



City of Santa Barbara
Community Development Department

NZO JOINT COMMITTEE STAFF REPORT

DATE: August 19, 2016

TO: New Zoning Ordinance (NZO) Joint Committee

FROM: Planning Division, (805) 564-5470
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SUBJECT: Draft Module #3: Administration, Parking and Temporary Uses

The purpose of the New Zoning Ordinance (NZO) Joint Committee and subsequent Community/Planning Commission review of the three modules is for education and to receive preliminary comments on choices being considered as the City updates its Zoning Ordinance. The comments received, and direction provided to staff, on the modules will be used to inform and prepare the Draft Zoning Ordinance for release in late 2016/early 2017.

Module 1: Use Regulations is comprised of three "use" components: 1) base zone purposes and use regulations; 2) development standards for specific uses; and 3) use classifications.

Module 2: Development Standards is comprised of three "development standard" components: 1) base zone development standards; 2) overlay zones; and 3) citywide development standards

Module 3: Administration, Parking, and Temporary Uses (Attachment 1) is comprised of administrative provisions including the procedures, criteria and required findings of staff and the discretionary review authorities, updates to definitions and a new section on rules of measurement. This module also includes a chapter addressing Parking Regulations that was originally programmed for inclusion in *Module 2: Development Standards*. Similar to the earlier modules, tables are used to present information simply and clearly and, although not yet developed, diagrams will be included for some items.

What's Changing?

Much of the existing Zoning Ordinance content remains the same but, has been reorganized extensively. With the NZO, the nature of proposed changes range to include the following:

- No change to content; just wording, formatting or location within the Ordinance;
- Content change for ease of use, while maintaining the intent; and
- New or changed content affecting development and procedures.

In order to focus on changes affecting development regulations or procedures, the items in the first and second bullets are not discussed in this staff report. Some of the items in the third bullet are included for discussion, while others are listed in Attachment 2, because they are simply codifications of existing policies or administrative procedures, or are otherwise not controversial. Because of the extensive reformatting, editing, and location changes throughout the document, Module 3 does not lend itself to a readable “strikeout and underline” presentation. We recommend that the reader approach Module 3 comprehensively and in its entirety, and augmented with both the Draft *Module 1: Use Regulations* and Draft *Module 2: Development Standards*. References (e.g. “[Ref.]”) to the existing Zoning Ordinance (Santa Barbara Municipal Code Title 28), and proposed NZO sections are provided in the staff report to aid the reader. Off-street parking and loading requirements were anticipated for inclusion with Module 2 (proposed Chapter 28.26) however, these development standards are addressed with Module 3.

On Monday, August 29, Martha Miller of Dyett & Bhatia will give an overview of the Draft Module 3 document that will be subsequently discussed at Community/Planning Commission Work session in October 2016.

DISCUSSION

I. Administration

A. General

Administrative changes proposed in NZO *generally* involve reformatting for consistency and reorganization of existing processes, while the processes themselves remain the same. One example is the new Chapter titled Common Procedures that presents in one location, the shared procedures applicable to applications rather than repeating them in each chapter. When specific application process steps differ or specific findings apply, those are retained within the applicable chapter.

B. Minor Zoning Exceptions for Errors in Zoning Information Reports

Zoning Information Reports (ZIRs) are required for every transfer of residential property within the City of Santa Barbara, with some exclusions. Since 2014, planning staff has worked closely with the Santa Barbara Association of Realtors (SBAOR) and Planning Commission to address issues that have arisen with the preparation of ZIRs. Minor Zoning Exceptions (MZE) have very recently emerged (January 2016) as a process to address specific discrepancies and errors in previously issued ZIRs. The MZE process allows the Staff Hearing Officer (SHO) to take administrative action on

certain ZIR discrepancies without public notice or hearing, provided that certain findings are made. The SHO action on MZEs is appealable to the Community Development Director.

The existing Zoning Ordinance includes a subsection in SBMC Ch. 28.92, Variances, Modifications and Zone Changes, to address Minor Zoning Exceptions for Errors in Zoning Information Reports. NZO proposes reorganization with a new chapter titled Zoning Information Report and including the Minor Zoning Exceptions process (MZE) as a subsection.

With the changes proposed in NZO, most but not all, of the specific circumstances under which an MZE might be processed would no longer be applicable, as the improvements in question would be allowed by right. Attachment 3 compares the MZE with NZO provisions and notes the three instances where a Minor Zoning Exception would continue to be required in the future to resolve a zoning violation not previously noted or addressed due to a staff error or discrepancy in a prior ZIR.

Staff deliberated whether the MZE process is still necessary, since most provisions allowed by the MZE process would be incorporated into NZO. Ultimately, staff decided that, given the community's time and effort to develop the MZE process and that a few unique situations are not addressed by NZO, the remaining three instances where MZEs could be approved has been incorporated into the Zoning Information Reports chapter, without change to the procedure and findings. However, there are two other options to address this situation, and staff requests NZO Joint Committee input on the three options:

Option 1: Use NZO and Minor Modification

This option would eliminate the Minor Zoning Exception process MZEs from the Zoning Ordinance; and to require applicants to use the Minor Modification process to address the three instances not allowed by right in NZO.

- The three remaining situations addressed by the MZE process would not be covered by NZO, and would require a Minor Modification to permit these "left-over MZE items". However, the Modification process would be more expensive and take longer than the MZE process.

Option 2: Retain Minor "left-over" MZE items in the ZIR Chapter as Exceptions

- Incorporating a separate provision for the three instances where MZE differs from NZO is inconsistent with the mission of the NZO to craft an ordinance that is streamlined, clear, concise and easy to use.
- Retaining the three minor "left-over" MZE items in the ordinance would be consistent with the agreement made among staff, the community, SBOAR and decision-makers.

Option 3: Retain the MZE as-is within the NZO and also keep the NZO as crafted

- Retaining the minor “left-over” MZE items in the ordinance would be consistent with the agreement made among staff, the community, SBOAR and decision-makers.
- Incorporating a separate chapter for MZE is inconsistent with the mission of the NZO to craft an ordinance that is streamlined, clear, concise and easy to use. Additionally, the allowances for MZEs are very similar to the allowances for all structures in NZO, and having similar, but different ordinance sections can be confusing to staff, realtors, applicants and the public.

Representatives of SBAOR are aware of staff’s consideration of the MZE relationship to NZO and a meeting to discuss options is being scheduled prior to Planning Commission review of Module 3. Staff recommends Option 2 as it would retain the MZE process for the few minor instances not provided for in the NZO Development Standards (Module 2).

Question to Committee: Does the Committee support Option 2?

[Ref. SBMC §28.92.130, NZO 28.71.080]

II. Rules of Measurement

Currently, rules of measurement are incorporated into definitions or various standards. NZO proposes to consolidate and update rules of measurement into a new Chapter, and to separate them from definitions and standards, where possible. Presently, this chapter only includes one diagram to clarify how Building Height is measured; however, additional diagrams will be added for some measuring methods and will be presented in the comprehensive Draft Zoning Ordinance. Two rules of measurement warranting discussion are:

- Building Height
- Fractions

Building Height

The current definition of Building height is as follows:

“The maximum vertical height of a building or structure at all points measured from the natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portion of the roof are included.”

This definition poses some difficulty for some development projects because finished grade could be the floor of a cellar that is completely below ground. For example, if a house with a 20 foot deep, multi-level cellar were proposed on a flat lot in a zone with a 30 foot height limit, the definition above would require that the roof of the building be a maximum of 10 feet above ground level. This is clearly not the intent of the building height limitation. NZO proposes to change the way building height is measured to eliminate this unintended consequence.

