



City of Santa Barbara
Community Development Department

Memorandum

DATE: March 1, 2013

TO: Planning Commission

FROM: Danny Kato, Senior Planner *DK*
Marck Aguilar, Project Planner *MA*

SUBJECT: NZO – Potential Changes Resulting from Open House Comments

Planning staff held two open houses to answer questions from the public about the New Zoning Ordinance (NZO) on February 18 and 23, 2017. Over the course of the two events, approximately 50 people attended. A list of all written comments received is attached. Staff reviewed the comments, and proposes the following changes to the NZO:

1. Proposed Provision 28.40.100 – Encroachments Into Setbacks and Open Yards.

A commenter requested that language limiting encroachments into public utility easements be struck from the ordinance. Although encroachments into public utility easements are not allowed, Staff proposes the following amendment to clarify the intent of the language as a notification only:

A. Applicability. Required setback and open yard areas shall be open, unenclosed, and unobstructed by structures from the ground upward, except as provided in this Section. ~~This Section does not apply to~~ The allowances in this Section do not apply to encroachments into public utility easements, Development Along Mission Creek, pursuant to Section 28.40.060, or Street Widening Setbacks, pursuant to Section 28.40.200.

B. Limitations. The following limitations shall apply to all allowed encroachments:

1. Encroachments shall not provide floor area within a building or structure;
2. ~~Encroachments shall not extend into a public utility easement;~~
3. Structures constructed below grade, or less than ten inches above existing grade, are not considered an encroachment;
4. Encroachments up to the maximum allowed by this Section may be made in both conforming and nonconforming setbacks and open yards, provided the minimum distance to the property line is met; and
5. Encroachments are subject to the applicable requirements of the Building Code.

2. **Proposed Provision 28.47.060.D.1 – Parking Prohibited in the Interior Setback to Single-Unit Residential.** A commenter requested the following wording change, to which staff agrees (shown in underline and ~~strikeout~~ format):

Single-Unit Residential. Where allowed pursuant to Section 28.47.030(M), Covered Parking, uncovered automobile parking may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area shall be provided for the length of the paved parking area or ~~and~~ driveway. This allowance shall not be used to provide guest parking.

3. **Proposed Provision 28.49.370.B.4. – Neighborhood Markets, Food Preparation and Consumption.** A comment was made that the allowance of up to 50% of the floor area devoted to food service was excessive, and requested that the amount be reduced. With the proposed maximum of 1,500 square feet of floor area, 50% devoted to a food service use would be a maximum of 750 square feet. Staff has considered this view and concurs that a smaller area would be more appropriate for this land use. Staff now recommends that the amount of floor area devoted to a food service use be a maximum of 25% of the total floor area (maximum size of 375 square feet).

Another question submitted was whether changes to the Draft NZO that are made after the Planning Commission hearing could be shown in underline and ~~strikeout~~ format. Although it is not possible to show the differences between the current Zoning Ordinance and the Draft NZO in that way, the version of the NZO that is presented to the Ordinance Committee will show all changes that were made to the NZO after the Planning Commission's review in underline and ~~strikeout~~ format.

Staff is compiling a list of minor corrections and revisions to be addressed prior to release of the draft prior to Ordinance Committee.

Attachment: List of Comments Received at the NZO Open Houses



City of Santa Barbara

New Zoning Ordinance (NZO) Open Houses

February 18 and 23, 2017

Public Comments (written)

February 18, 2017

- Allow more flexibility for outdoor seating location. – (no name)
- May need more flexibility on 20'x20' open yard dimensions (example: 16'x24', 18'x22'?)
– D. Thompson
- Encroachments into public utility easement should be removed.
- If parking is behind the house, it should be OK as long as it is screened.
- Track changes version?
-J. Byrne
- I know this gathering is not addressing AirBnB but, the people who own and live in a home should be able to rent out a room that they do not want a full time person living in, so really it is not being taken off the market from the rental pool because they would never want a full time tenant. – (no name)
- Solar panel rights
- Garage use
- Street lights ("cobra heads")
- Electric vehicle (EV) charging locations
- Power drops prohibited
- Power at De la Guerra Plaza
- Pedestrian use of ocean bikeway – make a priority to separate
- EV parking convenient for people without cars including variance in parkway
- Allow minor power drops from overhead
- Work on bike infrastructure
- Make it easier to do the right thing.
- E. Schwartz

NZO Open Houses, Public Comments (cont.)

- Some concerns regarding neighborhood market:
 - Recommend a minimum of 1,000 – 1,500 feet [required] between markets;
 - Do not like the idea of markets allowed to prepare food. Perhaps reduce food area to 25% of total square footage;
 - I'd rather that they do not allow outdoor seating. It', more competition for restaurants, cafes, bakeries in regards to ambiance and appeal.- (no name)

- Question whether [the NZO can include a provision to prevent employers from] prohibiting employees from parking in parking lot/spaces. – (no name)

- Performance standards fueling stations: Public Notice Requirements, NZO 28.58.070. Notice should include all tenants (similar to the new requirement to notice tenants for story poles).
- Parking 1/125 demand in Santa Barbara per Transportation meets demand. In support of this for business/food service.
- Hotel Conversions: Condition of the hotel conversion for all (single or multi-units):
 1. Not operate unit until permitted
 2. Not operate any other unit on the property as an illegal "hotel/short term rental (STR)"
 3. Not advertise any illegal "hotel/STR" on the propertyOr license will be denied or revoked. No license/conversions allowed in City for 5 years.
- (no name)

- Tenant Displacement modified to be included in all hotel conversions (single) without a permit required. Consider tying Tenant Displacement Assistance Ordinance to hotel conversions and the past affordability of the unit (i.e. low/moderate) and prohibit conversions of residential units to hotels (single/multi) if low/moderate income earners have lived in the unit in the last 5 years or the rents collected were considered affordable. – (no name)

February 23, 2017

- Can the images on the poster boards be put on the website? – L. Scott

- Street widening setbacks: "Hollister Avenue" is [now] "State Street" [p. III-28]?
– (no name)