



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 10, 2014
AGENDA DATE: April 17, 2014
PROJECT: New Zoning Ordinance (NZO) Draft Scope of Work
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4556
 Danny Kato, Senior Planner *DK*
 Beatriz Gularte, Project Planner *BGB*

I. RECOMMENDATION

The purpose of this hearing is to review the draft Scope of Work for the Request for Proposal (RFP) that staff will use for consultant services to assist with the development of the New Zoning Ordinance (NZO).

Exhibit A is a working list of zoning standards with which staff and users struggle on a frequent basis when reviewing projects. It includes direction for simplifying and improving the overall structure of the ordinance, and evaluating the ability to add more administrative approval capabilities. It also lists ordinance sections that staff has initially discussed with Planning Commission and Council will not be included in the NZO process. This list will be the basis of the Scope of Work provided in the Request for Proposal. Staff requests that the Planning Commission provide input as to the adequacy of this list and whether any other zoning standards or processes should be included.

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

II. PROJECT DESCRIPTION

The City has initiated efforts to update the City's Zoning Ordinance, Title 28 of the Santa Barbara 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 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 development and use.

The goal of the NZO is to have a new Zoning Ordinance that is fairly simple to understand, more current in areas such as lists of allowed uses, practices, standards, definitions, graphics, etc., and also reflective of the public's desires. Some of the key considerations and objectives that will guide the consultant and the City in the development of the NZO include:

1. Consistency with those portions of the State Zoning 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. Balancing protection of neighborhoods, limited growth, and economic vitality/development;

4. Ease of application, customer service, education, and understanding of City rules;
5. Regulations that reflect the community's values;
6. Development standards consistent with the update of the City's Local Coastal Program;
7. Consistency with Title 22, ABR, HLC, SFDB and Title 27 Subdivision Ordinances; and
8. A phased program with the first phase being the comprehensive update of the Zoning Ordinance foundation; others phases will follow, including any special or subsequent ordinance amendments (i.e. condo conversion, TEDR) and Coastal Zone related updates.

The City's Zoning Ordinance was adopted in 1957 with some standards dating back to the 1920s (Building Zone Ordinance). The current structure of The Zoning Ordinance, with Titles, Chapters, and Sections was adopted in 1974. Since 1957 to the present, various major amendments have occurred, including but not limited to: the 1975 residential downzone; the 1989 non-residential growth limits (Measure E) now the Growth Management Ordinance; and the adoption of the SD-3 Zone, Coastal Overlay Zone in 1983.

Because a majority of the Zoning Ordinance was written in 1957, the language and many uses are out-of-date by today's standards, and are arranged in a confusing format. In 2008, due to frustration over the years by users, a number of amendments were made to the Zoning Ordinance in an attempt to reformat and clarify the most troublesome sections until the time the City was ready to completely rewrite the Zoning Ordinance.

The City's General Plan was also updated in 2011. The General Plan includes direction for uses and standards, some of which will also be addressed as part of the NZO. At this time, a comprehensive update is needed to the Zoning Ordinance to bring it up to date to reflect current uses and practices, as well as for consistency with the policy direction of the General Plan. (See Exhibit B, General Plan Policies or Possible Implementation Actions)

At the end of the NZO process, the goal is to have an improved Zoning Ordinance that is:

- Restructured and easier to understand
- Modern and current as far as lists of allowed uses, practices, standards, definitions, graphics, etc.
- Clear in decision making protocols, including decision-making flexibility for staff and decision makers for minor items
- Responsive to nonconforming situations created in the past

The NZO or General Plan implementation measures may necessitate amendments to other ordinances, and those will follow at a later time. In addition, there may be other zoning amendments that will process independently (e.g., Emergency Shelter Ordinance).

III. DISCUSSION

KEY ISSUES

One key role of the consultant will be to restructure the Zoning Ordinance, and advise the City based on their research or knowledge of how other communities handle dated regulations. Below are examples of some of the key issues to be included in the Scope of Work and decided through the NZO process (see Exhibit A).

Definitions

Many of the definitions are currently out of date and sometimes difficult to interpret. Over the years, staff has maintained a list of needed improvements as a starting point. As part of the NZO effort, definitions would be updated in user-friendly terms with possible inclusion of some graphics to aid in interpretation where appropriate.

