



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** March 3, 2016  
**AGENDA DATE:** March 18, 2016  
**PROJECT:** New Zoning Ordinance (NZO) Draft Module #2: Development Standards  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *DJK*  
Marck Aguilar, Project Planner *M. Aguilar*

### I. PURPOSE

The NZO Joint Committee Staff Report (Exhibit A) and Staff Notes (Exhibits B & C) provide technical discussion and comments on the focus topics for *Module #2: Development Standards* (Module 2). This report relies on that report as a foundation while summarizing the proposed changes and revisions stemming from public comment and NZO Joint Committee (Committee) direction.

Module 2 (Exhibit D) reflects *extensive* reformatting with efforts to condense and simplify the code. It will be difficult for the reader to compare the existing Zoning Ordinance with the NZO, because the organization of the code has changed completely. Where some existing code sections are unclear, repetitive or silent on applicability, or where terms are poorly defined, NZO attempts to add specificity, efficiency and clarity. In some instances, text is replaced with a table and in other instance, rewording or reformatting for clarity has resulted in a lengthier section of text. Relevant ordinance sections of the current Santa Barbara Municipal Code (SBMC) and proposed NZO are provided for reference after each topic discussion.

### II. DISCUSSION

#### A. Residential Unit, Building Attachment, Detached Guestrooms & Accessory Building Size

- Residential Unit Standards - Studio

With the exception of Affordable Efficiency Dwelling Units, which can be 150 square feet, the current Zoning Ordinance requires a minimum residential unit size of 400 square feet. In response to current trends for small or tiny homes, NZO proposes to reduce that minimum to 220 square feet of livable floor area for *studio units* only. Decreasing the minimum unit size does not result in an increase to density for either AUD or other projects. Some concern was expressed for the small unit size but overall, the Committee was supportive.

Frequency: Low      Impact: Low to Moderate.

(Since the minimum size is currently 400 square feet, developers currently do not propose smaller units, but staff has not seen a large number of modification requests for unit size.)

[Ref. SBMC §28.87.150, NZO §28.23.110.B]

### 1. Building Attachment

The current Zoning Ordinance requires a minimum eight foot (8') connection of *one* wall or roof between accessory buildings and main buildings, or if the connecting wall is less than eight feet (8'), then one hundred percent (100%) of that wall must be an integral part of the main building. If the accessory building is not attached to a main building, then a minimum five foot (5') separation from a main building is required. (Note: The minimum distance between buildings is proposed to be removed from the ordinance as discussed later in this report.) The current definition for building attachment is problematic in several ways: 1) it is vulnerable to exploitation resulting in unconventional building configurations, 2) it is silent on the minimum connection between multiple main buildings or mixed use buildings, and 3) it does not address floor to ceiling connections.

The building attachment standard is used to regulate zoning standards for several types of development, such as: location and size of detached accessory buildings, limitations on front yard development, defining multi-unit development and mixed use buildings. NZO proposes revised standards for building attachment that address the current ambiguity while still keeping the intent of the existing language. New text will include not just accessory buildings, but all buildings and structures, and will describe an eight foot by eight foot (8' x 8') area for shared building walls and shared floor to ceiling connections. The Committee was supportive.

Frequency: High      Impact: Low

[Ref: SBMC §28.04.010, NZO 28.23.030]

### 2. Detached Guestrooms

Floor plan configurations for detached guestrooms (accessory buildings with livable space) can easily lend themselves to conversion to unpermitted dwelling units. This was discussed in depth with the Planning Commission in 2001 and policies that emerged from that dialogue and which have been implemented by Planning staff are now proposed for codification in the NZO. Detached guestrooms would not be allowed to include indoor bathing facilities, more than one sink, or cooking facilities. However, requests for such amenities could be considered through a Performance Standard Permit (PSP) as a means of balancing concerns about conversion to illegal dwelling units and the flexibility to allow certain residential enhancements. The PSP will be further described in NZO Module 3: Administrative Procedures.