NZO proposes to separate definitions from rules of measurement, so NZO proposes a new definition of building height:

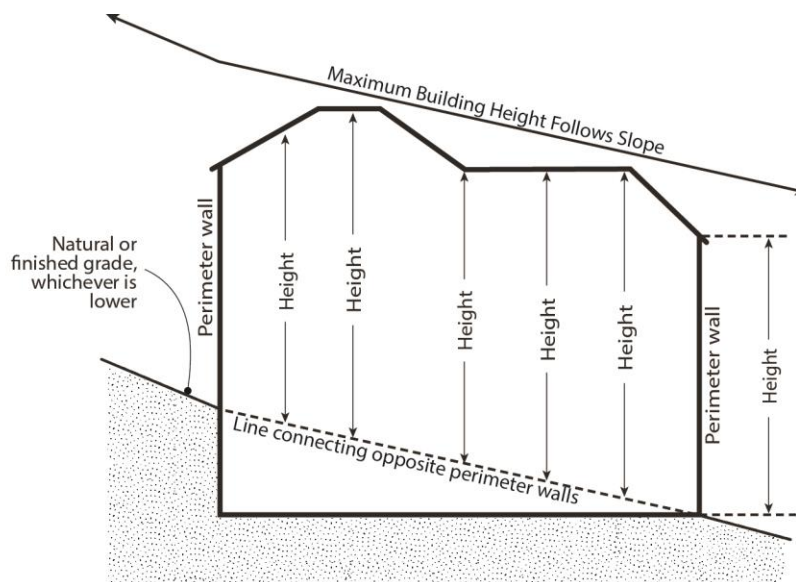
“The vertical distance from a point of the ground below a structure to a point directly above. See also Section TBC, Measure Height.”

NZO proposes to change the way height is measured as follows:

“Height is the vertical distance measured from existing or finished grade, whichever is lower, to the top of the structure directly above. Special measurement provisions are also provided below.

Building height is measured from every point on top of the building roof or roof parapet to a line directly below that connects to opposite perimeter walls, or the perimeter support systems, at the lower of existing or finished grade.

Exception: One section of any floor that is partly below and partly above grade, per exterior elevation, not exceeding five feet in length, may be excluded from the height calculation to allow for an exterior door or light well.”



General Rounding (Fractions). Currently, when calculating minimum parking requirements, fractions of one-half or greater are rounded up to the next whole number, and fractions of less than one-half are rounded down nearest whole number. For residential density calculations, except those required by State Bonus Density Law, fractions are always rounded down.

NZO proposes that all parking and density fractions be rounded *down* to the nearest whole number (except as allowed by State Bonus Density Law), and with respect to parking, this approach would be consistent with 2015 Housing Element Policy H.17.1:

Parking Requirements. Consider incremental changes to the Zoning Ordinance parking requirements such as:

- *Rounding down when calculating parking requirements*

While fractions are rounded down, if the result of rounding is less than one parking space, a minimum of one parking space shall be required for every new main building constructed.

III. Definitions

Changes include removal, addition and revision of existing definitions with the objective of eliminating outdated terms, incorporating needed terms and clarifying others based on staff experience. Additionally, language within definitions that served as a development standard, has been removed from the definition and incorporated into NZO Module 2: Development Standards. The following terms are noteworthy:

- Alteration or Remodel [Ref. SBMC 28.04.040]
- Coastal Zone specific section: No change from current definitions in the Coastal Overlay – S-D-3 Zone [Ref. SBMC Ch. 28.44]
- Park and Recreation Zone-specific section: No change from current P-R Zone definitions. [Ref. SBMC Ch. 28.37]
- Protection of Solar Access chapter related definitions [Ref. SBMC Ch. 28.11]
- Top of bank: Unchanged except, no longer specific to Mission Creek. [Ref. SBMC §28.87.250]
- Removal of the modifier term “family” and instead, usage of “unit” for example “single-unit residential zone.” This is consistent with court rulings striking down definitions of “family” that are narrow or do not accommodate
- Other terms with sub-category definitions, for example: “Lot line,” with “Lot line, front” and “Lot line, interior” or “Street” with “Street, Private” and “Street, Public.”

[Ref. SBMC Ch. 28.04, NZO Ch. 28.55]

IV. Parking

Parking

NZO proposes a number of significant changes to the Parking Ordinance. This section of the staff report discusses the following topics:

- A. Parking requirements for nonresidential development
- B. Nonconforming parking
- C. Eating and drinking establishment, outdoor seating
- D. Bicycle parking
- E. Shopping centers
- F. Central Business District boundary
- G. Other
 - Off-site parking for residential development in commercial zones
 - Accessible parking provided in addition to residential parking
 - Small residential unit parking reduction
 - Tandem parking
 - Valet parking
 - Parking requirements for specific zones
 - Central Business District - Elimination of residential guest parking

A. Parking Requirements for Nonresidential Development

While the majority of nonresidential land uses in the existing Zoning Ordinance are required to provide parking at a rate of either 1 space per 250 square feet (such as retail/commercial/office) or 1 space per 500 square feet of floor area (industrial/manufacturing), there are a fair number of land uses that have a different parking rate. Examples include:

- Furniture stores at 1 space per 1,000 square feet;
- Sit-down restaurants at 1 space per 250 square feet or 1 space per 3 seats, whichever is greater;
- Fast food restaurants at 1 space per 100 square feet;
- Liquor stores at 1 space per 333.333 square feet;
- Automobile service stations at 1 space per 3 grease racks, etc.

NZO proposes to simplify the nonresidential parking requirements, so that a greater majority of nonresidential land uses are assessed at either 1 space per 250 square feet or 1 space per 500 square feet (see NZO Table 28.26.040). Because of circumstances related to specific uses, not all land uses could be put into one of these two categories. Exceptions include:

- Community Assembly and cinemas/theaters at 1 space per 100 square feet

- Uses with beds, such as hotels, emergency shelters, skilled nursing facilities
- Outdoor uses, such as nurseries, market gardens, outdoor sales and display, building materials and services, construction and materials yards
- Warehousing and self-storage, at 1 space per 2,000 square feet
- Specific uses that warrant a parking requirement be determined by the Public Works Director in consultation with the Community Development Director

This proposed change simplifies the calculation of required parking, making it easier for project applicants to calculate parking requirements, and promotes the adaptive re-use of buildings, in that more land use types could occupy existing buildings without increasing the parking supply upon change of use.

Staff is proposing a major change to the required parking ratios for food service uses (sit-down restaurants, fast food restaurants, cafes, ice cream parlors, bakeries, sandwich shops, etc.) to require the same amount of parking for all food service uses rather than distinguishing between fast-food (1 space per 100 square feet) or sit-down restaurants (1 space per 250 square feet), and eliminating parking based on number of seats (1 space per 3 seats). Staff requests input from the NZO Joint Committee on the appropriate parking ratio, after considering the following scenarios.

As mentioned above, sit-down restaurants, fast food restaurants and retail uses have different parking ratios. This difference causes administrative difficulty, uncertainty among applicants, and a resulting delay to projects because operational details must be submitted and analyzed. Staff and the applicant usually negotiate over various aspects, including floor plan configuration, in order to make a determination of the required number of parking spaces.

Scenario 1 – Is it a sit-down restaurant (1/250 sq. ft. or 1/3 seats) or a fast food restaurant (1/100 sq. ft.)?

