



**City of Santa Barbara**  
Community Development Department

**Memorandum**

**DATE:** March 8, 2017

**TO:** Planning Commission

**FROM:** Danny Kato, Senior Planner *Dyk*  
Marck Aguilar, Project Planner *Marck Aguilar*

**SUBJECT:** NZO – Additional Information

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At the Planning Commission hearing discussion of the New Zoning Ordinance (NZO), staff offered to forward further information on certain topics. In addition, some staff responses are provided to comments and questions raised.

Map – Food Service Parking Ratio Discussion

In support of further discussion on a replacement parking ratio for food service uses, staff has drafted a citywide map identifying commercial zones outside of the Central Business District which presents the geographic relationship between commercial zones that allow food service uses and the surrounding areas. Staff will attempt to elaborate during the presentation tomorrow.

Local commercial real estate brokers Bob Tuler (Radius Group) and Steve Leider (Lee & Associates) are expected to attend the first hour of the March 9, 2017 hearing and will be available to answer questions from the Commission related to the effect of parking requirements on commercial development.

Figure – Determining Top of Bank

This figure was introduced to attempt to illustrate the text in the current Zoning Ordinance §28.87.250 – Development Along Creeks. The existing language is brought forward in the NZO §28.04.040 – Determining Area of a Watercourse. However, because staff is still deliberating the manner to best illustrate the text, and changes to Mission Creek and Creek Setbacks were not included in the scope of the NZO effort, staff proposes to remove the Figure 28.04.040(A)-Determining Top of Bank. This will be more appropriately addressed in a future work effort in the Local Coastal Program Amendment and the Environmental Resources Element Update.

Single Family Design Board Comments

The SFDB has provided two letters (dated February 27, 2017 and March 6, 2017) with detailed questions. Those letters, with staff responses, are attached here for your review.

Questions from the Planning Commission

Several Planning Commissioners sent emails with questions about various aspects of the NZO. The questions and staff responses are attached for your review.

Fences and Hedges – Minor Zoning Exception

Currently, the maximum height of a hedge in the front and interior setbacks is 8'. A Minor Zoning Exception (MZE) may be granted to allow an additional 4' in height (Total = 12') for fences, and an additional 6' in height (total = 14') for hedges. A modification may be sought for any fence/hedge combination greater than described above. NZO does not propose to change it. Unfortunately, the NZO ordinance language regarding fence and hedge MZE in Section 28.40.120.D.1.a.i. on page III-15, and the accompanying figure 28.40.120 (D)(1) are not consistent with the current Zoning Ordinance language; therefore staff recommends additional language to maintain consistency, as shown in ~~strikeout~~/underline format below. The figure will be updated prior to the Ordinance Committee hearing.

28.40.120.D.1.a.i. Minor Zoning Exception. An additional four feet in fence height and six feet in hedge height may be approved by the appropriate Design Review body pursuant to Chapter 28.66, Minor Zoning Exceptions, upon making the findings required in Subsection 28.40.120.(E), Required Findings for Fence and Hedge Minor Zoning Exceptions, in addition to the findings required pursuant to Chapter 28.66, Minor Zoning Exceptions.

Local Coastal Program Policies

Attached, please find a compilation of NZO-relevant Local Coastal Program Policies.

Street Widening Setback Lines Established (SBMC Ch. 28.83, NZO §28.40.200.C)

SBMC currently lists street widening setback lines established in the early 1900's. Among those referenced is Hollister Avenue. Staff proposes to update the text to reflect the name change within the City of Santa Barbara from Hollister Avenue to State Street (in part) and De la Vina Street (in part). This is a text update only, with no associated expansion or extension of the exiting setback. Attached is revised draft NZO 28.40.200 excerpt, which reflects the updated street names and relocation within the section to maintain alphabetical order. The Carrillo Street Extension has also been repositioned to maintain alphabetical order. Staff recommends that the Commission discuss the recommended changes and recommend adoption, as revised, to the City Council.

Specific Plan 9 – Veronica Meadows Update

The rezoning of the Veronica Meadows Specific Plan "Area A" (owned by the City) to Parks Recreation (P-R) Zone with an Open Space designation will be considered by the Parks and Recreation Commission (P&RC) at a hearing scheduled for March 22, 2017. The primary purpose of that P&RC hearing is to make a recommendation on the Open Space park designation, as a recommendation by the P&RC on the rezone is not required. The rezone will be discussed by the Planning Commission on the meeting of March 9, 2017, and the subject of the Open Space park designation will be brought forward to the Planning Commission on April 6, 2017.

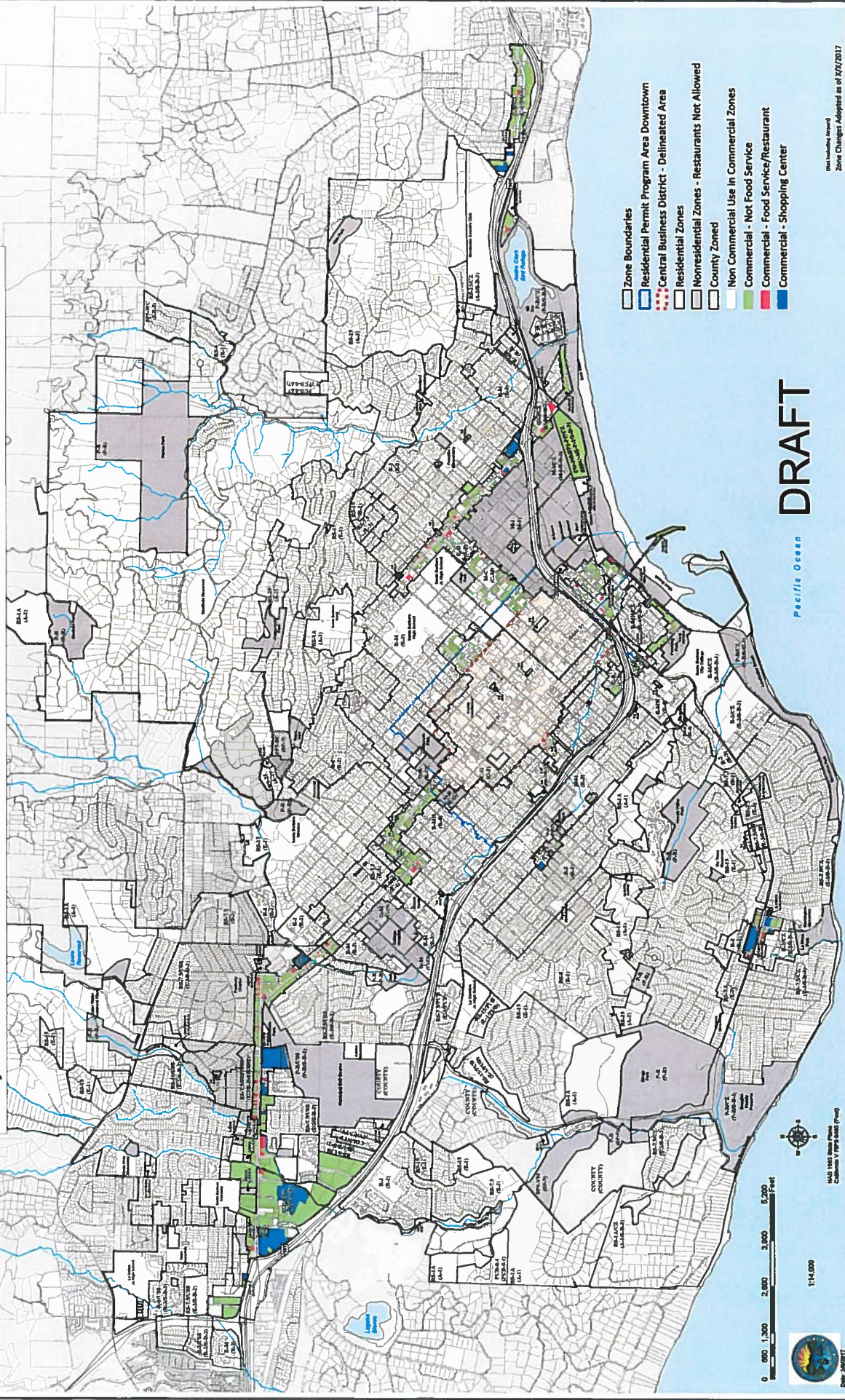
Availability to Public

This memo and attachments are being posted to the NZO "Public Meetings" website which can be accessed through the main page at [SantaBarbaraCA.gov/NZO](http://SantaBarbaraCA.gov/NZO).

