

ER6. Local and Regional Renewable Energy Resources. Provide both within the city, and regionally through working with the County and other local jurisdictions or parties, opportunities to preserve, promote and participate in the development of local renewable energy resources such as solar, wind, geothermal, wave, hydro, methane and waste conversion.

Possible Implementation Actions to be Considered

ER6.5 Facilitate Renewable Energy Technologies. Promote flexible design review standards and facilitate use of renewable energy technologies through streamlined planning and development rules, codes, processing, and other incentives.

ER6.6 Solar Energy. Encourage the use of solar photo-voltaic arrays on new construction, redevelopment, and significant remodel projects, as appropriate, taking into consideration project scale and budget, building size, orientation, roof type, and current energy use.

- a. For multi-residential projects of 3 or more units, require provision of a minimum 2 kw system per unit consistent with the City’s Solar Energy System Design Guidelines, if physically feasible.
- b. For 1 or 2-unit residential projects require provision of 300 sq. ft. rectangular unobstructed roof area free of mechanical equipment and vents facing south, east or west in a manner that future photovoltaic installation would be consistent with the City’s Solar Energy System Design Guidelines, if physically feasible.
- c. For commercial and industrial projects provide a minimum of 5 watts of photovoltaic panel systems for every new square foot of building net floor area; or a photovoltaic system sized to meet a minimum of 30% of the average projected energy demand for the structure, whichever is lower.