Frequency: High      Impact: Moderate

[Rev: SBMC §28.04.590, NZO §28.23.020.G, NZO §28.23.110.E]

### 3. Accessory Buildings and Garages, Floor Area Increase

The current Zoning Ordinance limits the maximum size of detached accessory buildings to 500 square feet and garages and carports to 500 or 750 square feet, depending on the zone and size of the lot. At a suggestion from the public, staff explored allowing a greater maximum size range for accessory buildings and garages/carports on larger lots developed with one house. Staff is generally supportive of Zoning Modifications on large lots for garages/carports and accessory buildings. Since accessory buildings are intended to be subordinate to the main building and the use incidental to the main building, NZO proposes both a maximum *aggregate* building size and a maximum *individual* building size so that accessory buildings do not appear to be main buildings.

Whereas the maximum size for a garage/carport on larger properties is now 750 square feet, NZO proposes to allow up to 1,250 square feet but, with no individual garage/carport structure larger than 750 square feet. Similarly for accessory buildings, the maximum floor area of 500 square feet is proposed to be raised to 1,250 square feet, limited to 750 square feet in a single structure.

In order to address concerns about unpermitted dwelling units, an additional limitation is proposed to limit the amount of *livable floor area* in detached accessory space to 500 square feet total on site. To address site compatibility, design review by the appropriate review body will be required for accessory buildings and covered parking over 500 square feet in area. Overall, the Committee was supportive. Full details are presented in NZO Table 28.32.020: *Maximum Floor Area, Accessory Buildings and Structures – RS Zones*.

Frequency: High      Impact: High

[Ref. SBMC §28.87.160, NZO §28.23.020]

## **B. Nonconforming Buildings and Uses**

Prior to the mid 1990's, the City's ordinance approach to nonconforming buildings and uses was traditional, in that, over time they were expected to be replaced with buildings and uses that conform to current zoning standards. However, it was recognized that many nonconforming buildings are desirable, and that the community could benefit from them remaining. The current Zoning Ordinance therefore accommodates nonconforming buildings by allowing additions, alterations, even complete demolition and reconstruction.

One of the unintended consequences of the 1975 down-zone was increased setbacks for many parcels from five feet (5') to six feet (6') or more, resulting in many nonconforming structures built five feet (5') from interior property lines (Exhibit E). NZO proposes a minimum standard of five feet (5') from the property line as the guideline for capturing and addressing many nonconforming situations. Some of the changes proposed include allowing windows and doors to be added, relocated, or increased in size; allowing a small increase to the height of a building; and even allowing small additions to main buildings in setbacks without requiring a modification when certain limitations are met.

### 1. Alterations to Nonconforming Buildings

The current Zoning Ordinance allows nonconforming buildings to be maintained, improved, and altered provided that there is no change of use, and no change to the basic exterior characteristics or appearance of the structure. However, the language is vague and can be open to interpretation. NZO proposes to clarify and specify the types of alterations that are of concern while allowing most alterations that are proposed at least five feet (5') from an interior property line to be permitted. For example, window and door changes in the front setback will be allowed, but window and door changes on the second story in an interior setback will not be allowed. Buildings may be increased in height in the setback, but only by 42". Buildings constructed closer than five feet (5') to an interior lot line will be subject to more restrictive limitations, such as: no conversions from garage or carports to any other use, no conversions from residential to nonresidential and vice versa, no new residential units in the setback, no new or relocated windows or doors closer than five feet (5') in the interior setback. These changes would address a high volume of modification applications that are frequently approved. The Committee was supportive.

Frequency: High      Impact: Moderate

[Ref. SBMC §28.87.030.D.1.a & b., NZO §28.25.050]

### 2. Additions to Nonconforming Structures in Setbacks

NZO proposes to allow small first floor additions to nonconforming buildings along the same wall plane as the existing building, but no closer than five feet (5') to an interior lot line. This would provide relief for buildings that were legally constructed prior to the 1975 down-zone, five foot (5') setback. Currently, proposals for additions must either jog inward by one foot, an awkward design result, or a zoning modification must be requested, which is usually supported by staff. The Committee suggested that a modest addition would be supported. A 20 linear foot limit and a total amount of new encroachment less than or equal to the amount of the current encroachment is proposed as a means of regulating the size or portion of the addition *within the setback*.