The Zoning Ordinance defines a fast food restaurant as:

“Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic or other disposable containers.”

A donut shop, ice cream shop, McDonalds, a Subway-type sandwich shop, or a Starbucks-type café is clearly a fast food restaurant. Conversely, the Palace Café, Joe’s Café and Paradise Café are clearly sit-down restaurants. However, it is not clear whether an establishment that serves food at tables (with wait staff) on paper plates, and that also sells baked goods and espresso drinks to go, is a sit-down or a fast food restaurant. In these situations, staff requires the submission of operational

details to make a determination, and the submission and analysis takes considerable staff time and results in delays for the applicant.

Scenario 2 – Is it retail food sales (1/250 sq. ft.) or a restaurant (1/250 sq. ft. or 1/3 seats)?

As mentioned in Example 1, a sandwich shop is normally considered a fast food restaurant, but a sandwich counter in a supermarket is not considered a fast food restaurant. It is considered an ancillary part of a retail food sales use, because it is a small part of the overall operation. However, when the sandwich counter is a much larger part of the market (40-50%), the determination becomes difficult. Is a delicatessen (a combination of food retail and sandwich shop) retail food sales or a restaurant? Is a butcher shop or a cheese shop that also makes sandwiches a retail food sales establishment or a restaurant? Even with operational details, it is difficult for staff to make this determination.

Scenario 3 – Is the number of seats shown in the sit-down restaurant plan plausible?

As mentioned above, the parking ratio for sit-down restaurants is either 1 space per 250 square feet or 1 space per 3 seats, whichever is greater. In nearly every case, 1 space per 3 seats is greater, if the number of seats is plausible. A very common scenario involves an applicant seeking to open a restaurant in a vacant retail space. In this example, the space is 1,000 square feet and has 4 parking spaces (conforming to the retail parking requirement of 1 space per 250 square feet). Due to constraints, there is no possibility of adding new parking spaces. The restaurant would be required to have no more than 12 seats (12 seats x 1 parking space/3 seats = 4 parking spaces). However, the floor plan is such that the kitchen area and restrooms only take up about 500 square feet, leaving 12 seats to occupy a 500 square foot area (the size of a large two-car garage). In most restaurant configurations many more than 12 seats are placed within a 500 square foot area. This results in staff and the applicant engaging in multiple discussions and lengthy negotiations to develop a floor plan that is plausible. Even so, it is very common for additional seats to be placed in the space after the business opens, resulting in the site being under-parked and potential related enforcement actions.

In the Central Business District, where the parking requirement for all land uses is the same (1 space per 500 square feet), these debates and negotiations are not necessary, because as long as no new floor area is proposed, the parking required for a retail shop, a sit-down restaurant or a fast food restaurant is the same; therefore, parking is not an impediment to changes of use.

Staff believes that most of the issues and uncertainties involved with food service land uses could be reduced or possibly eliminated if the parking ratio for all food service uses were the same, similar to the Central Business District. The types of businesses affected by this change would depend on which parking ratio is established. Staff

would like to present three options to the NZO Joint Committee to discuss: 1 space per 100 square feet; 1 space per 250 square feet; and 1 space per 150 or 200 square feet. In all three options, additions of floor area would require additional parking spaces, but some changes of use would not.

Option 1: Parking Ratio of 1 space per 100 square feet for Food Service Land Uses

In this option, all food service land uses would have a common parking ratio of 1 space per 100 square feet, which is the current parking ratio for fast food restaurants. Changes of use between food services uses would not require additional parking; therefore, this option would eliminate uncertainty among applicants, staff, and the public associated with Scenarios 1 and 3 above, but staff would still need to make a distinction between food service and retail, discussed in Scenario 2.

Benefits of Option 1:

1. Any existing tenant space currently being used for food service (or any other 1 space per 100 square feet parking ratio) could be used for any other type of food service, without requiring additional parking spaces.
2. Reduced uncertainty among applicants, staff and the public to accommodate food service to food service changes of use.
3. This option is much closer to the average parking demand for food service uses, so there would be less potential for increased parking demand in parking lots and on streets.

Consequences of Option 1:

1. Continued uncertainty among applicants, staff and the public for changes of use from retail to food service, as described in Scenario 2 above.
2. Because there are few sites with excess parking in the City, it would be very difficult to change a use from a non-food service land use to a food service land use, because much more parking would be required. For example, a 1,000 square foot retail space on a site with 4 parking spaces (conforming to the requirement of 1 space per 250 square feet) would need to provide 6 additional parking spaces to change to a food service use (1,000 square feet x 1 space per 100 square feet for food service = 10 parking spaces required). Thus, it would likely “lock in” existing food service locations.

As proposed in the Nonconforming Parking Section of this staff report, below, NZO would make this even more difficult for retail or office spaces with nonconforming parking, because NZO proposes that when land uses on sites with nonconforming parking change to a use that requires more parking spaces, the parking be brought up to code rather than allowing the nonconforming “credit,” to continue.

Option 2: Parking Ratio of 1 space per 250 square feet for Food Service Land Uses

As with Option 1, all food service land uses would have the same parking requirement. However, in Option 2, all food service land uses would also have same parking requirement as retail uses, office uses, and a multitude of general commercial-type land uses in the City. Changes of use between food service uses and retail or other general commercial uses would not require additional parking spaces; therefore, this option would eliminate the uncertainty among applicants, staff, and the public associated with all three scenarios described above (i.e. is it a sit-down restaurant or a fast food restaurant, etc.).

Benefits of Option 2:

1. All the same benefits as Option 1.
2. No uncertainty among applicants, staff, and the public for changes of use between food service uses and retail uses.
3. Does not “lock in” food service use locations as would occur with Option 1.

Consequences of Option 2:

1. The average parking demand for food service uses is much closer to 1 space per 100 square feet than 1 space per 250 square feet, so there could be an increased parking demand in parking lots and on the street.

Option 3: Parking Ratio of 1 space per 150 or 200 square feet for Food Service and most other General Commercial Land Uses

This option is similar to Option 2, in that all food service land uses, and all general commercial land uses, such as retail or office uses, would have the same parking ratio; therefore, changes of use between food service uses and retail or other general commercial uses would not require additional parking spaces. The difference between Option 2 and Option 3 is that instead of 1 space per 250 square feet, the ratio would be either 1 space per 150 square feet or 1 space per 200 square feet. This option would also eliminate the uncertainty among applicants, staff, and the public associated with all three scenarios above.

Benefits of Option 3:

1. All the same benefits of Option 2
2. The average parking demand for food service uses is closer to 1 space per 100 square feet than 1 space per 150 or 200 square feet, so there could be an increased parking demand in parking lots and on the street, although less than for Option 2; however, the increased parking requirement would only be applied to new floor area, so this option would have a limited effect on reducing parking demand

Consequences of Option 3:

1. All buildings that provided conforming parking at 1 space per 250 square feet would become nonconforming to the new parking requirement. This may not be a huge issue, because any proposed land use with the same parking requirement as an existing land use could occupy the building without adding more parking, but a goal of the NZO is not to create large numbers of nonconformities.
2. The average parking demand for food service uses is much closer to 1 space per 100 square feet than 1 space per 250 square feet, so there could be an increased parking demand in parking lots and on the street.
3. The increased parking requirement would be applied to new floor area (such as new buildings or additions) and result in retail and office land uses providing more parking than needed, as average parking demand for retail uses is approximately 1 space per 250 square feet.