Administration of the Code

In 2005, a number of zoning amendments and the creation of the Staff Hearing Officer (SHO) were implemented to streamline the review process for certain discretionary projects. The main goal of the project was to improve and simplify the discretionary planning process for projects that generally are non-controversial and do not involve major land use policy considerations. The amendments made to the code, including the Staff Hearing Officer process have been an improvement to the development review process.

As part of the NZO, staff recommends evaluating whether there could be more uses regulated with a Performance Standard Permit instead of a Conditional Use Permit, and/or a lower level of review by the SHO on minor improvements that currently require full review by the SHO or the Planning Commission, or increased use of waivers by the Design Review Boards, instead of Modifications by the SHO or Planning Commission. Two examples that could be considered for SHO review include: Tentative Subdivision Maps of 1-4 lots that have a public street waiver, and residential condominium conversions of more than 4 units.

Also, historically, the strategy used to address the uncertainties in the code is to amend the code to provide more details about specific scenarios. While staff expects that the improved zoning regulations as part of the NZO effort will remove most of the “gray areas” that cause frustration when interpreting the code, there will be those occasions when a project meets the intent of a regulation, but does not meet the language of the regulations exactly.

Staff is proposing that the NZO be a fairly simple code, with built-in flexibility, to allow staff to administratively approve certain minor items. For example, a single family property could be nonconforming to the 1,250 open yard requirement (by dimensions or total area), and the owners propose a very minor encroachment that does not affect the usability of the open yard, but improves the livability of the household. Currently, a Modification would be required to reduce a non conforming open yard, even if there are other open areas on the lot.

Having a defined list of administrative allowances would be a way to decrease the processing time for projects with minor variations from the code. Required findings will be important to assure that planning staff’s administrative calls are applied uniformly, similar to the administrative exceptions that were recently approved for walls, fences and hedges.

Land Uses

Like most traditional zoning codes, Santa Barbara’s Zoning Ordinance is primarily land use based, identifying those uses that are allowed in each zone classification along with basic development standards (building height limits, setbacks, lot area and frontage requirements, outdoor living space, etc.) for each zone classification. The Zoning Ordinance also identified uses that are allowed upon issuance of a Performance Standard Permit (PSP) or with a Conditional Use Permit (CUP).

The City has pyramid zoning, where a more restricted zone classification is allowed in a less restricted zone. For example, those uses allowed in the A, E, and R-1 Single Family Zones, the City's most restrictive zones are allowed in the R-2, Two Family Zone. The R-O, the most restrictive commercial zone allows the uses allowed in R-3, Limited Multiple Family Residence Zone and the residential uses in the more restrictive residential zones. The City's least restrictive zone, the M-1, Light Manufacturing Zone, allows most uses in the City with the exception of housing (one small caretaker's units is allowed). The [Uses Permitted in Various Zones](#) handout identifies zone classifications and uses permitted.

Many of the uses included in our zoning ordinance date back to 1957. While uses have been added over time as allowed uses, or those subject to a PSP or CUP, few have been removed, and some are very antiquated. The NZO effort will update the uses consistent with how people presently live and work (e.g. home occupations and corner stores).

Nonconforming Properties and Downzone of 1975

Since 1957, zoning classifications and standards for residential properties have changed, resulting in an abundance of nonconforming lots and structures in the City. A nonconforming building or use is one that, when created, met the requirements of the zoning ordinance in effect at that time, but, as a result of zoning amendments, does not comply with the current ordinance. Many residential neighborhoods contain existing lots that do not meet the current minimum lot area, setback requirements, or parking requirements for their zone classification. These nonconforming situations result in modification requests, and increase the processing time and expense for homeowners and designers when a residential addition is proposed to an older home(s).

One significant zoning amendment was the "residential downzone" of 1975. The Impacts of Growth Study (IGS), completed in 1974, resulted in a residential downzone for many residential areas. The residential downzoning reduced residential density levels (created through new subdivisions) to be consistent with the 85,000 population goal at the time and was the initial step towards a concept of "living within resources". Specifically, zone changes in residential areas were adopted that increased minimum lot sizes in single-family areas (e.g. E-3 with a minimum lot size of 7,500 s.f. to E-1 with a minimum lot size of 15,000 s.f.), and reduced the number of units per acre allowed in multiple family areas. (The City's slope density ordinance, requiring larger lots based on the average slope of the lot, was also adopted during this time, further limiting subdivisions on sloped lots.)

