



City of Santa Barbara
Planning Division

Memorandum

DATE: December 23, 2016

TO: Architectural Board of Review
Historic Landmarks Commission
Single Family Design Board

FROM: Planning Division (805) 564-5470
Danny Kato, Senior Planner *M. Sanchez for D.K.*

SUBJECT: New Zoning Ordinance – New and Changed Design Review Approvals

The City began an effort to update the Zoning Ordinance in early 2014. Since that time, the City has hired a consultant, and worked through the document in three modules: Module 1 – Use Regulations; Module 2 – Development Standards; Module 3 – Administration, Parking, and Temporary Uses. For each of the modules, hearings were held with the New Zoning Ordinance (NZO) Joint Committee¹ and the Planning Commission, and both bodies made comments and recommendations on the Modules. Their comments have been incorporated into the draft document, and Staff anticipates the release of the draft document in February 2017. Hearings at the Planning Commission, Ordinance Committee and City Council are expected in the winter and spring of 2017.

The purpose of this memorandum is to describe proposed regulations in the New Zoning Ordinance which would allow expanded approval authority by the design review bodies, including certain improvements that currently require Zoning Modifications. Links are provided to the NZO Joint Committee and Planning Commission staff reports, which describe additional proposed changes to the Zoning Ordinance that may be of interest to the design review bodies.

¹ The NZO Joint Committee consisted of Harwood “Bendy” White and Cathy Murillo of City Council, and John Campanella, Sheila Lodge Michael Jordan, and June Pujo (alternate) of Planning Commission.

PROPOSED NEW STANDARDS REQUIRING DESIGN REVIEW APPROVAL

The Draft Zoning Ordinance proposes new approval authority for the design review bodies for the topic areas listed below. Each topic is discussed in this section.

- Accessory Buildings
- Encroachments into Setbacks
- Alterations within Setbacks
- Fences and Hedges
- Screening
- Replacement of Demolished Nonconforming Buildings
- Open Yards

Accessory Buildings

In response to public input, and brought forward in *Module 2: Development Standards*, NZO proposes two changes:

1. Increase the detached accessory building and covered parking (garage and carport) floor area allowed for lots greater than 1 acre (underlined in table below); and
2. Change the way that the floor area can be used, with restrictions.

Currently, the floor area allowed for covered parking may only be used for covered parking (not detached accessory buildings), and the floor area allowed for detached accessory buildings may only be used for detached accessory buildings (not covered parking). NZO proposes to combine the two allowances into a single allowance that can be used for covered parking, detached accessory space, or a combination of both.

For example, on a lot less than 20,000 square feet in size, the current Zoning Ordinance allows a 500 square foot garage, and a 500 square foot detached accessory building, but not a 1,000 square foot garage. NZO proposes to allow the maximum floor area for each building type to be combined into one or more buildings, either a 1,000 square foot garage or a 1,000 square foot detached accessory building, with restrictions (listed after table, below).

Table: Accessory Buildings and Garages				
	<20,000 s.f.	20,000 s.f. up to 1 ac.	1 ac. - 3 ac.	3 ac. or larger
Covered Parking				
Existing	500 s.f.	750 s.f.	750 s.f.	750 s.f.
Accessory Building				
Existing	500 s.f.	500 s.f.	500 s.f.	500 s.f.
Max Total Covered Parking + Accessory On-Site				
Existing	1,000 s.f.	1,250 s.f.	1,250 s.f.	1,250 s.f.
NZO Proposed	1,000 s.f.	1,250 s.f.	<u>1,500 s.f.</u>	<u>1,750 s.f.</u>

The proposed restrictions are:

- 1) The maximum detached livable floor area² per lot would be limited to 500 square feet;
- 2) Consistent with the current Zoning Ordinance, the maximum size of a single accessory structure would be limited to 1,250 square feet, and
- 3) The minimum number of required covered parking spaces must be provided.
- 4) Design review body approval would be required for covered parking/accessory structures over 500 square feet and on for covered parking structures resulting in three or more parking spaces, to address aesthetic concerns about larger accessory buildings.

For more information on this topic, please see: Module 2 PC Staff Report, Page 3 and Exhibit D (NZO) page 45. That version was replaced by the version in the Module 3, PC Staff Report, Page 2, which was further revised after the Module 3 PC hearing. The ordinance language for the provision described above will be released in February 2017.

Encroachments into Setbacks

Porches

NZO proposes to allow covered front porches up to 16 feet wide by 6 feet deep to encroach into setbacks, with design review body approval, as follows:

Front Setback – New Buildings: 3 feet

Front Setback – Existing Buildings: 6 feet

² Livable floor area is defined in Chapter 28.55 of NZO as a subtype of floor area, and consists of finished and heated areas.

Interior Setback – The same distance as the existing building, no closer than 2 feet to the interior property line.

Stairways leading to the porches would be allowed to encroach further into setbacks, the amount necessary to access the porch.