Frequency: High      Impact: Moderate to High

[Ref. SBMC §28.18.065.C, NZO §28.25.060.B]

### 3. Nonconforming Garages and Carports Expansion

Garages and carports that are nonconforming to current interior size standards are common on older developments. NZO proposes to allow "undersized" garages and carports that are nonconforming to the front or interior setbacks to be expanded, or demolished and rebuilt to meet the current interior size standards, provided that the number of parking spaces is not increased

and that they do not exceed the current minimum dimensions now required. The Committee was supportive.

Frequency: High      Impact: Moderate

[Ref. NZO §28.25.070]

#### 4. Nonconforming Residential Density – 250 Square Foot Allowance

For existing properties with nonconforming residential density (more residential units on a lot than currently allowed), the existing Zoning Ordinance prohibits alterations or additions that would increase density or floor area. NZO proposes minor relief through a *one-time* allowance of up to 250 square feet of new floor area for use in either a community area such as laundry room or, in multiple areas provided that no more than 50 additional square feet may be added to any one residential unit. This would allow for the enlargement of a room, but not enough to create an additional bedroom or increase residential density. The Committee was supportive.

Frequency: Low      Impact: Low

[Ref. NZO §28.25.060.D]

#### 5. Nonconforming Open Yard

The current Zoning Ordinance does not offer any standards for allowing changes to residential properties that are nonconforming to the required open yard. Staff originally looked to amend the ordinance to allow a reduction of the open yard area with Director's approval. However it was determined that due to the individual case-by-case nature of open yard, a clear and easy ordinance solution was not feasible. Staff will be reviewing ways to administratively approve minor additions and alterations to properties that are nonconforming to the required open yard. The Committee was generally supportive while offering guidance to staff for further consideration. This approach will be presented more fully in Module 3.

Frequency: High      Impact: Moderate

[Ref. To be included in Module 3: Administrative Procedures]

#### 6. Substitution of Nonconforming Uses

The current Zoning Ordinance allows nonconforming uses to be replaced with other nonconforming uses of the same or more restrictive classification provided that the intensity of use is not increased. This provision can be difficult to administer because there are many conflicting ways to measure intensity of use. For example, a change of use from manufacturing to office could be seen as a de-intensification of use due to a reduction of odor/noise/dust/hazardous materials, but could also be seen as an intensification of use when

looking at traffic generation or off-street parking requirements. NZO proposes a new concept of *compatibility* for addressing nonconforming uses and the buildings that contain them without consideration of associated traffic or parking. Nonconforming uses would only be allowed to be replaced with conforming or compatible uses. The Community Development Director would make a determination of whether the existing or proposed use is compatible or incompatible with the zone, based on a list of factors such as: other uses allowed in the zone, noise, odors, hazardous materials, and other detrimental effects. The Committee was supportive.

Frequency: Low to Moderate      Impact: Low

[Ref. SBMC §28.87.030.E, NZO §28.25.080]

#### 7. Buildings Containing Nonconforming Uses

Buildings containing *compatible* nonconforming uses would now be allowed to be structurally altered or remodeled. Buildings containing incompatible uses would not be allowed to be structurally altered or remodeled; they would only be allowed to be repaired and maintained.

Frequency: Low      Impact: Low

[Ref. SBMC §28.87.030.E, NZO §28.25.080]

#### 8. New Definition of Demolition

NZO proposes a new definition of demolition in order to address instances in which almost an entire nonconforming building has been removed with only “one wall standing,” and is rebuilt to perpetuate either a nonconforming use or other nonconforming aspect of site development. Enforcement is difficult under the current ordinance. The proposed new definition would deem a structure to be demolished when two out of three structural elements (roof, walls and foundation) are more than fifty percent (50%) removed. The Committee was supportive.