None of the options would address the recent trend to mix industrial uses with food service uses (e.g. beer brewing with tasting room; wine manufacturing with tasting room; coffee roasting with tasting room; wholesale bakery with retail sales, etc.). However, NZO proposes to codify an existing administrative practice to require such uses to be separated by physical barriers

Staff requests the NZO Joint Committee's input on the three options. Staff prefers Option 2, as it would go the furthest to simplify the nonresidential parking requirements, facilitate the re-use of existing buildings by reducing a barrier to change land uses in existing tenant spaces, and reduce uncertainty among applicants, staff, and the public. Staff does not believe that reducing the parking requirement for food service uses would lead to a significant influx of restaurants. Parking is not an impediment to changes of use in the Central Business District (CBD), where all land uses require 1 parking space per 500 square feet, and the CBD continues to provide a good mix of retail uses, office uses, general commercial uses and food service uses. Additionally, staff does not believe that reducing the parking requirement for food service uses would result in a significant increase in demand for parking caused by restaurants City-wide, because staff believes that the number of seats existing in restaurants is much greater than shown on plans; therefore the increased parking demand already exists. However, the change could have impacts to certain areas, such as the Milpas Street corridor.

Although Option 3 also reduces uncertainty among applicants, staff, and the public for the three scenarios described on pages 10-12, staff does not recommend it, because it would cause a large number of buildings that are currently conforming to the parking requirement to become nonconforming, and it may have other unintended consequences.

Option 1 would simplify the nonresidential parking requirement, facilitate more changes of use than the current parking requirements (by allowing food service uses to change to other food service uses without requiring additional parking spaces), and reduce some uncertainty among applicants, staff, and the public. Therefore, if the NZO Joint Committee does not recommend Option 2 (uniform 1 space per 250 square feet for most nonresidential land uses), Staff will move forward with Option 1 (1 space per 100 square feet for food service land uses).

[Ref. SBMC 28.90.100.J & K, SBMC 29.90.012.A, NZO Table 28.26.040]

B. Nonconforming Parking

As the City's parking requirements for residential and nonresidential uses have changed over the years, (mostly increasing the number of spaces required), a large number of sites have become nonconforming to current parking requirements. The current Zoning Ordinance addresses how to evaluate sites with nonconforming parking in the case of: 1) proposed additions to buildings on a site with nonconforming parking, and 2) a proposed change of use on a site with nonconforming parking. The first provision is proposed to be refined, and the second is proposed to be changed.

Additions to Buildings with Nonconforming Parking

The current requirement is that if additions are proposed to a building on a site with nonconforming parking, additional parking must be provided for the addition, and if the cumulative additions since July 15, 1980 exceed 50% of the floor area that existed prior to that date, the parking must be brought up to current code for the entire site. Staff believes that the objective of this requirement is to allow a limited amount of additions on a site before requiring the parking to be brought up to current requirements, which works well for nonresidential projects because parking is assessed on a square footage basis. Staff does not recommend changing the provision of the code as it applies to nonresidential development. However, the same approach doesn't work well with residential projects, because parking is assessed either per unit (single unit residential or duplex) or per bedroom (multi-unit residential), regardless of the size of the unit.

Example: Single Unit Residential

The parking requirement for a single unit residence (house) is two covered parking spaces, no matter the size of the house. Therefore, a 400 square foot house and a 4,000 square foot house have the same parking requirement, and a 51% addition to either house would trigger the requirement that parking be brought up to standards. It is not equitable or reasonable that a 4,000 square foot house could be increased in size by up to 2,000 square feet (resulting in a 6,000 square foot house) without bringing parking up to code, and a 400 square foot house could

only add up to 200 square feet (resulting in 600 square foot house) without bringing the parking up to code.

In order to provide more equity in this provision of the Zoning Ordinance, Staff proposes the following changes: Single Unit Residential can be expanded to result in a maximum of 1,800 square feet without bringing the site up to the current parking standards. The current provision would still apply to houses already over 1,800 square feet. The 1,800 square foot threshold was chosen based on the Maximum Net Floor Area (Floor to Lot Area Ratio) described in One-Family Residence Zones (SBMC §28.15.083)¹.

Example: Multi-Unit Residential

The current provision does not address larger additions to existing units within multi-family development. For example, a triplex consisting of a 500 square foot studio, a 700 square foot 1-bedroom, and a 900 square foot 2-bedroom unit exists on a lot with 3 parking spaces. The parking requirement for this triplex is 5 spaces (1.25 spaces for the studio + 1.5 spaces for the 1-bedroom unit + 2 spaces for the 2-bedroom unit = 4.75 spaces, which rounds up to 5 spaces. The floor area of the units is not used to calculate the required parking). The total floor area on site is 2,100 square feet; therefore, an addition of 1,050 square feet could be allowed without triggering the parking being brought up to code. If the 1,050 square foot addition was proposed to the 2-bedroom unit, it would result in a 1,950 square foot 2-bedroom unit without any additional parking being required.

In order to be more equitable, to effect a gradual increase in the number of parking spaces provided, and to be more consistent with the single unit residential approach, the NZO proposes the following changes: The current 50% rule would apply to *each unit* in a Two-Unit Residential development, a Multi-Unit Residential development, and residential units that are part of mixed-use developments; however, any unit can be expanded to result in a maximum of 970 square feet each without bringing the parking up to current parking standards for that unit. The 970 square foot threshold was chosen by staff as it relates to the Average Unit-Size Density (AUD) Program; 970 square feet is the maximum unit size that would allow up to 36 units per acre in the High Density tier.

Change of Use to Buildings with Nonconforming Parking

The current requirement is that if a change of use is proposed to a building on a site that is nonconforming to parking, and the new use requires more parking spaces, only

¹ For a small lot of less than 4,000 square feet, the maximum net floor area is 2,200 square feet and development is precluded if the net floor area on the lot will exceed 85% of the maximum net floor area. Multiplying the 85% limit with the 2,200 square feet limit results in 1,870 square feet.

the incremental increase in required parking spaces that results from the change of use must be provided. The change of use does not trigger a requirement that the site be brought up to current code requirement, as described in the following example.

Example 1: Industrial Building with Nonconforming Parking to Retail Building

A 2,500 square foot industrial building is on a lot with 2 parking spaces. The current parking requirement for industrial use is 1 space per 500 square feet; therefore, the current requirement is 5 parking spaces, and the site has a nonconforming, "credit," of 3 spaces. A change of use to retail is proposed. The current parking requirement for retail use is 1 space per 250 square feet; therefore the current parking requirement for the retail use would be 10 parking spaces. However, only 5 additional spaces (+ 2 existing spaces = a total of 7 spaces) would be required since the site was already nonconforming by 3 spaces (10 spaces currently required – 3 space credit – 2 spaces existing = 5 additional spaces need to be provided). The nonconformity of 3 spaces would remain.

If a change of use does not require more parking spaces, then the new use may occupy the building and not provide additional parking; however, if a change of use results in less parking required than the previous use, the reduction is absorbed, reducing the nonconformity, and the original use could not be re-established on the site without providing additional parking in the future. No changes are proposed to this provision.

Example 2: Retail Building with Nonconforming Parking to Industrial then back to Retail

A 2,500 square foot retail building is on a lot with 3 parking spaces, and is nonconforming by 7 spaces (10 spaces would be required). A change of use to industrial is proposed, and the new parking requirement is 5 spaces (1 space per 500 square feet). The industrial use could occupy the building and the lot would remain nonconforming to current parking requirements, but only by 2 spaces instead of 7.