Attachments:

- Map – Food Service Use and Zoning (11" x 17")
- Single Family Design Board Questions – Staff Responses
- Planning Commissioner Questions – Staff Responses
- Local Coastal Program – Policies Relevant to the NZO
- Street Widening Setbacks Established – NZO §28.40.200.C, *revised*

# City of Santa Barbara – Food Service Use and Zoning



- Zone Boundaries
- ▭ Residential Permit Program Area Downtown
- ▭ Central Business District - Delineated Area
- ▭ Residential Zones
- ▭ Nonresidential Zones - Restaurants Not Allowed
- ▭ County Zoned
- ▭ Non Commercial Use in Commercial Zones
- ▭ Commercial - Not Food Service
- ▭ Commercial - Food Service/Restaurant
- ▭ Commercial - Shopping Center

**DRAFT**

Pacific Ocean



1:14,000



Map prepared by City of Santa Barbara, Planning Division, A/E/C, March, 2017  
 Date: 11/20/2017  
 File: L:\GIS\Projects\2017\20170320\20170320\_Santa\_Barbara\_City\_Council\_Resolution\_No\_100-2017

Zone Changes Adopted as of 07/2017  
 Santa Barbara City Council Resolution No. 100-2017

## **Staff Responses to Single Family Design Board Comments – March 8, 2017**

February 27, 2017

### Comments and Questions

1. 28.04.020. Is the determination of the L or length of contours measured by the contours at or new the top and bottom property lines?

*Response: Any contour within the boundaries of the property lines is included in the slope calculation (Pg. I -10).*

2. 28.07.010 where there is reference to RS Residential Single Unit it refers to an "Accessory Dwelling Unit" required to meet certain "standards". Where are those standards and how are they defined? Under this same section paragraph J. Should the allowed maximum size of 1250 square feet match the State requirement under AB2299 of 1200 square feet?

*Response: New state law regulating Accessory Dwelling Units (ADUs) went into effect on January 1, 2017. The effect of this new law makes the City's existing Secondary Dwelling Unit (SBMC 28.94.030.Z) and Accessory Dwelling Unit (28.18.075.E) regulations null and void. The NZO removed references to the obsolete ordinances, and under Standards for Specific Uses and Activities for Accessory Dwelling Units (Pg. III -137) refers only to Government Code Sections 65852.2. New standards for ADUs will be coming forward on a separate track from NZO.*

3. 28.40.100 paragraph C(c). The minimum vertical clearance of seven feet is measured from where? Existing grade or proposed finish grade?

*Response: We would use finished grade, since the purpose of the vertical clearance is to make sure the area under the encroachment is useable (Pg. III -9)*

4. 28.40.100 paragraph C (e). The SFDB finds that many applicants proposed glass grade rails. The board has found those constitute "glare" as defined in the proposed definitions of this document. Do glass railings come under Table 28.07.030 (A) Development Standards-Residential Single Unit where "Materials" are defined?

*Response: The “Materials” that are prohibited under Table 28.07.030 (A) (Pg. II-8) include shiny roofing and siding. It does not include glass railing. NZO does not propose to change this requirement. However, the City of Santa Barbara Single Family Design Board Guidelines already include guidelines for the use of glass material, as follows:*

**Glass Material:**

16.7 In general, deck-railing materials should be selected to be consistent with the architectural style of the structure. The use of glass railings as guardrails or as windscreens is not the preferred material at highly visible locations due to the possible glare associated with these types of installations. Installations of reflective glass materials will be reviewed to determine if the installation is compatible with the structure and that it does not create significant glare problems. Large “picture” windows that are not broken up with mullions and/or muntins will be reviewed for architectural compatibility and for glare problems.

5. 28.07.030 paragraph A sub-paragraph (1) Maximum Floor Area. In terms of SFDB review is the 85% FAR will this now be mandatory and not a “guideline”?

*Response: No changes are proposed in NZO to the FAR requirements. This language (pg. II-10) reflects the current ordinance FAR limitations.*

6. 28.07.030 paragraph A, sub-paragraph (2a.) May this measurement of “basements” be provided with a graphic example? And is this critical if a basement and/or cellar is a non-livable area as defined in this document, in terms of floor, wall, and ceiling finishes? The SFDB board sees many projects where the issue of FAR calculations rest upon ones interpretation of grade below the floor line, particularly with regards to many existing homes built many years ago on many of the steep sloped sites within the city.

*Response: There is a figure for determining floor area (Fig 28.040.070) and a figure for determining number of stories [Fig. 28.04.090(E)], but not one specifically for measuring floor area pursuant to the Floor to Lot Area Ratio (FAR). One could use these other two figures to help understand this section.*

7. 28.07.030 A sub-paragraph (2d) Does this mean that all accessory dwelling units are not subject to any FAR calculations”

*Response: Correct. No change in NZO from the current zoning ordinance, which also excludes the floor area of accessory dwelling units (AKA, Secondary Dwelling Units).*

8. 28.07.030 B (1) Residential Single Unit Zones. Is this an attempt to address the topography of many areas of our city? A graphic might be very helpful.

*Response: Yes, it's a reduced setback for steeply sloped lots that is similar to the current allowance that allows the front setback to be reduced if the front half of the lot has an average slope greater than 20%. Please see figure 28.04.030 Determining Average Slope.*

9. 28.40.020 Accessory Buildings. In light of the new State law for "Secondary Dwelling Units" should any reference to "Additional Residential Building Elements" be eliminated as referred to in paragraph C?

*Response: No. Accessory Buildings and Accessory Dwelling Units are two different things, so the limitations on residential amenities in accessory buildings still apply.*

10. 28.40.100 C. sub-paragraphs 2.c. The minimum of vertical clear of seven feet is measured from where? Finish grade or proposed grade?

*Response: Finish grade.*

11. 28.40.100 (3) bay windows. Does this mean bay windows are not allowed in side yards?

*Response: Correct, the same as now.*

12. 28.40.100 (4) landings or outside steps. Does this address steps/landings from decks?

*Response: No, just a landing to a building.*

13. 28.40.100 C 7. Sheds. Does the definition of a shed have to meet all a. thru c.?

*Response: A shed in the setback has to meet all of the requirements in a-e.*

14. 28.40.100 E. sub-paragraphs 1. Outdoor Amenities. There is a reference of "Vertical Clearance" being measure seven feet from what point? Finish grade or existing grade?

*Response: Finish grade.*

15. 28.40.110 A Architectural Elements. Is there a conflict between the building codes requirement of 2 feet clearance and 10 horizontal distances at roof configurations for

clearance to the opening of the top of chimneys? See the 2016 California Residential Code, section R1003.9 Termination.

*Response: No, The building code doesn't require a minimum distance to the property line for chimneys. It requires the chimney to be 2' above any structure within 10'.*

16. 28.40.150 C (1b.) Is this 20 feet long and 20 feet wide requirement included sloped areas regardless of percentage of slope?