Frequency: High      Impact: High

[Ref. SBMC §28.87.030.D, NZO §28.25.030.G]

#### 9. Replacement and Reconstruction of Nonconforming Nonresidential Buildings

The existing Zoning Ordinance allows planned or *voluntary* replacement of one hundred percent (100%) of any nonconforming building if the basic exterior characteristics are unchanged, the replacement complies with building height and a nonconforming use is not perpetuated. In contrast, the existing Zoning Ordinance limits nonconforming, nonresidential buildings damaged by a natural calamity (considered *involuntary*) to be restored only if the loss does not exceed seventy-five percent (75%) of the market value. If damage exceeds seventy-five percent (75%),

no repairs or reconstruction may occur unless every portion of the building conforms to current regulations. Although these are different circumstances, the overall concepts are in conflict.

Staff presented several options to the Committee and the majority favored changes that would remove the seventy-five percent (75%) market value limitation from the provisions for “involuntary” demolition. This would allow the reconstruction of damaged nonresidential buildings that are nonconforming to all standards including height and use. This change would also reconcile and align the voluntary and involuntary reconstruction provisions for nonconforming nonresidential buildings. Currently, damaged or destroyed *residential* buildings may be reconstructed with no parameter for percent of damage. The Committee was supportive.

Frequency: Low      Impact: High (in the case of a large-scale disaster)

[Ref. SBMC §28.87.030.D.1.a. (5), SBMC §28.87.038, NZO §28.25.090.B. & C.]

### **C. Allowed Encroachments into Setbacks and Open Yards**

The current Zoning Ordinance definitions of “Front Setback”, “Interior Setback” and “Yard” specify that they are to be *unoccupied and unobstructed from the ground upward*, except as otherwise provided. The current Zoning Ordinance allows encroachments into setbacks and open yards between two feet and three feet, depending on the nature of the structure or object. For simplicity, NZO proposes to unify that range and allow three foot encroachments into the front and interior setbacks and open yard for most improvements, with specific limitations, such as a minimum distance to any lot lines and maximum encroachments into certain areas.

[Ref. SBMC 28.04.620, SBMC §28.04.625, SBMC §28.87.062]

#### **1. Encroachments-Porches**

Staff views porches as an amenity that serves both on-site residents and the community. The current ordinance allows small (3’x3’) entrance landings, to encroach into any setback; this size however, does not accommodate typical front porches. For buildings existing at the time of ordinance adoption, NZO proposes to allow porches up to six feet wide and four feet deep (6-feet by 4-feet), to encroach into the front setback but, no closer than five feet to any front lot line. The Committee was supportive.

Frequency: Low      Impact: Low

[Ref. SBMC §28.87.062.B.2 & 3, NZO §28.23.080.E.1.e]

#### **2. Residential Front Yard Amenities**

Items common to residential site development such as mailboxes, flag poles, fountains and benches, are technically prohibited by the current ordinance. NZO proposes to allow such items

in the required front setback only up to a maximum of 50 square feet or one percent (1%) of the required front setback, whichever is greater. The Committee was supportive.

Frequency: High      Impact: Low

[Ref. SBMC §28.04.620, NZO §28.23.080.E.3.d]

### 3. Other New Elements

Some of the other new elements added to the list of allowed encroachments include: attached mechanical equipment such as tankless water heaters and meters, detached mechanical equipment for utilities such as transformers and backflow devices, electric vehicle supply equipment, rain barrels, planter beds, small arbors/trellises, trash enclosures, and restaurant furniture in commercial setbacks. The Committee was supportive.