Later, if a change of use is proposed back to retail, the parking requirement would again be 10 spaces, and 5 additional parking spaces would need to be provided in order to allow the change of use from industrial to retail (10 spaces required for retail – 3 existing spaces – 2 space credit = 5 spaces need to be provided).

For projects that involve changes of use that require more parking spaces, Staff proposes that the change of use only be allowed *if the parking is brought up to code*, rather than allowing a continuation of the nonconforming parking, and only requiring the additional incremental parking to be provided. In Example 1 above, the change of use from a 2,500 square foot industrial building on a site with two parking spaces (5 spaces required by current code, and a nonconforming credit of 3 spaces) to a 2,500

square foot retail building (10 spaces required by current code) would require the provision of eight additional parking spaces (10 required spaces - 2 existing space = 8 spaces need to be provided).

This is a major change to this provision of the current ordinance; however, with the overall simplification of parking requirements proposed in NZO (the vast majority of uses would be assessed at either 1 space per 250 square feet or 1 space per 500 square feet, and maybe one additional category, depending on the outcome of the food service discussion). It would actually affect far fewer land use types than it does currently, because very few land uses would have a different parking requirement (See Table 28.26.040 in NZO).

The main reason that Staff is recommending this change is to protect and maintain properties devoted to industrial/manufacturing use. Currently, because any nonconforming parking “credits” are carried forward with a proposed change of use from industrial/manufacturing to retail, office, restaurant, bar, wine-tasting, etc., it is easier to propose these types of conversions. If an applicant were required to bring a site completely up to current parking standards for such a change of use, it would be more challenging and as a result, Staff believes that more industrial/manufacturing uses would remain.

Depending on the outcome of the food service discussion (whether they be assessed at 1/100, 1/200, or 1/250 square feet), this proposed change could also affect a change of use between retail and food service. If the food service parking requirement ends up being the same as the retail parking requirement (for example, all retail and food service are parked at one space per 250 square feet), this proposed provision would not affect a change of use between retail and food service; however, if the food service parking requirement ends up being greater than the retail parking requirement (1/100 or 1/200), this provision would make it even more difficult to convert a retail space to a food service use than it is currently, because even more parking spaces would be required.

Demolition and Reconstruction of Nonconforming Buildings

The current Zoning Ordinance allows existing buildings nonconforming to setbacks, yards, building height, etc., to be demolished and rebuilt, either voluntarily or as a result of a natural disaster; however, it is not clear whether the nonconforming parking can be continued with such a demolition. NZO proposes to make clear that a building on a site that does not conform to current parking requirements may be demolished and rebuilt without providing any additional parking spaces.

C. Eating and Drinking Establishment, Outdoor Seating

Parking for outdoor dining is not currently addressed in the Zoning Ordinance. NZO proposes to codify a slightly modified version of a long-standing administrative policy. The current policy states that as long as the number of seats outside of an eating and drinking establishment is less than 50% of the number of seats inside, parking spaces do not have to be provided for the outdoor seats. For example, if a restaurant has 100 seats inside the building, it could have up to 50 seats outside without triggering the requirement for additional parking spaces; however, if 60 seats were proposed outside, parking spaces would have to be provided for all 60 outdoor seats. The reason for the current policy is that outdoor seating is used less than indoor seating, due primarily to weather.

Because NZO proposes to change the parking ratio for sit-down restaurants from a per seat basis to a per square foot basis, NZO proposes that as long as the square footage of the outdoor seating area is less than 50% of the indoor seating area, parking spaces do not have to be provided for the outdoor seating area. If the outdoor seating area is greater than 50% of the indoor seating area, then parking shall be provided at half the rate of the indoor parking, except for outdoor seating in the public right-of-way. For example, if the food service parking requirement is 1 space per 250 square feet, as preferred by staff, if the outdoor seating area is greater than 50% of the indoor seating area, parking for the outdoor seating area would be assessed at a rate of 1 space per 500 square feet.

Currently, outdoor seating for restaurants in the Central Business District does not require parking, regardless of its relation to the amount of indoor seating, and no change is proposed to this requirement.

D. Bicycle Parking

The current Zoning Ordinance requires one bicycle parking space for each seven vehicle parking spaces required for commercial and industrial uses. NZO proposes to require long term and short term bicycle parking as specified in the Required Off-Street Parking Spaces Table 28.26.040. "Long term" bicycle parking is covered, secured, and intended for use by residents, employees or students for long time periods. "Short term" bicycle parking is uncovered, and intended for use by business patrons, visitors and guests for shorter time periods.

NZO proposes that sites that are nonconforming to the minimum number of long or short term bicycle parking spaces shall provide conforming bicycle parking for all new buildings constructed, reconstructed, or when any addition or alteration results in a requirement for additional automobile parking spaces. Additionally, because the current Zoning Ordinance only requires bicycle space when vehicle parking spaces are required, no new bicycle parking is required for a change of use (if it doesn't trigger additional automobile parking spaces) even though such a change of use would be a

most appropriate time to provide additional bicycle parking. To remedy this shortfall, NZO proposes to require short term bicycle parking for any project that includes a change of use, substantial exterior remodel, or alterations to the existing parking areas.

In the Central Business District, recognizing that most development is constructed lot line to lot line, short term bicycle parking is not proposed to be required on private lots for any uses on State Street and in the first block east or west of State Street.

NZO would allow reductions to the required number of bicycle parking spaces, in the form of a Waiver, if deemed appropriate by the Public Works Director, due to inadequate site space on existing development or other criteria, such as a land use with a lower demand for bicycle parking.

For nonresidential development, NZO proposes to allow the conversion of up to 2 existing or required new uncovered automobile parking spaces to bicycle parking. At least six bicycle parking spaces need to be provided for each converted automobile parking space, and a parking lot must have at least 7 automobile parking spaces in order to convert one automobile parking space to bicycle parking, and it must have at least 14 automobile parking spaces in order to convert 2 of them to bicycle parking. A similar provision is proposed for motorcycle parking, with a ratio of two motorcycle parking spaces provided for each automobile parking space converted.

[Ref. NZO 28.26.050.D. & E., NZO 28.26.070]

NZO also proposes a new requirement for long term bicycle parking for multi-unit residential development at a rate of one space per dwelling unit. This supports 2011 Circulation Element Policy C7.7 that reads,

“Require all multi-family and commercial projects to be designed to meet the needs of bicyclists (e.g., secure parking, storage, lockers, showers, etc.)”

[Ref. SBMC 28.90.100.L, NZO Table: 28.26.040 Required Off-Street Parking Spaces]

E. Shopping Centers

NZO proposes to include a provision for “shopping center” by defining the term as five or more integrated, attached, commercial establishments managed as a unit and with shared on-site parking. Shopping centers would be allowed to provide required off-street parking spaces at a rate of one space per 250 square feet of floor area of all buildings occupied with a *commercial use*, even if a higher minimum parking requirement is indicated in the Table: Required Off-Street Parking Spaces for individual uses. This provision would not apply to the following uses: Hotels and

Extended Stay Hotels, Residential, Public and Semi-Public, Industrial, or Transportation, Communication and Utilities. This would codify an existing practice that has been used by staff for over a decade and implements, at a smaller scale, the same logic applied to a mix of uses within the CBD providing parking at the same ratio.

[Ref. SBMC §28.90.100.C. & D., NZO Ch. 28.55 “Shopping Center”, NZO 28.26.040.B.2]

F. Central Business District Boundary

The Central Business District (CBD) is a defined area in the commercial downtown core delineated on a map in Chapter 28.90 of the Zoning Ordinance.