While the downzone was designed to allow fewer units to be constructed on a given lot, the unintended consequence was the creation of many nonconforming structures throughout the City by increasing front and interior setback requirements. The impact and effect of the 1975 downzoning on setbacks in certain neighborhoods is outlined in Exhibit C.

The most common modification request involves a property owner's desire to alter or add to a legal nonconforming structure that encroaches in a required setback, without complying with the current setback. The property owner usually does not seek to encroach further into the setback, only to extend a wall along its existing length, or to make changes to the existing, nonconforming wall.

As part of the NZO effort, staff hopes to allow appropriate improvements to nonconforming properties without the need for a Modification. Potential methods could include: merging zone classifications; and/or, revising the front and interior yard setbacks to be consistent with setbacks for the properties before the downzone; and/or, allowing additions consistent with the nonconforming additions for those

properties affected by previous zone changes. It is not the intent of the NZO to increase allowed residential densities.

NOT INCLUDED IN THE SCOPE

It is important at this early stage that staff, decision makers, and the general public all understand what the effort will and will not include so that the effort is not sidetracked. The goal is for the NZO to be adopted, as budgeted, by the fall of 2016.

There are a number of General Plan possible implementation actions to be considered (noted in parenthesis below, e.g. H13.1, H13.2) that are related to the Zoning Ordinance (See Exhibit B), but that will not be addressed in the NZO. Similarly, there are ordinance chapters or sections that will not be updated at this time including those listed below. As stated above, these could occur in future phases of zoning amendments.

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 RV 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

PUBLIC ENGAGEMENT

Developing the New Zoning Ordinance will be a new undertaking for staff and decision makers. One of the roles of the consultant will be to assist staff in developing a public process and timeline for vetting all of the zoning standards to be updated in the NZO. The goal is to keep the project moving and to come up with recommendations through work with the NZO Joint Committee (2 members of

Council and 3 members of Planning Commission), and some form of public workshops that will take place next year. The actual timeframe will be determined once a consultant is hired.

Focus Groups

Over the next three months, Planning staff will be meeting for a first check in with “focus groups” including: the American Institute of Architects, (AIA), Santa Barbara Association of Realtors, Allied Neighborhood Association, Citizens Planning Association, Santa Barbara Contractors Association and others. Staff looks forward to getting their initial input on hot topic items, in order to refine the Scope of Work for the contract. Staff expects that the focus groups and regular users of the Zoning Ordinance will provide valuable input before finalizing the Scope of Work.

Staff expects that participants from the focus groups will follow the NZO effort, and be involved in broader public workshops before the NZO Joint Committee formulates the recommendations on the individual zoning standards.

Website

A website has been developed for this effort and can be found at www.SantaBarbaraCA.gov/NZO. The website will include information on upcoming meetings, reference materials associated with standards being reviewed, and an area to provide public comment. Relevant comments on zoning standards to be addressed will be considered and forwarded to decision makers prior to formulating any recommendations. Staff expects that once a consultant is hired, they will provide input on how best to engage the general public. **Staff encourages any public member that wishes to be noticed of future meetings associated with this effort to register on this website.**

Staff expects that the community will also be interested in zoning and/or Municipal Code amendments that will not be addressed as part of the NZO effort. While all comments are welcome, it is important to define what the effort is and is not (discussed above). However, all comments received will be gathered and maintained to address at later phases if appropriate.

IV. TIMELINE/NEXT STEPS

The following is the timeline for issuing the Request for Proposal. Once a consultant is hired, staff will keep the Planning Commission informed as to the timing for the work program, including the broad public process.

Outreach to Focus Groups	Beginning in May 2014
First NZO Joint Meeting/Refine Scope	End of May
Request for Proposal Issued	June 30, 2014
Consultant Contract at Council	September 2014

Exhibits:

- A. Zoning Standards to be Considered in the NZO Effort
- B. General Plan Policies and Possible Implementation Actions
- C. Effects of 1975 Rezoning- Setback Standards and Map

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. ABR, HLC, SHO, 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 being considered 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 - NPO 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 Webster’s 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 Exhibit B 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);
 - 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

- i. 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

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 Draft 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 throughout 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.

EFFECTS OF 1975 REZONING- SETBACK STANDARDS

This table compares the zone changes made and resulting impacts to setback standards as a result of residential rezoning in 1975.