*Response: The current ordinance does not set a maximum slope for the required open yard, other than one 160 sq. ft. "flat area" is required on sloped lots. The NZO does not propose to change the slope requirement for open yard, although the flat area requirement was removed because staff found it to be unnecessary. . Please see section 28.40.150.E.1 (Pg. III-20): Allowed Areas: "Required open yard may include interior setbacks and any combination of landscaped areas, natural areas, flat areas, hillsides, paved or other hardscape areas, in-ground swimming pools and spas, planters and decks that meet the standards of this Section."*

17. 28.40.170 Setbacks. This definition is very helpful.

*Response: Thank you.*

18. 28.40.180 A (1.) Height Limitations, RS and R-2 are these measurements taken from existing grade or from proposed project grade? I was not able to find the definition of "Base Elevation Point".

*Response: The definition of Base Elevation Point is on page V-34. It uses existing grade.*

19. 28.58.080 Conduct of Public Hearings G. Does this mean that if an item is "continued indefinitely" from a review at the SFDB it has to be re-noticed as required for the first public noticed review? The SFDB has received several complaints from the public during our meetings with regards to this current procedure.

*Response: Common Procedures (Pg. IV-11) only apply to Administration and Permits regulated by Title 28. SFDB procedures are located in Title 22.*

20. 28.80.020 B. (1b.) Is a manufactured home acceptable as a secondary dwelling unit? Does SFDB have review of this type of structure?



*Response: Government Code allows manufactured homes to be used as Accessory Dwelling Units. There may be some administrative design review of ADUs in a new ordinance, to be reviewed on a separate track from NZO. SFDB will not have any review authority on any ADUs, per Government Code.*

21. 28.81.070 Garage. Should this definition also include the building department's requirement of requiring a 20 feet by 20 feet interior closed space for two car garages?

*Response: The Parking Regulations section 28.47.030 (Pg. III-100) references the City Standards for Parking Design which set the minimum dimensions for all parking spaces including garages, carports, and uncovered spaces.*

Some general comments/questions not related to SFDB

1. 28.81080 Household. Does this mean that a residential unit is limited to 4 unrelated (as defined by law) relations?

*Response: No. The persons living in a household (pg. V-26) are not required to be related. The definition of Household attempts to distinguish between a single residential unit which may be rented to individual roommates, and a dormitory or other "Group Residential" land use (Pg. V-3) where five or more beds or rooms are rented to individually to separate tenants under separate tenant agreements, and meal service is provided in the price of lodging.*

2. 28.40.190 Street Widening Setback Lines. There is reference to areas between Mission Street and Calle Laureles being referred to "Hollister Avenue". Is that not "De La Vina Street"? Also a reference is made to "Hollister Avenue" between the city limits and Mission Street. Is this not "State Street"?

*Response: Hollister Avenue was renamed De La Vina Street, with one portion that is State Street. Staff is proposing to correct the street names.*

3. There appears to be no recognition of the criteria width dimension of Mission Street between US 101 and State Street. Is that being addressed elsewhere?

*Response: We need more information to answer this question.*

Respectfully Submitted  
Fred L. Sweeney AIA

## **Staff Responses to Public Comment – March 8, 2017**

**City of Santa Barbara NZO review process**

**March 6, 2017**

**SFDB, review**

Comments/Questions on “Figures” released on Tuesday February 28, 2017

1. Figure 28.40.100(D) (8) Roof Mounted Solar Energy Equipment Encroachment: The figure showing the limitation of roof mounted heights for solar panels on a flat roof. Does this also apply to solar panels mounted on the ground?

*Response: The figure only shows roof mounted equipment. The NZO (Pg. III-12) includes provisions to allow ground mounted systems to encroach in the setbacks as follows: Front setback: Ground mounted equipment no higher than 30” above existing grade may encroach 3’; Interior Setback: Ground mounted equipment no higher than 6’ above existing grade may encroach 3’*

2. Figure 28.40.100 (D) (6) Porches and Outside Step Encroachments :Please provide clarification on the 3 foot and 6 foot maximum distance shown on the extension of the front roof portion as to whether that these are dimension that are setbacks from the property line or are they measurements within the designated “front yard”?

*Response: Please review the NZO ordinance language starting on page III-11 for further clarification on porch encroachments. Porches may encroach 3’ into the front setback for new buildings and 6’ into the front setback for existing buildings.*

3. Figure 28.40.100 (C) (3) Bay Window Encroachment: Are bay windows allowed in side yard and rear yard setbacks?

*Response: No. NZO proposes that bay windows may encroach in the front setback and open yard only. The current ordinance allows bay windows to encroach a max of 2’ into the front setback only.*

4. Figure 28.04120: Screening: The walls shown on the diagram. Are these required to be “solid” or can they be semitransparent such as chain link fence?

*Response: Please review the NZO ordinance language regarding screening on page I-15 for further clarification on screening. Per NZO, “...screening shall minimize the visual impact of an object or land use to the extent appropriate.” There is no specific requirement for the screen to*

be “solid”; it is the responsibility of the design review body to determine if the proposed screening is adequate.

5. Figure 28.04.100: Measuring Setbacks: Is the secondary setback shown on a corner lot allow for more flexibility?

*Response: This figure is not intended to demonstrate flexibility, it just shows that two front setbacks are required on a corner lot. There is some flexibility in the existing ordinance for corner lots in that required open yard is allowed to be within 10’ of the secondary front lot line, rather than be required to meet the full front setback. This is the current condition, NZO does not propose to change standards related to lots with multiple front yards.*

6. Figure 28.04.090 (B) Measuring the Height and Hedges: It is recommended that the diagram showing a hedge above a retaining wall be depicted as the hedge been allowed to be eight feet in height and the retaining wall to be 6 feet maximum, regardless whether or not the hedge is back five feet from the wall. This is a condition we believe reflects many existing wall/hedges throughout the city, particularly on the Riviera in such locations for properties which are on the upper side of Alameda Padre Serra.

*Response: The diagram 28.04.090(B) does not identify a specific fence or hedge height, because it is illustrating how to measure height, not the maximum height of a fence or hedge.*

*The maximum height of a hedge in the front and interior setbacks is 8’. A Minor Zoning Exception may be granted to allow an additional 4’ in height (Total = 12’) for fences, and an additional 6’ in height (total = 14’) for hedges. A modification may be sought for any fence/hedge combination greater than described above. This is the current ordinance height limitations for fences and hedges and NZO is not proposing to change it. Unfortunately, the NZO ordinance language regarding fences and hedges on page III-15, and the accompanying figure 28.40.120 (D)(1) are not consistent with the current Zoning Ordinance language; therefore staff recommends additional language to maintain consistency, as shown in ~~strikeout~~/underline format below. The figure will be updated prior to the Ordinance Committee hearing.*

*28.40.120.D.1.a.i. Minor Zoning Exception. An additional four feet in fence height and six feet in hedge height may be approved by the appropriate Design Review body pursuant to Chapter 28.66, Minor Zoning Exceptions, upon making the findings required in Subsection 28.40.120.(E), Required Findings for Fence and Hedge Minor Zoning Exceptions, in addition to the findings required pursuant to Chapter 28.66, Minor Zoning Exceptions.*

7. Figure 28.04.70: Measuring Floor Area: does the indication of the measurement for the area below the first floor only for “finished” basement and or cellars?

*Response: Please review the NZO ordinance language regarding what is included and not included in "floor area" starting on page I-12 for further clarification on what is included and not included in floor area. Areas in basement or cellars used for storage are included as floor area even if they are not "finished."*

### Additional Comments

As a result of the first Planning Commission Hearing on the proposed NZO draft on March 2, 2017 the SFDB wishes to bring the following items to your attention:

1. 28.40.100 Encroachments into Setbacks section (D) paragraph 2b. It is referring to adjacent property owners requiring an agreement for exceptions. We believe that any time the zoning requires agreement between owners for exceptions etc. that there needs to be clear process layout for both property owners and the public. If this is something being referred to the SFDB then they will need to specific authority spelled out as to the board's purview. And if that is the case then such reviews should be subject to notice of hearing, and in the case of specific zoning rules the city attorney's office should be present at the SFDB to assure that the board deliberates and comes to decisions that do not jeopardize the city.