Major citywide amendments to the parking standards were made in 1980 with additional parking required for many uses. Recognizing the downtown core as a destination where employees and patrons often park once to visit multiple nearby businesses, properties in the C-2 General Commercial Zone (which comprises most of the CBD) were allowed to continue providing off-street parking at a uniform ratio of one space per 500 square feet of building floor area regardless of use, while the commercial parking rates of most other areas of the city were raised to one space per 250 square feet.

In 1992, City Council formally established “Zones of Benefit” within the CBD, which allowed further reduced parking based on proximity to public parking lots. Within a Zone of Benefit, the number of required parking spaces is reduced based on the property’s percent of benefit depicted on the Zone of Benefit map. For example, if a property is located adjacent to a public parking lot, the site is within a 100% Zone of Benefit and no parking is required to be provided on site, since parking is considered to be provided by the adjacent public parking source. No changes to the Zones of Benefit maps are proposed.

Staff is proposing changes to the CBD boundary, as depicted in Attachment 5 and associated regulations based on the following General Plan direction:

Circulation Element Policy C.7: “Manage parking Downtown to reduce congestion, increase economic vitality, and preserve Santa Barbara’s quality of life.”

Circulation Element Implementation Action C7.2: “Update the boundary of the delineated area of the Central Business District to include more of the commercial area.”

Housing Element Implementation Action 17.1: Consider incremental change to the Zoning Ordinance parking requirements such as: ... Eliminating guest parking requirements for housing in the Downtown Commercial area”

The CBD is currently bounded generally by Arrellaga Street, Garden Street, Highway 101, and De la Vina Street.

The proposed CBD boundary, as depicted in the attached map, reflects expansion to include additional commercially-zoned parcels located generally within two blocks of core downtown parking lots. The expanded area includes six partial blocks with C-2 zoning located between De la Vina and Bath and Sola and De la Guerra Streets, three blocks with C-M zoning located between Santa Barbara and Garden Street and Ortega and Gutierrez, two partial blocks with C-2 zoning located between Anacapa and Garden and Sola and Victoria, and four partial blocks with R-O between Santa Barbara and Garden and Sola and Carrillo.

This downtown area is walkable and well-served by transit and existing and planned bicycle facilities, reducing the overall baseline parking demand. Any residual demand for parking is expected to be met within two blocks walking distance with sufficient public parking supply available for the proposed CBD expansion. The current CBD boundary includes a 3 block area between Ortega and Carrillo and Santa Barbara and Garden located two blocks from downtown Parking Lots 8 and 9. The Zoning Ordinance also allows for off-site parking to be provided for office, commercial, and mixed-use developments within a walking distance of 500 feet (approximately one City block) by right and within a walking distance of 1,250 feet (approximately two and a half city blocks) with Transportation Manager approval, citywide.

For mixed-use projects in the CBD, the residential parking requirement is a minimum of one space per unit and no guest parking is required. A proposed amendment to the CBD regulations would also eliminate the requirement for residential guest parking for residential-only projects consistent with General Plan direction as described in earlier in this staff report.

Bicycle parking requirements are also proposed to change from one bicycle parking space per seven required automobile parking spaces to defined ratios per use citywide with new requirements for long-term and short-term bicycle parking that would increase bicycle parking in the CBD. In the CBD, the current standard results in one bicycle parking space per 3,500 square feet of building area, which is considered to be inadequate downtown. Because of the availability of public-supplied bicycle parking on and near State Street downtown and to encourage the siting of new buildings at the back of sidewalk in the State Street corridor, the proposed ordinance does not require short term bicycle parking on State Street and in first block east and west of State Street in the CBD.

G. Other Parking

Off-Site Parking for Residential Development in Commercial Zones. The current Zoning Ordinance allows off-street parking spaces to be located up to 500 feet *walking distance* from the associated office, commercial, industrial or mixed use development,

or up to 1,250 feet walking distance if approved by the Public Works Director. For mixed use developments, only the nonresidential portion of required parking may be provided off-site. NZO proposes language to also allow off-site parking for *residential uses in a mixed-use development*, within 500 feet walking distance from the use, or up to 1,250 feet walking distance if approved by the Public Works Director. This supports Possible Implementation Action to be Considered C7.6 of the 2011 Circulation Element that recommends action to,

“Amend the Zoning Ordinance to allow residential required parking off-site in commercial zones.”

Staff discussed the possibility of allowing off-site parking for purely residential projects, and some had concerns that the provision of off-site parking for residential uses would detract from the day-to-day experience of the residents; therefore, Staff requests NZO Joint Committee input on this topic.

Question to Committee: Shall NZO incorporate provisions to allow off-site parking for residential uses in a commercial zone, either in mixed-use developments or purely residential developments? If so, what percentage of required parking and what walking distances should be considered? Shall this apply to only multi-unit residential development or, single and duplex units as well?

[Ref. SBMC §28.90.001.R, NZO 28.26.060.A & B.]

Accessible Parking Provided in Addition to Residential Parking. Analysis of Average Unit-size Density (AUD) Incentive Program projects has identified an unintended consequence of only requiring one parking space per dwelling. For larger projects that also require signed, accessible parking spaces, unless a resident has a disabled parking placard, the result is less than a ratio of one parking space per unit. For example, a 20 unit AUD project requires 20 parking spaces. Regulations regarding accessible parking require that one of the parking spaces be signed and striped for accessible parking only. Unless one of the residents is able to use the accessible parking space, one occupant does not get a parking space on site.

NZO proposes to remedy this unintended consequence by requiring, for *new* residential development only, if one or fewer parking spaces are required per residential unit and if signed, accessible parking spaces are also required, then the accessible parking space(s) must be provided *in addition to the minimum number of parking spaces required per residential unit*. This has been added to ensure that at least one parking space per unit is provided if that was the intent of the applicable parking standard. For existing development, conversion of existing spaces to accessible parking spaces which results in fewer parking spaces on the lot than required will continue to be allowed.

Question to Committee: Staff requests Committee input on this proposed provision to ensure that there would be not less than one parking space per unit while accommodating accessible parking in *new* residential development only

[Ref. NZO 28.26.030.F]

Small Residential Unit Parking Reduction

The current parking requirement for a residential unit in a development constructed at base density (i.e., not using the AUD Incentive Program) is between 1.25 uncovered and 2 covered spaces, depending on the bedroom count and configuration of the unit. NZO proposes that residential units of 600 square feet or less of livable floor area, excluding covered parking, and with no more than one bedroom, would be required to provide at least one uncovered parking space per unit, rather than the 1.25-2 spaces currently required. This provision is proposed because the parking demand for a unit this small is 1 space, and it recognizes that a requirement for two covered parking spaces, totaling at least 400 square feet in area, may not be appropriate from either a land use efficiency perspective or scale of development for a small residence.

Currently, single-unit and two-unit developments require two parking spaces per unit, one of which must be covered, regardless of unit size. NZO proposes to allow uncovered parking for these small (less than 600 square feet of livable area) single-unit and two-unit residential development because uncovered parking would incentivize these smaller units, and they would likely qualify for the existing ordinance exception to provide covered parking allowed for houses that are less than 80% of the maximum Floor Area Ratio. Furthermore, given the small size of the residential unit, it is more likely that covered parking would be used for storage or other uses, and not for parking.

[Ref. SBMC Ch. 28.90, NZO 28.26.050.G.]