Frequency: High      Impact: Low

[Ref. NZO §28.23.080.E.2]

## **D. Open Yard and Outdoor Living Space Requirements**

The current ordinance states that open yards are intended to provide usable outdoor living space and/or visual open space. Open Yard area requirements are currently addressed *by zone designation* for example, single-unit and two-unit residential zones are required to have a minimum 1,250 square feet of open yard with some exceptions. Multi-unit residential zones are required to provide either: 1. Private Outdoor Living Space, the size of which is dependent on the bedroom count and building story, with an additional on-grade Open Space component, and with four or more units a further requirement for a Common Open Area component; or 2. Common Outdoor Living Space. The variety and complexity of yard and outdoor space categories results in much confusion for applicants and some inequity in the yard requirements depending on the approach used and number of units. Initial attempts to provide clarification through reformatting of the existing code and revisions to make the various methods more equitable were deemed more cumbersome when vetted among staff.

NZO now proposes a different and simpler approach, with Open Yard requirements *based on number of units on the lot*. Proposed requirements are summarized below:

### 1. Open Yard required for lots developed with one or two units:

- Minimum Area: 1,250 square feet
- Minimum Area for small lots less than 4,000 square feet: 800 square feet
- Minimum Dimension: 20 feet long and 20 feet wide

*Differences between current Zoning Ordinance and NZO:*

*One-Unit and Two-Unit zones:* There are some minor differences for one and two unit development in the single-unit or the two-unit residential zones, These differences include a



smaller Open Yard area required for very small lots less than 4,000 square feet, and the ability to locate a portion of the open yard in the front yard for all lots, regardless of size.

*Multi-Unit zones:* The proposed changes will vary in the amount of open yard required for one- or two-unit development on *multi-unit zoned* lots depending on the lot size. On lots less than 4,000 square feet, the amount of open yard will be substantially the same, on larger lots 7,500 square feet or more, the amount of required open yard is actually reduced. Currently, one- or two-unit development on multi-unit zoned lots are only required to provide open yard per the Private or Common Outdoor Living Space requirements for multi-family development, which can lead to large unrestricted single unit development with very little open space. The reduced Open Yard exception for small lots may incentivize the creation of more units on multi-family zoned lots, which is a General Plan goal.

2. Lots developed with three or more units or mixed-use development:

- Minimum Area: 15% of the net lot area (including interior setbacks)
- Minimum Dimensions: 10 feet long and 10 feet wide
- Additional Private Open Yard: Consistent with current area and dimension requirements.

*Differences between current Ordinance and NZO:*

This is essentially a simplified hybrid of the current Private Outdoor Living Space and Common Outdoor Living Space methods. The new approach employs the 15% net lot area requirement from the Common Method, includes the Private Open Yards area requirement from the Private Method, and specifies a ten foot by ten foot (10' x 10') minimum dimension on the ground for usability. The option to use the Common Outdoor Living Space Method would be eliminated. The overall effect is that for developments with a large number of units, a comparable or slightly smaller open yard area is required in a manner that would provide flexibility to the designer and equitability for the residents.

Staff views this new approach as retaining the intent, providing more equity and eliminating unnecessary complexity. Although the majority of sites will actually see a reduction in the amount of required open yard, the change to the minimum dimensions will very likely result in a number of developments becoming nonconforming to open yard requirements. However, the administrative exception procedure (referenced above in Nonconforming Open Yard) will provide a process to address these circumstances generally at a staff level. This approach was developed after Module 2 was reviewed by the Joint Committee and comes to the Planning Commission without the Committee's technical input.

3. Lots developed with Average Unit Size Density (AUD)

Staff reviewed the current development incentives for the City's Average Unit Size Density (AUD) program and determined that the elimination of the 15% minimum area in commercial zones will result in an equal development incentive as the existing ordinance for AUD projects. Only Private Open Yard will still be required for AUD projects, and no changes are proposed to the current minimum dimensions for private open yards. Therefore, there will be no increase or

decrease to the open yard requirements for AUD projects. The AUD ordinance (SBMC §28.20) will be amended to reflect this change.

The Open Yard Area Comparison Table (Exhibit F) presents the current and proposed Open Yard requirements side by side.