*Response: Minor Zoning Exceptions (MZE) which are referenced in the Encroachments section do have a clearly stated purpose and process chapter in NZO. It is Chapter 28.66 and begins on page IV-38. It lays out the process for the review authority, application requirements, public noticing, required findings, and conditions of approval. A mailed notice is required for MZEs. Planning Staff are in attendance at all design review meetings.*

*After further deliberation, staff has determined that the requirement for both adjacent property owner's approval and a mailed notice is unnecessary, therefore staff is recommending to the Planning Commission to remove the requirement for adjacent property owner's approval on all MZEs (except the fence/hedge height exception), and proposing that a mailed notice be adequate to ensure adequate neighbor notification of the proposal.*

2. With respect to noticing we believe there should subsequent steps to assure the public's ability to be aware of specific hearings beyond the first required noticing for the initial review meeting. Although staff has indicated the current process follows the state rules and/or guidelines we believe the city should take additional steps to assure the public is made aware of the subsequent meetings for each review session. In many cases review of projects by the SFDB is only public hearing process by which neighbors and concerned citizen may have an opportunity to comment. So in some respects, given the neighborhood dynamics of many applications, the SFDB acts more in the model of the planning commission.

*Response: Interested parties currently have the ability to sign up on an "Interested Party List" to receive subsequent meeting agendas for a particular project or address. Staff will look into*

*additional ways to let the public aware of this service. Staff recommends that the SFDB chair also advise the public of this service during public meetings, as appropriate.*

Respectfully Submitted

Fred L. Sweeney AIA  
2017 Chair of the SFDB.

Planning Commissioner John Campanella's Questions on the NZO  
March 7, 2017

Page    Question and Planning Staff Response

II-5    Non-residential parking - confirming this would be allowed in RS and R-2 zones?

*Response: The current zoning ordinance allows "driveways and parking areas" for nonresidential uses in residential zones with a CUP and NZO kept that existing allowance. Although rare, there are some limited nonresidential uses allowed in residential zones with a CUP, for example: a cemetery, church, school, or golf course. If an adjacent lot was proposed as additional parking for that nonresidential use, this provision would allow a parking lot with a CUP.*

II-6    Additional Residential Density Allowances - State Density Bonus would add 1 unit (round up). City Inclusionary would round down. So not be applicable to R zones that have a base density of 1 unit? Please confirm.

*Response: See 28.04.050. B and C. Fractions. Staff may not fully understand the questions. Staff does not believe that there is a case where both State Bonus Density and Inclusionary Housing would be operational on the same property in the R zones that have a base density of 1 unit. If such a property were to propose a state bonus density unit, the number of units required density bonus units would be rounded up to one, so a total of two units would be allowed. Inclusionary would not apply to the State Bonus Density Unit, since it's already affordable and because Inclusionary only applies to subdivisions.*

II-3    28.08.010.D. "pedestrian-" is there a word (s) missing? "    D. what is the definition and where are "transit-oriented mixed-use areas" in Santa Barbara?

*Response: The word is purposefully not there. It means, "pedestrian-oriented or transit-oriented," but that's a bit repetitive, so it is left out the first instance of the word, "oriented."*

*Transit-oriented mixed use areas are not defined, and staff does not believe that they need to be. They are the commercial areas where residential is allowed, that are close to transit services.*

II-14    What is the "PSP" for Group Residential.

*Response: It is a Performance Standard Permit, and would be processed as described in Division IV (Administration and Permits), subject to the standards in 28.49.190 Group Residential.*

II-17 Parking, Public or Private - could Private be for either commercial or residential (which is allowed use).

*Response: Yes.*

II-25 Hotels and Extended Stay Hotels (and also vacation rentals) no longer allowed in M-I, correct?

*Response: That is what's being proposed, yes.*

II-36 Should additional Density Allowances be delineated as in other sections?

*Response: Staff views that as unnecessary, as they reference the R-M zone, which describes the additional density allowances.*

II-37 Open Yards references AUD. Should this be removed in this section?

*Response: If AUD units are proposed in these zones, the reader should go to the AUD chapter to read the requirements.*

II-73 Does R-M have an "RH overlay" or is there specific R-MH zone and R-M does not have an overlay?

*Response: There is a specific R-M zone (renamed R-3) zone and a specific, separate R-MH (renamed R-4) Zone. The RH (Resort Hotel) overlay currently only exists on the El Encanto property in the Riviera (Zone Designation: R-2/R-H); however, it would be possible for City Council to rezone another property to put the RH overlay on it. It would not be necessary for most of the nonresidential zones, or the R-MH Zone, but it would be required on the RS, R-2 and R-M Zones, plus the nonresidential zones that do not allow hotels already.*

III-6 28.40.070. Parking requirement for Mixed-Use project in M-C can be satisfied by parking in M-I? Can this also apply for a multi-family project in M-C?

*Response: Currently, off-site parking is not allowed for residential uses, so right now, the answer to your question is, "Yes for the non-residential portion of the mixed-use project, but not for the residential portion of mixed-use projects." However, the NZO proposes to allow off-site parking for the residential units in nonresidential zones, and the PC liked that proposal, so if adopted, NZO would allow off-site parking for both the nonresidential and residential portions in the M-I (currently M-1) Zone (both parking for nonresidential and residential are allowed uses in the M-I Zones).*

III-7 Density. Other Zones. Would like this explained and illustrated at March 9th meeting. I have a hard time fully understanding.

*Response: There aren't many split zones anymore, because in 2013 as part of the General Plan update, most were corrected. The text conveys that: If a lot is split*

*between RS zoning and another zone, like R-M, the one unit allowed by the RS zoning has to be built on the RS-zoned portion of the lot. Next, staff would determine how many units could be built on the R-M portion of the lot, and they could be built anywhere on the lot as long as it meets the development standards of the portion it's on, so some of the units allowed by the R-M zoning could be built on the RS-zoned portion of the lot, but they would have to comply with the setback, height, etc. standards of the RS-zoned portion. As currently written, the NZO is unclear on the number of units that can be developed when a lot is split between two RS zones. This is not the intent of the standard, and Staff will correct this language prior to the Ordinance Committee hearing.*

- III-21 Chapter 28.41, Affordable Housing and Density Bonus and Development Incentives, is being replaced as previously recommended by PC to CC. Shouldn't this section state that it is being revised to comply with State requirements as of January 1, 2017.

*Response: Because the timing of when that effort will be adopted versus the NZO effort is unclear, NZO must include provisions, in case the NZO becomes effective first. Staff's understanding is that the proposed text complies with State requirements. Once the other effort is completed, it will replace what is presently incorporate in the NZO.*

- III-38 Average Unit Size. Common area sentence has been added but is confusing. There may be "exclusive-use" common area (balcony/patio, parking space, etc.) that would bring the comment into question. Recommend removing this sentence. The size of the unit is measured by AUD tables and building department measurement of net floor area.

*Response: Staff assumes that this is a reference to 28.42.020.B. Average Unit Size – last sentence. An exclusive-use area is not common area, so it would not apply. We think it's important to include this language because we don't want a real common area like a gym or indoor swimming pool or clubhouse to count towards the average unit size.*

- III-38 Community Benefit Housing. Inclusionary Housing (Chapter 28.44) has been added. Shouldn't State Density Bonus Housing (Chapter 28.41) then also be included? Both are included in 28.42.050.

*Response: Staff does not think it is necessary to include this language, as it only points to a definition. In fact, the NZO does not change the effect of the existing language which reads, "Housing affordable to low, moderate, or middle income households as defined in SBMC Chapter 28.43;" 28.43 is the Inclusionary Housing Chapter, so the NZO simply spells out the name of the chapter currently referenced.*

- III-68 Projects exempt from Inclusionary - shouldn't Limited Equity Coop also be excluded?