Tandem Parking. The Zoning Ordinance currently allows tandem parking for mixed-use developments if each set of tandem parking spaces is assigned to a single residential unit. NZO proposes to continue this, and also allow *multi-unit residential* and *nonresidential* uses to utilize tandem parking, with certain limitations. Included among the residential use limitations is that no more than two automobiles shall be placed one behind the other and tandem parking shall not be used for guest parking. Nonresidential uses that would be allowed to utilize tandem parking are limited to the following: Hospitals and Clinics, Medical and Dental Offices, and Hotels and Extended Stay Hotels, with the limitations that nonresidential use parking lots using tandem parking must contain a minimum of 20 parking spaces, and the tandem parking must be valet parked.

[Ref. SBMC 28.90.045.D, NZO 28.26.090.E.]

Valet Parking. Valet parking, whether occurring on- or off-street, is not currently regulated by the City and has caused some issues, especially with customer drop-off and pick-up on City streets. NZO includes provisions to allow valet parking on private property, but prohibits the use of any street or City-owned parking facilities for the pick-up and drop-off activities; requires that drop-off lanes and associated kiosks not adversely impact the on-site parking and internal circulation of the parking lot or encroach into fire lane access; requires that valet operations may not reduce or interfere with any parking spaces required for any other use; and requires that a parking attendant will be on duty at all times. No automobile queuing or parking is allowed in travel lanes at any time. Any variations from the requirements must first be approved pursuant to a waiver by the Public Works Director. Ordinance provisions to allow valet parking in the public right of way are being considered by the Public Works Department.

[Ref. NZO 28.26.090.F.]

Parking Requirements for Specific Zones. The current Zoning Ordinance includes special parking requirements for the following specific zones:

Restricted Commercial zone (C-P),

Research and Development and Administrative Office zone (C-X),

Senior Housing zone (S-H),

Upper State Street Area Special District zone (S-D-2),

Hazardous Waste Management Facility Overlay zone (HWMF), and the

Park and Recreation zone (PR).

NZO proposes to eliminate these special parking requirements, and incorporates the uses into the required parking table. For instance, parking for the C-X Zone will be required at the Research and Development land use ratio of 1 space per 500 square feet. The proposed changes are summarized in Attachment 4 Parking Requirements for Specific Zones, as are proposed changes to the Warehouse and Mini-Warehouse land uses.

Central Business District – Elimination of Residential Guest Parking

Currently, the Zoning Ordinance requires the provision of 1 guest parking space per four residential units in developments with more than 6 units. However, guest parking spaces are not required for Average Unit Density program development, and mixed-use developments in the Central Business District. NZO proposes that residential-only developments in the CBD shall not be required to provide guest parking, consistent with Housing Element Policy H17.1 that reads in part,

H.17.1 Parking Requirements, Consider incremental changes to the Zoning Ordinance parking requirements such as:

- *Eliminating guest parking requirements for housing in the Downtown commercial area...*

[Ref. NZO §28.26.050.B.1.b]

V. Temporary Uses

The current Zoning Ordinance provides some limited guidance for temporary uses. Seasonal holiday sales (e.g., Christmas trees or Halloween pumpkins) are permitted in the existing C-P (Restricted Commercial), C-2 (Commercial), C-M (Commercial Manufacturing), M-1 (Light Manufacturing) and P-D (Planned Development) zones subject to prior approval and certain restrictions. Temporary uses that are of a more significant, community-wide nature (e.g. farmer's market) are currently addressed through a Conditional Use Permit. Staff have observed an increased frequency of temporary events, typically affiliated with food and drink establishments; NZO proposes to present a clearer path for review and approval of temporary uses and structures.

The proposed Temporary Uses Chapter includes a "Purpose" recognizing that certain temporary uses benefit the community and should be allowed, provided that short-term negative effects are minimized. Also new, would be four distinct processes to address temporary uses and structures:

1. Exempt. This category includes garage sales, non-profit fund raising and events already exempt or subject to other City Temporary Use Permits (e.g., Parks and Recreation Department Permit, Parade permit, etc.) A Zoning Clearance is not required for Exempt events.
2. Zoning Clearance. With some limitations, temporary structures, seasonal sales in certain zones (same as current), certain special events and sales, and single mobile food vendors on a lot would be subject to this level of review. A recent example of a temporary structure that would be reviewed at this level is the mobile, temporary Tesla showroom that was erected for 30-days near the corner of Chapala and Carrillo Streets. Depending on the use or structure, zoning clearance may be in the form of a standard plan check, zoning affidavit, letter of acknowledgement or other record.
3. Performance Standard Permit (PSP). Temporary uses that do not meet the standards for exemption or a Zoning Clearance may be considered for approval through a PSP. Examples include events that are more frequent, involve larger operations or lengthier hours, such as events with multiple mobile food vendors. This

process would involve review by the Staff Hearing Officer, consistency with findings and, potentially, conditions of approval.

4. Conditional Use Permit (CUP). Temporary uses or structures that would affect a broader area other than the nearby neighbors, would occur more than 12 times in one year, or would occur over multiple years would be subject to the CUP requirements (see NZO Ch. 28.57).

Mobile food vending (on private property) allowances were initially being developed in a standalone chapter; however, those provisions are deemed more suitable for inclusion within the broader Temporary Uses Chapter proposed. Revisions to the City's existing regulations of mobile food vending on the street are underway in a separate work program lead by the City Attorney's Office.

Staff views the proposed NZO categorization of temporary uses and structures as a step toward clearer understanding by the public and staff, as well as an improved means of evaluating proposals, so that they are consistent with community expectations.

[Ref. SBMC §28.97.290, §28.94.030, NZO 28.26.350, NZO Ch. 28.57]

VI. Open Yard

In NZO Module 2 (Development Standards), staff presented several iterations of changes to the Open Yard requirements. The first iteration included common open yard area based on the number of units, to be more equitable with the private outdoor living space option. Members of the NZO Joint Committee expressed concern that the proposed regulations would make it more difficult to provide multi-family housing, primarily because of the proposed increase in common outdoor living space.

In response, in the next iteration, staff suggested a major change, such that open yard would no longer be regulated based on zone, but rather on the unit type (single-unit or two-unit residential, and multi-unit or mixed-use residential). In that iteration, changes to the single-unit and two-unit residential open yard requirements were not significant. The major change was to the multi-unit residential open yard requirements. Members of the Planning Commission expressed concern that the any proposed change would interfere with the Average Unit-size Density Incentive Program (AUD) experiment, in that it would change rules mid-stream, so the results of projects using the existing open yard rules and those using the proposed rules could not be easily compared.

In response to the Planning Commission's expressed concerns, staff amended the NZO Open Yard provisions, so that very few differences remain between the proposed open yard regulations and the existing regulations. Staff believes that the proposed method of calculating open yard is much easier to understand and calculate, while

retaining the underlying goal of providing adequate open yard, and most of the provisions of the existing open yard regulations. The changes to the proposed open yard regulations are summarized in the tables below.