Frequency: Very High            Impact: Very High

[Ref. SBMC §28.15.060, SBMC §28.18.060, SBMC §28.21.081, NZO §28.23.090]

## **E. Other Ordinance Changes**

### **1. Distance Between Residential Buildings on the Same Lot**

The current Zoning Ordinance requires a minimum distance between main buildings and a minimum distance between main and accessory buildings in residential zones and on nonresidential zoned lots developed exclusively with residential uses. Distance separation standards vary from five feet (5') to twenty feet (20') depending on building type, zone and number of stories.

The requirement for a minimum distance between buildings was a common early form of zoning intended to provide light and air between buildings. It may also serve as a method of fire safety for buildings although today, the required fire-rated construction performs that task. Over time, additional zoning standards have been instituted such as required open yard, the solar access ordinance, and additional setbacks on upper stories, which serve much of the same purpose. In addition, design review boards review and approve all nonresidential development, mixed-use buildings and multi-unit development to address aesthetic concerns (mass, bulk, scale) and review the functionality of the site layout. NZO proposes removal of the various distance between building standards from the Zoning Ordinance to allow more sophisticated standards to regulate the desire for adequate light and air between buildings.

The Committee was split on this issue although a majority supported the removal of the separation requirements.

Frequency: High            Impact: Moderate

[Ref: SBMC §28.04.010, §28.04.145, §28.15.070, §28.18.070, §28.20.070.E, §28.21.070, §28.27.050.B, §28.30.070, §28.36.070, §28.42.070, §28.54.070, §28.57.070, §28.63.070, §28.66.070, §28.69.070, §28.72.070, §28.73.070 §28.87.062.A & D.]

### **2. Elimination of Building Story Maximum**

The current Zoning Ordinance limits both the maximum height and the maximum number of stories in multi-unit residential zones and nonresidential zones. Public comment suggested removal of the limit *on stories* while retaining maximum building height standards as a means of simplifying the Ordinance and addressing complications that arise when a basement constitutes

a building story. Several ordinance definitions regulate building height, therefore the removal of the maximum story limitation would not by itself have an impact on overall building height. The Committee supported elimination of the maximum buildings story standard while retaining existing height limitations.

Frequency: Moderate Impact: Low to Moderate

[Ref. SBMC §28.04.110, §28.04.140, §28.04.285, §28.04.310, §28.04.645]

### 3. Variability in Maximum Height, Setbacks, and Distance Between Buildings

In various Chapters, the current Zoning Ordinance requires variable calculations based on either building height, *combined* building height, or floor areas to determine the maximum height, setback, or distance between buildings. The result is that a modification is required in order to allow an otherwise *conforming* addition to a building simply because the existing building is already situated using a variable calculation. Generally, NZO proposes to eliminate the variable standards and instead replace those with a discrete distance or height. The Committee was supportive.

Frequency: Low Impact: Low

[Ref. (see following table)]

Zone(s)	Standard	Reference
Commercial & Office (all)	Maximum Height Adjacent to One- and Two-Unit Residential Zones	SBMC §28.48.050, §28.51.050, §28.54.050, §28.66.050
Commercial & Office O-R, O-M, C-R	Minimum Setbacks, Front	SBMC §28.48.060, §28.51.060, §28.54.050, NZO Table 28.05.030
Commercial & Office O-R, O-M	Minimum Setbacks, Interior, Adjacent to a Nonresidential Zone	SBMC §28.48.060.B, §28.51.060.B
Commercial & Office O-R, O-M	Minimum Setbacks, Interior, Adjacent to a Residential Zone	SBMC §28.48.060.C, §28.51.060.C
Manufacturing Zones M-C, M-I	Maximum Height Adjacent to One- and Two-Unit Residential Zones	SBMC §28.69.050.C, §28.72.050.C
Manufacturing Zones M-C, M-I	Minimum Setbacks, Interior, Adjacent to a Residential Zone	SBMC §28.69.060.C, §28.72.060.C
Planned Unit Development (PUD) & Planned Residential Development (PRD)	Variable Distance Between Buildings	SBMC §28.33.045 & §28.36.070

4. Multi-Unit Residential Zones: Parking Setback

In the R-2 Two-Unit residential zone, the interior setback requirement for parking is three feet (3'). In the *less restrictive* Multi-Unit residential zones (currently R-3 and R-4), the requirement is six feet (6'). NZO proposes to better align the parking setback standard by changing the six foot (6') setback to three feet (3') in the Multi-Unit residential zones *for smaller developments of up to a maximum of two residential units* which would be consistent with the allowance in the R-2 zone. The Committee was supportive.