*Response: The exemptions (actually this entire chapter) come straight from the current Zoning Ordinance, and was specifically mentioned as a topic that would not be addressed in the NZO scope.*



III-114 Why aren't residential projects only, in the CBD given the same parking requirements as the Residential portion in mixed use (1 space per unit)?

*Response:*

- 1. This clarifies the existing requirement for residential in the CBD, and was not changed.*
- 2. The reason that parking for residential uses in a mixed-use development are reduced is because it's an incentive to promote mixed-use development per General Plan policies, and because there is a certain amount of shared parking between the residential and nonresidential uses.*
- 3. There were no General Plan or other policies that directed a similar reduction in residential parking requirements for purely residential projects in the CBD.*
- 4. The current residential parking requirement for residential uses under AUD is 1 space per unit, which is also an incentive to promote AUD projects.*

III-125 Offsite parking may be allowed for residential uses in nonresidential zones. May it also be allowed for residential uses in multifamily zones?

*Response: The NZO does not propose offsite parking for residential uses in multi-unit residential zones, and the PC did not bring it up when discussing it during Module 3.*

IV-8 Deemed complete. Are applications for rental projects subject to design board approval appear to be treated differently in determination of completeness?

*Response: The determination of completeness is different for design review projects than for PC projects. This has not been fully fleshed out for design review projects, but the general approach is that if the project is ready for Project Design Approval (both by comments of the design review body and all staff level review), then it can be deemed complete.*

IV-18 Appeals to California Coastal Commission (CCC). Confirming that City Council denial of projects are not appealable to CCC? If so should that be mentioned?

*Response: It is a state law, not a City law, therefore staff finds it best to just refer to state law.*

V-24 "Family. See Household." At a recent PC meeting, Scott Vincent distinguished between the two. Please verify with him whether two definitions are needed or not.

*Response: The current definition of, "Household," indicates that any reference to "Family" in the code means "Household." Therefore, in NZO, the definition of Family just refers to Household. We verified with Scott Vincent that two definitions are not required if you equate the two. The term household is favored over the term family, due to many court decisions striking down zoning definitions of "family" which exclude certain family*

*members or families which are not biologically related or are non-traditional. The NZO definition of Household describes a group of persons who live together as opposed to a group of individuals living in an independent fashion, such as a dormitory or boarding house, which are classified under the Group Residential Use Classification.*

Planning Commissioner Sheila Lodge's Questions on the NZO, received 3/8/17

Page   Question and Planning Staff Response

III-159 NZO 28.49.200.C.11, Home Occupation: Line 3: I think "residential" should be "residence."

*Response: Concur. Staff will revise.*

III-184 NZO 28.49.260 reads, "...floor area in the M-O Zone..." It should be O-M zone.

*Response: Concur. Staff will revise.*

III-42 NZO 28.42.070.C: Why isn't the Priority Overlay Zone included in Part 2: Overlay Zones?

*Response: The "Priority Housing Overlay" is a component of the Average Unit-Size Density Incentive (AUD) Program which is operating under a trial basis. As such, the Priority Housing Overlay is retained within the AUD Chapter and not included with other "permanent" overlay zones.*

III-44 NZO 28.42.090.C – Additional Development Incentives, Maximum Height. Maximum Height Projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program shall conform to the maximum height standards specified within the zone in which the lot is located. What happened to the 45' limit? Shouldn't this section say that there's a 45' height limit for AUD incentive projects unless deemed a Community Benefit project with reference to section 28.40.110 Exceptions to Height Limitations?

*Response: Maximum heights in the Two-Unit and Multi-Unit Zones are listed in Development Standards Table 28.07.030(B), in the "Structure Form and Location" section. See page II-9. NZO 28.40.110.B reflects a height allowance of up to 60' for Community Benefit and Community Benefit Housing Projects in the C-G (currently C-2), M-C (currently C-M), M-I (currently M-1) and CO-MI (currently OM-1) with certain findings.*

III-187 NZO 28.49.270.A.3.c. *Fire Protection Purposes.* A modular unit or mobilehome in a residential zone may be used for interim fire protection purposes in connection with the use of City Fire Station No. 7 (Sheffield/Stanwood Station) provided that the modular unit or mobilehome is located outside any City-designated high fire hazard area and any City-designated landmark district. This is to account for the modular unit parked on the Stanwood Fire Station lot. However, the Stanwood Fire Station is in a high fire hazard area which the above section says a modular unit isn't allowed. ?

*Response: Concur. Staff would propose amending the language to exclude the reference to prohibition in the City-designated High Fire Area. The reference to association with City Fire Station No. 7 would still limit the mobilehome use to that site and would not allow for proliferation.*

Div.V I've looked a couple of times but I can't find a sectional map that includes the upper Riviera, specifically upper Las Alturas Rd. Have I just missed it? Sectional Map SB02 comes the closest and includes Sheffield Reservoir and is labeled as such. The reservoir no longer exists, and I don't remember just what where it was is called now... some kind of open space? I think it is under public works. In any event I think the label should be changed.

*Response: See Sectional Map SB03, north corner (i.e. top right corner), the intersection of Las Alturas Road and Conejo Road is visible. Sheffield Reservoir is still a reservoir, just not open to the sky. It's currently known as Sheffield Reservoir and Sheffield Open Space. Staff will investigate and incorporate the proper name into the NZO.*

III-220 The chapter on Transfer of Existing Development Rights goes into great detail, but makes no reference I could find to the restriction of transfers in the downtown area only within the downtown and airport areas and transfers from the outlying areas of the city only allowed into the downtown and airport areas. There is a map on page 2 of The General Plan Implementation 2013 Report and this language: "...a new Traffic Management Strategy that allows development and transfer of nonresidential square footage based on location and allocation type." It seems to me that these restrictions and the map are an essential part of TEDR and essential to the TEDR section of the NZO. Your thoughts?

*Response: In Chapter 28.51, Transfer of Existing Development Rights, the section 28.51.040.D (Pg. III-222) called "Compliance with Approved Traffic Management Strategy" requires that every transfer comply with the Traffic Management Strategy which is described in Chapter 28.46 Nonresidential Growth Management Program, specifically 28.46.030 Traffic Management Strategy (Pg. III-92). That is where the reference to the different Development Areas (Downtown, Airport, and Outlying) and the limitations on transfers out of each area is located.*

III-204 NZO 28.49.380: The section on Seafood Odor Control reminded me of the facility in the M-1 where there was some question of its having been allowed there in the first place and which was emitting noxious odors to which the residential neighbors rightfully vigorously objected. What is the status of that issue? (Sorry I can't remember the address.)

*Response: The neighbor concern pertaining to seafood processing in the M-C (currently C-M) Zone is being addressed in NZO through the prohibition of seafood processing. Refer to NZO page II-26, Table 28.09.020: Land Use Regulations-Manufacturing Zones. Under the "Industrial Uses" section is the Food and Beverage Manufacturing use. In the M-C*

*zone, Limited/Small Scale Food and Beverage Manufacturing is allowed however, per note #11, Seafood processing is not allowed.*

**New Zoning Ordinance**  
**Applicable Local Program Policies**

**Policy 1.3**

Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.

**Policy 2.4**

New development projects shall provide vertical access to the shoreline consistent with stipulations set forth in Section 30212 of the Coastal Act.

Action

- The existing vertical accessways located on the Clark Estate will be retained as public accessways in the event the property is developed as a residential neighborhood or as a public recreational area.

**Policy 3.1**

Publicly owned property in the coastal zone where recreation is the primary use shall be zoned for public recreation and open space.