Summary of Changes to the Multi-Unit Residential Open Yard Requirements

| Current Zoning Ord. | Proposed by NZO | Comment |
|---|--|---|
| 1. Method A – “Private Outdoor Living Space Method” | 1. Open Yard | |
| a. Private Outdoor Living Space – provided per unit, by number of bedrooms. | a. Private Open Yard – provided per unit, by number of bedrooms. | No Change |
| b. Open Space – 10% of the net lot area; <i>excludes</i> setbacks; no minimum dimension. | b. Open Yard – 15% of the net lot area; <i>includes</i> setbacks; 10’x10’ minimum dimension. | This change results in a modest overall reduction in open space, but an increase in useable open space, because of the 10’x10’ minimum dimension. |
| c. Common Open Area – 15’x15’ area, required for 4+ units. | c. Common Open Area - Not Required | This is a relaxation of the existing regulations. The 10’ x 10’ area of subsection “b” above provides for at least one larger area. |
| 2. Method B – “Common Outdoor Living Space Method” | 2. Alternative Open Yard design allowed | |
| a. Common Outdoor Living Space - 15% of the net lot area; includes setbacks; one area 20’x20’; no minimum dimensions on the remainder. | In lieu of the private open yards, the appropriate Design Review board may approve a Common Open Yard if equivalent open yard areas are provided. | This is the functional equivalent of the existing Common Outdoor Living Space requirement. The main difference is that this option is not available by right; it must be approved by a Design Review Board, and the approval must be based on a finding that the common area provided is equivalent to the required private open yards. |

How would these changes affect Average Unit-Size Density (AUD) projects?

Staff believes that the open yard incentives for AUD projects in commercial zones are functionally equivalent to the current outdoor living space incentives, as described in the two tables below (AUD projects in non-commercial zones do not have any open yard incentives).

The **AUD Open Yard Development Incentives** provided for in the **CURRENT** and **PROPOSED** ordinance are shown in underline **bold** font in the table below.

| AUD in Commercial Zones * | CURRENT |
|--|--|
| A. Private Outdoor Living Space Method | <ul style="list-style-type: none"> Private Outdoor Living Space required for each unit <u>10% of the lot area as Open Space (optional)</u> 15' x15' Common Open Area required for 4+ units |
| B. Common Outdoor Living Space Method | <ul style="list-style-type: none"> 15% of the lot area (including the 20'x20' area) as common outdoor living space <u>allowed on grade or any floor of building</u> |

| AUD in Commercial Zones * | PROPOSED |
|---------------------------|--|
| Open Yard Area | <ul style="list-style-type: none"> Private Open Yard required for each unit <u>15% of the lot area as Open Space (optional)</u> <u>15' x 15' Common Open Area - not required</u> Alternative Designs may be approved by the Design Review Boards to provide 15% of the lot area as Common Open Yard, with a minimum 20'x20' area, <u>allowed on grade or any floor of building, and without the minimum 10'x10' dimensions for the remainder.</u> |

**Projects developed with market rate condominium units on lots designated Medium-High Density Residential and subject to the S-D-2 overlay zone shall observe the Outdoor Living Space requirements required by the applicable base zone.*

Staff recommends that the NZO Joint Committee find the proposed regulations substantially similar to the existing regulations, and move forward with the new rules. However, if the NZO Joint Committee believes that the open yard requirements for the AUD program should not be changed at all, then staff recommends that the existing open yard regulations be copied into the AUD Ordinance, so the proposed rules would apply to all non-AUD multi-unit development (and to future multi-family development after the conclusion of the AUD experiment), but the existing rules would continue to apply to AUD projects. An alternative would be to allow AUD projects to choose between the proposed rules and the existing rules.

Questions to Committee:

1. Shall the proposed Open Yard changes, which may differ from the existing AUD regulations, be moved forward for further consideration by the Planning Commission?

Or if not,

2. Shall the NZO retain the existing Open Yard requirements for AUD projects and employ the proposed Open Yard for non-AUD projects?

[Ref. SBMC §28.15.060, SBMC §28.18.060, SBMC §28.21.081, and NZO *Module 2*, Ch. 28.23]

VII. Sustainable Living Research Initiative (SLRI)

Staff met with representatives of the Sustainable Living Research Initiative (SLRI) several times to discuss existing City policies and to clarify the group's request for a Zoning Ordinance Amendment. The basic request is for a program or performance-based approval that would allow for an experimental residential development with relaxed zoning standards in order to meet sustainability goals, with a roll-back provision if the development did not meet the goals. The proposal includes tracking the experimental development to determine whether it was successful, i.e., that the relaxed zoning standards achieved the sustainability goals.

It appears that a new type of Zoning Modification and/or a Performance Standard Permit (PSP) would be appropriate paths for a SLRI request, since it involves relaxed zoning standards (e.g., reduced setbacks, parking requirements) and a mechanism to track and report success against agreed-upon sustainability objectives. However, defining the scope and applicability of such requests would be difficult, and the roll-back provision presents challenges of its own.

In order to determine what types of projects would qualify for the Modification or PSP, the SLRI group envisions a set of criteria for sustainability that projects would be measured against. Examples of such criteria could include: x% less water usage than a comparable project, y% less energy use, or z% less runoff than allowed by the City's Storm Water Management Program (SWMP). The SLRI group envisions a City-sponsored committee made up of members of staff, the development community, and representatives of UCSB that would vet projects against the sustainability criteria to determine whether the project could be supported and recommended for approval of the Zoning Modification or PSP.

In order for the roll-back provision to be effective, there are a number of difficult and potentially expensive items that would have to be addressed:

- 1) Two plans would need to be developed and approved at the outset: one for the experimental development, and one that complies with all current Building Codes and Zoning standards if the experiment is not successful;
- 2) Clear criteria for project review and approval would need to be developed, as well as benchmarks for determining success. The SLRI group envisions that the City-sponsored committee would analyze the projects against the established criteria, but creating the benchmarks will be difficult, as evidenced by the discussions attempting to define the success of the AUD program;
- 3) Funding would need to be held in reserve (such as a bond) to effectuate the roll-back if the experiment is not successful. Another roll-back issue is how to address changes to various codes and expiration dates over time, if a roll-back is necessary. For example, if the experimental project is deemed unsuccessful seven years after it's built, and the decision is made to roll-back to the project that complies with the codes, does the design review approval remain valid? Can it be roll-back under the old building code (it usually changes every three years)? How would a change to the Zoning Ordinance affect the roll-back plan?; and
- 4) A court-enforceable agreement between the applicant and the City would need to be developed to specify that if the experiment is not successful the applicant agrees to implement the roll-back plan and, if the applicant does not agree to do so, the City would use the money held in reserve to implement the roll-back plan.

Staff believes that the goals of the SLRI are laudable and can envision a program that could meet the SLRI goals; however, due to the inherent time and expense involved with processing and monitoring a project under such a program, Staff anticipates that the number of proposed experimental projects would be very low. The amount of effort required to create and implement such a program would be very high; therefore, the overall value of the program would be low. Because it is anticipated to be an infrequently employed program, Staff does not recommend inclusion of the SLRI program in the New Zoning Ordinance project. If the NZO Joint Committee is interested in pursuing such a program, Staff recommends that it be handled as a separate work effort.

SLRI representatives have provided additional information that is included among the Public Comments received for Committee review prior to report preparation (Attachment 6).

VIII. Timeline / Next Steps

Joint Committee direction will be addressed in revisions to draft Module #3 prepared for the Planning Commission review.

Upcoming schedule:

| | |
|---|----------------------|
| Planning Commission Module 3 Review & Public Workshop | October 2016 |
| Draft Zoning Ordinance Release | Late 2016/Early 2017 |

The website developed for this effort and can be found at 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 Tasks 5 and 6 of the document titled "Scope of Work." Both documents (and more) can be found on the Reference Documents page at the NZO website.

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

Attachments:

1. Draft Module 3: Administration, Parking, and Temporary Uses, dated August 16, 2016
2. New or Changed Content Affecting Development and Procedures, Highlights
3. Comparison of Minor Zoning Exceptions (MZE) and New Zoning Ordinance (NZO)
4. Parking Requirements for Specific Zones
5. Map: Proposed Central Business District Expansion
6. Public Comments Received