Frequency: Moderate                      Impact: Moderate

[Ref. SBMC §28.18.060.B.2, SBMC §28.21.060.B.3, and NZO Table 28.04.030.B (under “Building Form and Location” section)]

5. Multi-Unit Residential Zones: Rear Setback

NZO proposes removal of the “rear” setback standard and replacement with the “interior” setback standard in the Multi-Unit zones. The removal of this distinction would change the setback distance for the second story of a building from ten feet (10') to six feet (6'). Since no other zones specify a “rear” setback, removal would simplify the standards. The Committee was supportive.

Frequency: Moderate                      Impact: Moderate

[Ref. SBMC §28.21.060.C]

**III. MODULE 1: USE REGULATIONS – FOLLOW UP**

1. Seafood Processing in M-C Manufacturing-Commercial Zone (currently C-M Zone)

This issue has come about in response to neighborhood complaints about an existing fish processing operation in the C-M zone. *Food products manufacturing* is identified in the existing ordinance as an allowed use within the Commercial-Manufacturing (C-M) zone and for many years, it has been staff’s practice to allow meat and fish processing under that category. However, the allowed uses in certain coastal zones were created to explicitly identify “seafood processing” as an allowed use. The City Attorney has determined that because “seafood processing” is not specifically listed in the C-M zone, it has inadvertently become a disallowed use.

Members of the public have supplied correspondence or attended public meetings to express their position that fish processing is an inappropriate use in the C-M zone, and the Committee concurred, directing changes to be made *in Module #1: Use Regulations*. The Committee also affirmed that seafood processing would continue to be an allowed use in the Manufacturing-Industrial (M-I) zone (currently M-I), the City’s least restrictive zone. The migrating nature of odor was acknowledged and the Committee recommended that staff consider methods to limit

odorous effects on properties not just abutting the site but also, in the general area. NZO proposes the following: 1) prohibition of fish processing in the Manufacturing-Commercial (M-C) zone, 2) a requirement for a Performance Standard Permit (PSP) for Seafood Processing in all zones, and 3) require applicants to submit an odor control plan for all seafood operations, including accessory seafood uses (to be reflected as changes in Module 1 and discussed in Module 3).

Frequency: Very Low                      Impact: Very High

[Ref. SBMC §28.69.030, SBMC §28.70.030.A.3, SBMC §28.71.020.1.h, SBMC §28.73.030.A.5, Forthcoming changes to Module 1: Use Regulations, NZO Ch.28.06]

## 2. Mobile Food Trucks

Currently, mobile food vendors on *private property* are prohibited, as they are classified as peddlers and regulated under the City's Peddlers Ordinance (SBMC Chapter 5.32). NZO has proposed to allow that use with some restrictions, and both the Joint Committee and Planning Commission expressed support for the allowances for this use presented in Module 1. The NZO *private property* provisions from Module 1 were subsequently presented in a public workshop on December 3, 2015 held in association with the City Attorney's draft ordinance presentation for mobile food trucks *in the right of way*. After hearing input on the NZO provisions for mobile vendors *on private property*, NZO proposes extending the on-site time limitation from 3 hours to 4 hours. Longer hours or additional trucks may be requested through application for a Temporary Use Permit, to be detailed further in *Module 3: Administrative Procedures*.