Neighborhood	Pre-1975 Zoning	Current Zoning	Pre-1975 Front Setback ¹	Current Front Setback	Pre-1975 Interior Setback	Current Interior Setback
East & West Mesa	R-1	E-3	15/20'	20'	5'	6'
Required Lot Area ²	6,000 s.f.	7,500 s.f.				
Alta Mesa (Area 1)	E-2	E-1	25'	30'	8'	10'
Required Lot Area	10,000 s.f.	15,000 s.f.				
Alta Mesa (Area 2)	E-3	E-1	20'	30'	6'	10'
Required Lot Area	7,500 s.f.	15,000 s.f.				
Alta Mesa (Area 3)	R-2 ³	E-1	15/20'	30'	6' ⁴	10'
Required Lot Area	7,000	15,000 s.f.				
Bel Air (Area 1)	E-3	E-1	20'	30'	6'	10'
Required Lot Area	7,500 s.f.	15,000 s.f.				
Bel Air (Area 2)	R-1	E-3	15/20'	20'	5'	6'
Required Lot Area	6,000 s.f.	7,500 s.f.				
Oak Park	R-1	E-3	15/20'	20'	5'	6'
Required Lot Area	6,000 s.f.	7,500 s.f.				
Samarkand (Area 1)	R-2	E-3	15/20'	20'	6'	6'
Required Lot Area	7,000 s.f.	7,500 s.f.				
Samarkand (Area 2)	R-3 ⁵	E-3	10/15'	20'	6/10' ⁶	6'
Required Lot Area	14,000 s.f.	7,500 s.f.				

¹ On lots that are zoned E-1, E-2, E-3, R-1, and R-2, the required front yard setback can be reduced by 5 feet if the front half of the lot has a slope of greater than 20%. This allowance was in effect prior to 1975.

² The 1957 Zoning Ordinance required 6,000 s.f. of lot area for all single family zoned lots. The minimum lot sizes of single family zoned lots were increased, as noted in the table, in 1975.

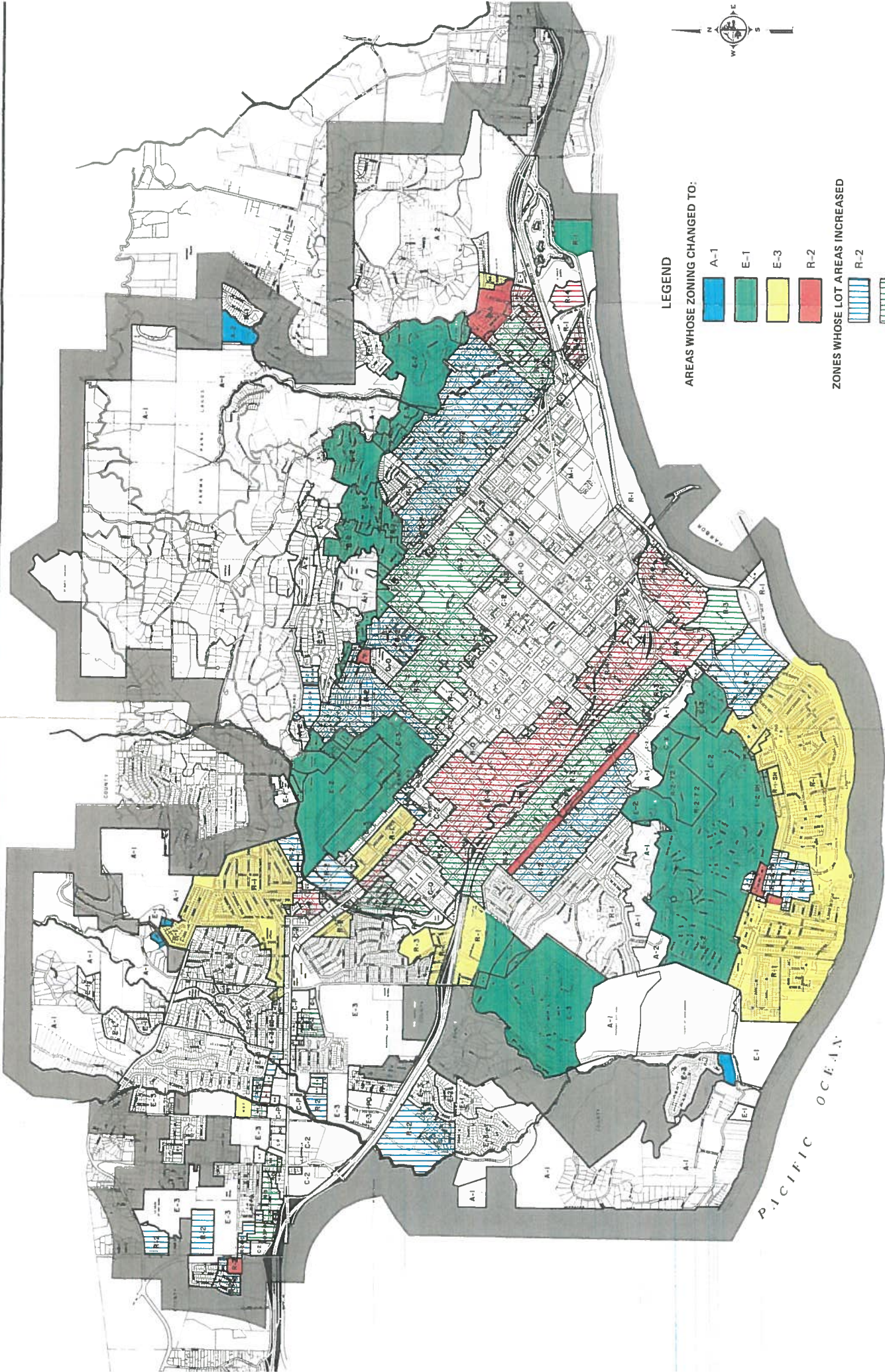
³ In 1975, the lot size for R-2 zoned lots was increased from 3,000 s.f. per unit to 7,000 s.f. for newly created lots and 3,500 s.f. per unit.