Detached Equipment

NZO proposes to allow freestanding equipment, such as air conditioners, water heaters, pool equipment, electrical transformers, and backflow preventers, if screened from view, to encroach in setbacks as follows:

Residential Development

- Front Setback – up to 10 feet from the front lot line
- Interior Setback – up to 5 feet from the interior lot line

Nonresidential and Mixed Use Development

- Front Setback – up to 3 feet from the front lot line
- Interior Setback – up to 5 feet from the interior lot line, if adjacent to a residential use or zone

Where an applicant can demonstrate to the satisfaction of the appropriate Design Review body that variations are warranted in order to provide relief for existing site constraints, or to achieve a superior aesthetic or environmental design, distance or screening may be reduced or waived by the Design Review body.

Electric Vehicle Supply Equipment (EVSE)

NZO proposes to allow electric vehicle supply equipment to be in the same location as the parking it serves, but at least 10 feet from the front lot line. NZO proposes that the design review bodies could reduce or waive the distance requirement.

For more information on this topic, please see:

Module 2 PC Staff Report, page 7, and Exhibit D (NZO), page 52.

Waste and Recycling Containers

NZO proposes to allow waste and recycling containers to encroach up to 3 feet into an interior setback (no closer than 2 feet to the property line) and within 10 feet of the front lot line, subject to additional restrictions, with design review approval. The additional restrictions are summarized here:

- a. Only for existing development;
- b. Containers must be screened (minimum height 5 feet for carts, and 7 feet for dumpsters), subject to the fence height limitations;
- c. If in a setback or the front yard, a trash enclosure may not be roofed; and

- d. Enclosure must be maintained in good condition, and may not be a hazard.

Design Review approval by the appropriate Review Body is required. In granting an approval, the appropriate Design Review Body shall make all of the following findings. The inability to make one or more of the findings below is grounds for denial of an application. The waste and recycling enclosure shall be:

1. Compatible with the architecture of the building;
2. Consistent with the development pattern of the neighborhood; and
3. Sited to minimize impacts to abutting properties.

For more information on this topic, please see: Module 2 PC Staff Report, Exhibit D (NZO) page 63.

Alterations within Setbacks

NZO proposes to allow certain improvements to buildings that are nonconforming to setbacks, with restrictions. For example, NZO proposes to allow new or changed windows and doors within setbacks on the first floor, as long as they are at least five feet from the property line. Any improvements that are not allowed by right would require Modification approval.

In response to public input, NZO proposes to change the process for improvements not allowed by right for two standards from Modifications heard by the Staff Hearing Officer to Minor Zoning Exceptions heard by the design review bodies. Currently, a building that encroaches into the setback may not be increased in height. NZO proposes a minor exception that would be granted by the design review bodies to allow an increase in height up to 42" within the setback. NZO also proposes a Minor Zoning Exception that would be granted by the design review bodies to allow new or relocated doors and windows to any portion of a building that's located within setbacks. The Minor Zoning Exception would require a noticed public hearing, and specific findings regarding compatibility and compliance with the Good Neighbor Guidelines.

For more information on this topic, please see:

Module 2, PC Staff Report, pages 7-9, and Exhibit D (NZO), page 71. That iteration showed the roof height increase allowed by right, and the allowances for windows and doors. The ordinance language including the Minor Zoning Exception provision described above will be released in February 2016.

Fences and Hedges

Currently, fence and hedge height can be increased by 4 feet with a Minor Zoning Exception granted by Community Development Director. Because the issues

surrounding fences and hedges are primarily related to aesthetics and neighborhood compatibility, NZO proposes to transfer the authority to allow increased fence and hedge height to the design review bodies. A noticed public hearing, as well as findings, would be required.

For more information on this topic, please see: Module 2, PC Staff Report, Exhibit D (NZO), page 58. In that iteration, the Community Development Director was the review authority. The ordinance language including the provisions described above will be released in February 2017.

Screening

NZO proposes additional clarification on screening: 1) uncovered parking that is required to be screened must not be visible when viewed looking perpendicular to the property line; 2) objects other than uncovered parking that are required to be screened must not be visible from any public view, including the right-of-way, parking lots, or adjacent residential properties, when viewed from six feet above ground; and 3) All required screening must be reviewed by the appropriate design review body. Additionally, NZO proposes the following new requirements for screening:

Outdoor Storage

NZO proposes that outdoor warehousing and storage be screened with a solid fence or mature hedge at least 6 feet high, and proposes to allow the design review bodies to waive the screening requirement where such storage is adjacent to vacant land or where it is not visible from the street.

The ordinance language for this provision will be released in February 2017.

Parking in the Front Yard

The current Zoning Ordinance allows automobile and bicycle parking in the remaining front yard (beyond the front setback) if it is screened by either a decorative wall or a fence with planting. This standard does not currently require design review approval. NZO proposes to allow both automobile and bicycle parking in the remaining front yard, with design review approval of the screening.

For more information on this topic, please see: Module 3, PC Staff Report, Exhibit D (NZO), page 110.