Actions

- As part of the LCP Implementation Program, the City of Santa Barbara shall develop a "Recreation-Open Space" zone which specifies appropriate principally permitted and conditionally permitted recreational uses.
- As part of the LCP Implementation Program, the City of Santa Barbara shall apply the "Recreation-Open Space" zone to the following properties: La Mesa Park; Coast Guard Property; Shoreline Park; Leadbetter Park; Pershing Park; Playa del Mar; Ambassador Park; Moreton Bay Fig Tree; Municipal Tennis Courts; City-owned Waterfront Area Property, and any other properties deemed by the LCP Land Use Plan to have primarily recreational or open space values of public concern.

**Policy 3.3**

New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.

**Policy 3.4**

New development in the coastal zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation

**Policy 3.7**

The City of Santa Barbara shall require selective scheduling of major recreational events at park facilities in the coastal zone in order not to congest the traffic and circulation system in the area

**Policy 3.9**

The land surrounding and including Arroyo Burro Creek shall be considered protective open space. Existing recreational parking shall be allowed to continue provided that:

- (1) The parking lot shall not be expanded beyond what currently exists in order to limit further degradation of the creek.
- (2) Proper fencing, drainage facilities, and signing restricting public access to the Creek is provided.
- (3) An appropriate agency (public or private) assumes administration of the parking lot.

The parking lot may be expanded landward with additional fill. No expansion into Arroyo Burro Creek or its adjacent habitat can occur.

Action

- The City shall investigate funding and administrative alternatives to long term public administration of the Arroyo Burro Creek parking lot.
- Coordinate with the County of Santa Barbara, the State Coastal Conservancy, the State Department of Parks and Recreation, and the property owner in developing methods for long term administration and improvement of the existing recreational parking lot along Arroyo Burro Creek.

**Policy 4.1**

In order to preserve and encourage visitor-serving commercial uses, appropriate areas along Cabrillo Boulevard, Castillo Street, Garden Street and along State Street shall be designated “Hotel and Related Commerce I (HRC-I)” and “Hotel and Related Commerce II (HRC-II)”.

HRC-I designation shall include hotels, motels, other appropriate forms of visitor-serving overnight accommodations. Ancillary commercial uses directly related to the operation of the hotel/motel, and restaurants.

HRC-II designation shall include all uses allowed in HRC-I and such other visitor-serving uses examples such as, but not limited to, restaurants, cafes, art galleries, and commercial recreation establishments. Uses such as car rentals and gas stations will require a conditional use permit.

Action

- As part of the LCP Implementation Program, zoning techniques which distinguish residential uses and hotel/motel uses, and which provide policy guidance regarding conversions which are in conformity with these policies and the Coastal Act shall be developed.

**Policy 4.2**

New visitor-serving development permitted pursuant to Policy 4.1 shall be:

- (1) Reviewed by the Architectural Board of Review or the Historic Landmarks Commission for compatible architectural design;
- (2) Be consistent with the adopted LCP Visual Quality Policies;
- (3) Provide to the maximum extent feasible, public view corridors, open spaces, and pedestrian (and/or bicycle) walkways and facilities;
- (4) Provide adequate off-street parking to serve the needs generated by the development; and
- (5) Provide measures to mitigate circulation impacts associated with the project, including but not limited to coordination with the Redevelopment Agency’s Transportation Plans for the area, provision of in-lieu fees, provision of bicycle facilities, or other appropriate means of mitigation.

**Policy 4.4**

New hotel/motel development within the coastal zone shall, where feasible, provide a range of rooms and room prices in order to serve all income ranges. Likewise, lower cost restaurants, or restaurants which provide a wide range of prices, are encouraged.

**Policy 4.5**

Removal or conversion of existing lower cost visitor-serving uses in areas designated HRC-I, HRC-II and Hotel/Residential shall be prohibited unless the use will be replaced by a facility offering comparable visitor-serving opportunities.

### **Policy 5.2**

Housing which provides living accommodations for persons of low- and moderate-income shall not be demolished unless:

1. It is necessary to demolish for health and safety reasons as evidenced by the determination of the Chief of Building and Zoning that it is substandard (in accordance with the criteria set forth in Chapter 10 of the Uniform Housing Code) and the costs of remedying the code violations would:
  - a. result in housing which is not affordable to low- and moderate-income households; or
  - b. exceed 50 percent of the value of the structure in its present deteriorated condition.
2. It is necessary to carry out a public project which would improve coastal access, or
3. Where development of an equal or greater number of low- and moderate-income housing opportunities has occurred in the coastal zone within twelve months prior to City approval of demolition other than those provided by the provisions of Policy 5.6.

Suitable replacement housing shall be found within the coastal zone, if feasible, or within the City of Santa Barbara, for persons displaced by such demolitions. This demolition policy does not apply to owner-occupied, single-family homes when replaced by another single-family home or multiple-unit dwelling.

#### Actions

- Develop a demolition review ordinance and subsequent administrative procedures pursuant to the above principles before the final State mandated LCP certification date. This ordinance will include tenant provisions for those to be displaced by demolition.
- Adopt an ordinance to implement the requirements of Section 17299 of the State Revenue and Taxation Code which prohibits a taxpayer who derives rental income from substandard housing from receiving income tax deductions for interest, taxes, depreciation or amortization paid or incurred with respect to the substandard housing. Such an ordinance would authorize the Division of Land Use Controls to notify the Franchise Tax Board if a taxpayer has not brought a property into compliance with applicable housing codes.

### **Policy 5.3**

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

#### Action

- Projects in the coastal zone will be reviewed by the Architectural Board of Review or Historic Landmarks Commission in accordance with the established rules and procedures.

### **Policy 5.4**

That part of the coastal zone bounded by the half blocks between Castillo and Bath Streets and Mason and Cabrillo Streets, Chapala, and the half block north of Los Aguajes Avenue, is recognized as a unique residential neighborhood, and it shall be treated in a manner that strives to maintain this unique character.

#### Actions

- All future new construction or remodeling projects shall be reviewed by the Architectural Board of Review to ensure compatibility and harmony with the unique character of the neighborhood.



- Chapala Street shall be closed to automobile traffic at Mission Creek.

#### **Policy 5.6**

To the maximum extent feasible, taking into account economic, environmental, social, and technological factors, provisions for low- and moderate-income housing in all new residential developments shall be provided.

When the project includes the provision of up to 25 percent of the dwelling units or their equivalent in land dedication for housing opportunities for low- and moderate-income residents, the City shall provide at least two bonus incentives such as:

1. Construction of public improvements.
2. Use of Federal, State or Local revenues to provide land or lower cost financing or where feasible, purchase for management by the Housing Authority.
3. Expediting the development review and permit process.

To ensure that the low- and moderate-income housing remains affordable to persons of low- and moderate-income over time, measures such as resale control, rental agreements, or deed restrictions shall be required for a period of no less than 30 years.

#### **Action**

- Develop the necessary ordinance defining the criteria and administrative mechanism for implementing this policy.

#### **Policy 5.7**

Reduce the impact of the conversion of apartments to condominiums on residents in rental housing, particularly those of low- and moderate-income, and provide an opportunity for ownership of all types, and for all levels of income.

#### **Action**

Amend the City's Condominium Conversion Ordinance to limit the annual number of condominium conversions in the Coastal Zone to the number of apartment units constructed in the Coastal Zone during the preceding calendar year. For purposes of determining the number of apartment units constructed in the Coastal Zone during the preceding calendar year, any apartment opportunities for low- and moderate-income households constructed per Policy 5.2 (3) shall not be included in the total number of apartment units.

#### **Policy 6.10**

The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

#### **Action**

- The City shall conduct site specific investigation of Arroyo Burro Creek, Mission Creek, Sycamore Creek, and the Central Drainage Channel within the coastal zone to determine the required setbacks to be installed in the future development.

#### **Policy 7.1**

The Harbor/Wharf complex and its associated recreational facilities shall be considered as the highest priority land use in the waterfront area.