The provisions in NZO allowing mobile food vendors to operate in all zones of the City were created because mobile food vendors are seen as providing a beneficial service, especially where work shifts begin or end during late hours, or where eating opportunities are not available nearby to a work place or public gathering. During the public workshop, the question was raised whether non-food items would be allowed for sale under the ordinance provisions. Mobile vending of non-food items is not viewed by staff as a necessity that requires accommodation on *private property* and therefore is not included in the NZO proposal. For the reasons noted above, and because State law allows mobile vending of food *and non-food items* in the right of way adjacent to private property, staff recommends limiting allowances for mobile vending on private property to food sales.

[Ref. NZO Module 1 and Module 3 (forthcoming)]

## 3. Accessory Uses in the Manufacturing-Industrial Zone (M-I)

As part of the review of *Module 1: Use Regulations*, NZO proposed the removal of some uses including restaurants, retail, and office uses in the Manufacturing-Industrial M-I zone. Concerns were expressed by the public and Commission at the public workshop on June 25, 2015 that such a change could adversely affect large operations that benefit the community. Marborg Industries was cited as an example that has stand-alone offices serving numerous off-site industrial

operations within the zone/vicinity. To address this, the “Public Works and Utilities” use definition in Module 1 will be revised to now include “associated offices.”

NZO also proposed removal of Food and Beverage Retail Sales from the M-I zone. However, the Committee was supportive of retaining smaller food related retail such as delicatessens. NZO now proposes to return Food and Beverage Retail Sales as an allowed land use in the M-I zone with a restriction limiting their size to 3,000 square feet, the equivalent of a Growth Management Plan Small Addition.

To ensure that this use and others with accessory components do not exploit the intent, the definition of “Accessory Uses” in Module 1 will include size limitations shown in the table below and will clarify that accessory uses are conforming uses. This would also serve to capture Marborg as a conforming use.

<b>Aggregate Area of Allowed Use</b>	<b>Maximum Percentage of Accessory Use</b>
Less than 1,000 sq. ft.	25%
1,000 – 3,000 sq. ft.	20%
Over 3,000 sq. ft.	10%

Module 3 will reflect the requirement for a performance standard permit (PSP) to allow any other accessory uses that exceed the size limitations above.

Frequency: Low-Moderate    Impact: Low

[Ref. SBMC §28.72.030, NZO Module 1 and Module 3 (forthcoming)]

#### **IV. NEXT STEPS AND TIMELINE**

The Planning Commission’s direction will be incorporated into the draft NZO. The next step will be the preparation and review of Module #3: Administrative Procedures, which will analyze existing administrative procedures to identify opportunities for streamlining, consolidate and update definitions and rules of measurement to use plain language and be consistent with definitions of other sections of the Municipal Code and Building Code, and bring forward the off-street parking and loading requirements that were initially planned for inclusion in Module #2.

The website developed for this effort and can be found at [www.SantaBarbaraCA.gov/NZO](http://www.SantaBarbaraCA.gov/NZO). The website includes information on upcoming meetings, reference materials associated with standards being reviewed, and an area to provide public comment. For a more complete list of Module #3 topics, see Section A.1, 2, 3 and 7 of the document titled “Zoning Standards to be Considered in the NZO Work Effort” and also see Task 6 of the document titled “Scope of Work.” Both documents (and more) can be found on the Reference Documents page at the NZO website.

Upcoming schedule:

NZO Joint Committee draft Module #3 Review	May 2016
Planning Commission draft Module #3 Review & Public Workshop	July 2016

**Staff encourages any public member that wishes to be noticed of future meetings associated with this effort to register on the NZO website.**

Exhibits:

- A. NZO Joint Committee Staff Report, Draft Module 2, November 11, 2015, Attachments 3-5
- B. NZO Module 2 Joint Committee Meeting Staff Notes, December 7, 2015
- C. NZO Module 2 Joint Committee Meeting Staff Notes, December 14, 2015
- D. NZO Revised Draft Module 2, dated February 29, 2016
- E. Effects of 1975 Rezoning – Setback Standards
- F. Table: Open Yard Area Comparison
- G. Public Comments Received