Replacement of Demolished Nonconforming Buildings

Currently, the Zoning Ordinance allows nonconforming buildings that are damaged or destroyed to be rebuilt in their existing location. NZO proposes to allow reconstructed nonconforming buildings to be relocated to a safer or more appropriate location on the lot with design review approval. A noticed public hearing would be required.

For more information on this topic, please see: Module 2 PC Staff Report, page 6, and Exhibit D (NZO), page 75. In that iteration, the Community Development Director was the review authority who could allow a relocation. The ordinance language incorporating design review as the review authority will be released in February 2017.

Open Yards

Currently, open yard is regulated by zone, not by land use. For example, all development in the multi-residential zones are subject to the multi-residential open yard requirements, even if it's a one or two-unit development. NZO proposes to regulate open yard based on the type of land use, so that a given land use type would have the same open yard requirement regardless of the zone.

In residential multi-unit zones, the Zoning Ordinance currently allows two options for providing Outdoor Living Space: Private Outdoor Living Space and Common Outdoor Living Space. NZO proposes to update and streamline the multi-unit open yard requirements by blending elements of the two existing options into one option. In addition, the design review bodies would have the ability to grant an alternative open yard design, if the following findings can be made:

1. It is necessary to provide flexibility in architectural style or site organization
2. The alternative design will meet the purpose of the required open yard, as stated in the Zoning Ordinance.

Any changes to the provisions for open yard in Average Unit-Size Density (AUD) development will be determined outside of the NZO process, but will be included in the final ordinance.

For more information on this topic, please see: Module 2 PC Staff Report, page 8 and Exhibit D (NZO), page 55 also Module 3 PC Staff Report, page 19.

CHANGES TO STANDARDS REQUIRING DESIGN REVIEW APPROVAL

NZO proposes to change some of the existing standards that currently require design review approval, as discussed below.

- Parking Lot Landscape Design
- Automobile Fueling Station
- Reduced Covered Parking Requirement

Parking Lot Landscape Design

The current Zoning Ordinance allow the design review bodies to reduce or waive parking lot landscaping requirements. NZO reorganizes the parking lot landscaping requirements, but does not change the design review bodies' abilities to reduce or waive parking lot landscaping requirements.

Automobile Fueling Station

The current Zoning Ordinance allows service stations (proposed to be renamed as "fueling stations") in the C-P and C-2 zones with a Conditional Use Permit (CUP) and in the C-M and M-1 zones without a CUP. NZO proposes to eliminate the requirement for the CUP in the C-P (proposed C-R) and C-2 (proposed C-G) zones, and to allow them by right. Design review approval is currently required for review of architecture and landscaping standards, and NZO would not change that requirement.

Reduced Covered Parking Requirement

The current Zoning Ordinance allows a single-unit residence (one residential unit on a lot) to provide one covered and one uncovered parking space, rather than two covered parking spaces, if the development on site is less than 85% of the Maximum Net Floor Area (Floor to Lot Area Ratio), or two uncovered parking spaces if less than 80% FAR. However, the uncovered parking spaces are not currently allowed in the front yard. NZO proposes to change the requirement to allow uncovered parking in the remaining front yard (outside the front setback) if the design review body determines that it is adequately screened.

For more information on this topic, please see: Module 3 PC Staff Report, Exhibit D (NZO), page 96-97.

OTHER CHANGES PROPOSED BY NZO

The primary goals of NZO are to have an improved Zoning Ordinance that is:

- Restructured and easier to understand
- Modern and current
- Flexible in administering the code, including staff administrative authority for minor items
- Responsive to nonconforming situations

Certain significant changes were highlighted and presented to both the NZO Joint Committee and the Planning Commission for discussion. All documents can be found on the Public Meetings portion of the NZO Website. Individual documents are hyperlinked below.

Module 1 – Use Regulations

[NZO Joint Committee Staff Report](#)

[Module 1 text as presented to the NZO Joint Committee](#)

[NZO Joint Committee - Staff Notes](#)

[Planning Commission Staff Report, including Module 1](#)

[Planning Commission Minutes](#)

Module 2 – Development Standards

[NZO Joint Committee Staff Report](#)

[Module 2 as presented to the NZO Joint Committee](#)

[NZO Joint Committee Staff Reports, Exhibits except Module 2](#)

[NZO Joint Committee - Staff Notes of 12/7/15](#)

[NZO Joint Committee - Staff Notes of 12/14/15](#)

[Planning Commission Staff Report, including Module 2](#)

[Planning Commission Minutes](#)

Module 3 – Administration, Parking, and Temporary Uses

[NZO Joint Committee Staff Report, including Module 3](#)

[NZO Joint Committee Staff Report, Revised Attachment 3](#)

[NZO Joint Committee Staff Report, Revised Attachment 4](#)

[NZO Joint Committee - Staff Notes](#)

[Planning Commission Staff Report, including Module 3 \(72 MB file\)](#)

[Planning Commission Minutes](#)

NEXT STEPS

Staff anticipates that the draft New Zoning Ordinance will be released for public review in late early February 2017. Open houses, Planning Commission hearings, Ordinance Committee hearings and City Council hearings are expected in late winter/spring of 2017.