#### **Action**

- The waterfront area of the Harbor/Wharf complex shall be rezoned to insure that the Harbor/Wharf complex will be developed in a manner consistent with the policies of the Coastal Act regarding

visitor-serving uses and ocean-dependent activities. The zoning classification for this complex shall specify principal permitted uses which are ocean-dependent and related to the maritime use of the Harbor and secondary permitted uses related to visitor-serving recreational activities.

### **Policy 7.5**

Land area inland of the proposed easterly breakwater shall be designated to permit and encourage ocean-oriented industrial uses.

#### **Actions**

- The area bordered by Garden Street on the west, proposed Yanonali Street extension on the north, the City Wastewater Treatment Plant to the east, and the existing railroad right-of-way to the south shall be rezoned to permit and encourage ocean-dependent and ocean-related industrial and commercial uses such as fish processing, boat sales, boat storage and repairs. Other general commercial and industrial development shall be permitted by special use permit if it can be found that such use would:
  - (1) Be compatible with ocean-dependent or related uses, and;
  - (2) The property would have no economic value if limited to ocean-dependent or related uses. This finding shall be substantiated by competent evidence determined by the City to be objective which indicates no present or future demand for ocean-dependent or related uses.
- The area designated Ocean-Oriented Industrial, northerly and adjacent to the Southern Pacific tracks, shall not extend westerly of the eastern boundary of the present recorded alignment of the existing Garden Street Easement and the balance of the land to the west of the easterly boundary of the existing Garden Street Easement shall be designated Visitor-serving and Ocean-Oriented Commercial.
- The area bordered by the Wastewater Treatment Plan to the west, the proposed Yanonali Street extension to the north, Salsipuedes Street to the east and the existing rail lines to the south shall also be rezoned to permit and encourage ocean-dependent or related uses. Other general commercial and industrial development shall be permitted by special use permit if it can be found that such use would:
  - (1) Be compatible with ocean-dependent or related uses, and;
  - (2) The property would have no economic value if limited to ocean-dependent or related uses. This finding shall be substantiated by competent evidence determined by the City to be objective which indicates no present or future demand for ocean-dependent or related uses.
- In classifying permitted uses for the two areas above described, due consideration should be given to the rail, highway and related transportation facilities serving such areas and the proper utilization of such transportation service facilities.
- It is the intent of the City in implementing the zone changes discussed above to 1) allow all existing structures and uses to continue as non-conforming uses permitting in the future all uses currently allowed in the M-1 zone; and 2) to treat the reconstruction of damaged non-conforming buildings in a similar manner as described in Section 28.87.083 of the Municipal Code of the City of Santa Barbara.

### **Policy 11.5**

All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs. Parking needs for individual developments shall be evaluated on a site-specific basis and at minimum be consistent with City Ordinance requirements.

Actions

- The City shall investigate the creation of a Waterfront Area Parking District.
- The City, through its discretionary review of projects, shall individually evaluate the parking needs of new developments and may, based upon site-specific considerations, require parking in excess of the minimum ordinance requirements.

**Policy 11.7**

Any proposed development of the Southern Pacific Property located south of the existing railroad right-of-way, north of Cabrillo Boulevard, west of Milpas and Punta Gorda Streets, shall provide replacement public off-street parking spaces if the existing public spaces presently within the public right-of-way of Carpinteria Street are removed. These spaces would be in addition to those provided for in Policy 11.5.

**Policy 11.9**

The City shall investigate the posting of time limits or the imposition of parking fees for on-street parking in order to:

- Generate revenues to pay for local transportation related programs; and
- Divert drivers into peripheral parking facilities or alternative transportation modes.

**Policy 11.10**

The City shall investigate developing a residential parking sticker program for the West Beach and East Beach residential neighborhoods to guarantee parking for residents and discourage long-term parking by non-residents.

Action

- The City, to implement such a program shall:
  1. Determine street by street the support for such a program and desired plan features.
  2. Determine procedures and fees for providing residential vehicle stickers and enforcement needs.
  3. Coordinate this program with the similar program being considered for the downtown residential areas.
  4. Coordinate the control of on-street parking in these neighborhoods with the development of peripheral parking lots or the Santa Barbara Street/Cabrillo Boulevard site.

*(Proposed revision to subsection 28.40.200.C., 3/8/2017)*

**28.40.200 Street Widening Setback Lines**

- A. **Purpose.** The purpose of this Section is to establish areas for future street widening purposes, and to restrict building and structure placement within the setback as it relates to the rights-of-way that existed at the time the statute was codified. Street widening setbacks allow greater potential for street widening without costly removal of structures to enhance the rights-of-ways in these areas should the need arise.
- B. **Establishing Procedure for Street Widening Setback Lines.**
1. ***Determining Authority.*** Whenever the public peace, health, safety, comfort, convenience, interest or welfare may require, the City Council is hereby authorized and empowered to determine the minimum distance back from the street line for the erection of buildings or structures along any portion of any street, public way or place in the City and to order the establishment of a line to be known and designated as a street widening setback line between which line and the street line no structure shall be erected or constructed. The street widening setbacks and the procedures relating to street widening setbacks specified in this Section are to be distinguished from the general setbacks established elsewhere in this Title 28.
  2. ***Issuing Building Permits During Interim Period.*** After the adoption of the Resolution of Intention, and prior to the time the ordinance establishing setback line or lines in such proceedings becomes effective, no building permit shall be issued for the erection of any structure between any proposed setback line and the street line and any permit so issued shall be void.
  3. ***Resolution – Notice of Hearing.*** Before ordering the establishment of any setback line authorized by paragraph 1., above, the Council shall pass a resolution of intention to do so, designating the distance inward from the street and the street widening setback line or lines proposed. The resolution shall be published once in a daily newspaper published and circulated in the City, and designated by the City Council for the purpose; and one copy of the resolution shall be posted conspicuously upon the street in front of each block or part of block of any street, public way or place where such setback line is proposed to be established. The resolution shall also contain a notice of the day, hour and place when and where any and all persons having any objection to the establishment of the proposed setback line or lines may appear before the Council and present any objection or protest which they may have to the proposed setback line or lines as set forth in the Resolution of Intention. The time of hearing shall not be less than 15 nor more than 40 days from the date of the adoption of the Resolution of Intention; and the publication and posting of the Resolution shall be made at least ten days before the time of the hearing, and shall be deemed to be and shall constitute the only notice to be given of such hearing.
  4. ***Hearing.***
    - a. At any time not later than the hour set for hearing objections and protests to the establishment of the proposed setback line or lines, any person having any interest in any land upon which the setback line is proposed to be established,

may file with the City Clerk a written protest or objection against the establishment of the setback line or lines designated in the Resolution of Intention. Such protest must be in writing, must contain a statement of the facts or reasons constituting the owner's objections and be delivered to the Clerk not later than the hour set for the hearing, and no other protests or objections shall be considered. All protestants may appear before the Council at the hearing, either in person or by attorney, and be heard in support of their protests or objections. At the time set for hearing, or at any time to which the hearing may be continued, the Council shall proceed to hear and pass upon all protests or objections so made, and its decision shall be final and conclusive, both as to the protestants and all other persons.

b. The Council shall have power and jurisdiction to sustain any protest or objection and abandon the proceeding, or to deny any and all protests or objections, and order by ordinance the establishment of the setback line or lines described in the Resolution of Intention, or to order the same established with such changes or modifications as the Council may deem proper.

5. ***Construction Between Street and Setback Lines – Prohibited.*** From and after the taking effect of such ordinance establishing any setback line or lines, it shall be unlawful for any person, firm or corporation to construct any building, wall, fence, required parking space, or other structure within the space between the street line and the setback line, so established, and no permit for any structure to be erected within such space shall be issued.
6. ***If Easements are Granted to the City.*** Once easements for street widening as detailed in this Section have been granted to the City for specific properties, no additional setback is required or allowed for that property.
7. ***Penalty for Violation.*** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Section shall be deemed guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Chapter 1.28, Penalty, of the Santa Barbara Municipal Code. Each day that violation of this Title continues shall be considered a separate offense.