⁴ Prior to 1973, the interior setback was 5' for R-2 zoned lots. In 1973, it was changed to 6'.

⁵ In 1975, lot size for R-3/R-4 was increased from 1,000 s.f. per unit to 14,000 s.f. for newly created lots. The number of units allowed is dependent on total lot size SBMC §28.21.080. Variable density allowing additional densities based on bedrooms was adopted in May 1978.

⁶ Prior to 1973, the interior setback was 5'/6' for R-3/R-4 zoned lots. In 1973, it was changed to 6'/10'. The setback is based on stories in the building.

Neighborhood	Pre-1975 Zoning	Current Zoning	Pre-1975 Front Setback¹	Current Front Setback	Pre-1975 Interior Setback	Current Interior Setback
East San Roque	R-1	E-3	15/20'	20'	5'	6'
Required Lot Area	6,000 s.f.	7,500 s.f.				
Upper East (Area 1)	E-2	E-1	25'	30'	8'	10'
Required Lot Area	10,000 s.f.	15,000 s.f.				
Upper East (Area 2)	E-3	E-1	20'	30'	6'	10'
Required Lot Area	7,500 s.f.	15,000 s.f.				
Lower Riviera (Area 1)	E-2	E-1	25'	30'	8'	10'
Required Lot Area	10,000 s.f.	15,000 s.f.				
Upper State	R-1	E-3	15/20'	20'	5'	6'
Required Lot Area	6,000 s.f.	7,500 s.f.				
Lower Riviera (Area 2)	E-3	E-1	20'	30'	6'	10'
Required Lot Area	7,500 s.f.	15,000 s.f.				
Lower Riviera	R-1	E-1	15/20'	30'	5'	10'
Required Lot Area	6,000 s.f.	15,000 s.f.				
Eucalyptus Hill	E-2	E-3	25'	20'	8'	6'
Required Lot Area	10,000 s.f.	7,500 s.f.				
Eastside	R-3	R-2	10/15'	15/20	6'/10'	6'
Required Lot Area	14,000 s.f.	7,000 s.f.				
Cielito	A-2	A-1	30'	35'	10'	15'
Required Lot Area	25,000 s.f.	43,560 s.f.				



LEGEND

- AREAS WHOSE ZONING CHANGED TO:
- A-1 (Blue)
 - E-1 (Green)
 - E-3 (Yellow)
 - R-2 (Red)
- ZONES WHOSE LOT AREAS INCREASED:
- R-2 (Blue diagonal hatching)
 - R-3 (Green diagonal hatching)
 - R-4 (Red diagonal hatching)



SCALE IN FEET
 0 1000 2000

ning changes affected by the rezoning.