C. **Street Widening Setback Lines Established.**

1. ***Canon Perdido Street – Northwesterly Between Quarantina and Milpas Street.*** A straight line drawn from the northeasterly line of Quarantina Street produced northwesterly, to southwesterly line of Milpas Street, ten feet northwesterly from the northwesterly line of Canon Perdido Street is established as a setback line, between which line and such northwesterly line of Canon Perdido Street no structure shall hereafter be erected or placed.
2. ***Canon Perdido Street – Southeasterly Between Quarantina Street and Milpas Street.*** A straight line drawn from the northeasterly line of Quarantina Street to the southwesterly line of Milpas Street, ten feet southeasterly from the southeasterly line of Canon Perdido Street is established as a setback line, between which line and such southeasterly line of Canon Perdido Street no structure shall hereafter be erected or placed.

NZO 28.40.200.C., Street Widening Setbacks Established, proposed revision

3. **Carrillo Street Extension.** A line parallel with and 40 feet easterly of the centerline of Carrillo Street extension between engineer's station 49+00 and station 52+00, said centerline as shown on approved plan number C-1-2672, sheet 2 of 31 sheets, on file in the Office of the City Engineer, is established as a setback line, between which line and such easterly side of Carrillo Street extension no structure shall hereafter be erected or placed.
4. **Chapala Street – Northeasterly Between Montecito Street and Cabrillo Boulevard.** A straight line drawn from the southeasterly line of Montecito Street to the northwesterly line of Cabrillo Boulevard, ten feet northeasterly from the northeasterly line of Chapala Street is established as a setback line, between which line and such northeasterly line of Chapala Street no structure shall hereafter be erected or placed.
5. **Chapala Street – Southwesterly Between Montecito Street and Cabrillo Boulevard.** A straight line drawn from the southeasterly line of Montecito Street to the northwesterly line of Cabrillo Boulevard, ten feet southwesterly from the southwesterly line of Chapala Street is established as a setback line, between which line and such southwesterly line of Chapala Street no structure shall hereafter be erected or placed.
6. **Cliff Drive.** Two setback lines, drawn parallel to each other and to the centerline of Cliff Drive, separated from each other by the centerline of Cliff Drive, the one being drawn on one side of the centerline of Cliff Drive and the other being drawn on the other side of such centerline of Cliff Drive, each such setback line being 55 feet distant from the centerline of Cliff Drive, and 110 feet distant from the other such setback line, at all points, and running for a distance extending from the existing West Montecito Street widening setback line on the east, to and including all portions of Cliff Drive, to the easterly side of the entrance to Arroyo Burro Beach, between which two setback lines no structure shall hereafter be erected, constructed or placed.
7. **De la Vina Street (formerly a portion of Hollister Avenue located within the City of Santa Barbara) – Northeasterly Between Calle Laureles and Mission Street.** A line drawn from the easterly line of Calle Laureles to the northwesterly line of Mission Street, parallel to and ten feet northeasterly from the northeasterly line of De la Vina Street (formerly Hollister Avenue) is established as a setback line, between which line and such northeasterly line of De La Vina Street (formerly Hollister Avenue) no structure shall hereafter be erected or placed.
8. **De la Vina Street and State Street (formerly portions of Hollister Avenue located within the City of Santa Barbara) – Between Las Positas Road and Mission Street.** A line drawn from the City Limits Line existing as of April 12, 1928, at Las Positas Road and State Street and along State Street and De la Vina Street to the northwesterly line of Mission Street, parallel to and ten feet southerly from the southerly line of State Street (formerly Hollister Avenue) and parallel to and ten feet southwesterly from the southwesterly line of De la Vina Street (formerly Hollister Avenue) is established as a setback line, between which line and such southwesterly line of De la Vina Street (formerly Hollister Avenue) no structure shall hereafter be erected or placed.
9. **East Cabrillo Boulevard.** A line drawn parallel to and distant ten feet northwesterly from the line of East Cabrillo Boulevard between the northeasterly line of State Street

and the southwesterly line of Santa Barbara Street is established as a setback line, between which line and such northeasterly line of East Cabrillo Boulevard no structure shall hereafter be erected or placed.

10. ***Gutierrez Street – Northwesterly Between De la Vina Street and Milpas Street.*** A straight line drawn from the northeasterly line of De la Vina Street to the southwesterly line of Milpas Street, ten feet northwesterly from the northwesterly line of Gutierrez Street is established as a setback line, between which line and such northwesterly line of Gutierrez Street no structure shall hereafter be erected or placed.
11. ***Gutierrez Street – Southeasterly Between De la Vina Street and Milpas Street.*** A straight line drawn from the northeasterly line of De la Vina Street to the southwesterly line of Milpas Street, ten feet southeasterly from the southeasterly line of Gutierrez Street is established as a setback line, between which line and such southeasterly line of Gutierrez Street no structure shall hereafter be erected or placed.
12. ~~***Hollister Avenue – Northeasterly Between Calle Laureles and Mission Street.***~~ A line drawn from the easterly line of Calle Laureles to the northwesterly line of Mission Street, parallel to and ten feet northeasterly from the northeasterly line of Hollister Avenue is established as a setback line, between which line and such northeasterly line of Hollister Avenue no structure shall hereafter be erected or placed. (Revised, see 28.40.200.C.6)
13. ~~***Hollister Avenue – Between City Limits and Mission Street.***~~ A line drawn from the City limits to the northwesterly line of Mission Street, parallel to and ten feet southwesterly from the southwesterly line of Hollister Avenue is established as a setback line, between which line and such southwesterly line of Hollister Avenue no structure shall hereafter be erected or placed. (Revised, see 28.40.200.C.7)
14. ***Milpas Street – Northeasterly Between Anapamu Street and Cabrillo Boulevard.*** A straight line drawn from the southeasterly line of Anapamu Street to the northwesterly line of Cabrillo Boulevard, ten feet northeasterly from the northeasterly line of Milpas Street is established as a setback line, between which line and such northeasterly line of Milpas Street no structure shall hereafter be erected or placed.
15. ***Milpas Street – Southeasterly Between Anapamu Street and Cabrillo Boulevard.*** A straight line drawn from the southeasterly line of Anapamu Street to the northwesterly line of Cabrillo Boulevard, ten feet southwesterly from the southwesterly line of Milpas Street, is established as a setback line, between which line and such southwesterly line of Milpas Street no structure shall hereafter be erected or placed.
16. ***Montecito Street – Northeasterly Between Bath Street and Rancheria Street.*** A straight line drawn from the southwesterly line of Bath Street to the northeasterly line of Rancheria Street, ten feet northwesterly from the northwesterly line of Montecito Street, is established as a setback line, between which line and such northwesterly line of Montecito Street no structure shall hereafter be erected or placed.
17. ***Montecito Street – Southeasterly Between Bath Street and Rancheria Street.*** A straight line drawn from the southwesterly line of Bath Street to the northeasterly line of Rancheria Street, ten feet southeasterly from the southeasterly line of Montecito Street is established as a setback line, between which line and the southeasterly line of Montecito Street no structure shall hereafter be erected or placed.

18. ~~**Carrillo Street Extension.** A line parallel with and 40 feet easterly of the centerline of Carrillo Street extension between engineer's station 49+00 and station 52+00, said centerline as shown on approved plan number C-1-2672, sheet 2 of 31 sheets, on file in the Office of the City Engineer, is established as a setback line, between which line and such easterly side of Carrillo Street extension no structure shall hereafter be erected or placed. (No change, relocated alphabetically.)~~