

**City of Santa Barbara  
New Zoning Ordinance**

May 11, 2017

Memorandum to Interested Parties

**Attachment 3  
Public Comments**

# ALLIED

## Neighborhoods Association

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CITY OF SANTA BARBARA  
PLANNING DIVISION

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Re: Draft NZO  
28.49.370 - Retails Sales, Neighborhood Market,  
Table 28.07.020 Land Use Regulations-Residential Zones  
Neighborhood Markets proposed as a **New** allowed use in  
Single Family Residential Zones

To: NZO staff (Danny Kato, Marck Aguilar)

Neighborhood Markets are not an allowed use in single family zones in our existing Zoning Ordinance. **We strongly oppose Neighborhood Markets as a proposed new allowed commercial use in single-unit residential zones in the NZO.**

These markets should not be allowed in single-unit residential zones. Basically right next door, an existing home can become a market (and can also include a restaurant of up to a certain size), which creates numerous serious compatibility issues, concerns, and impacts that cannot be mitigated by a CUP (and the proposed development standards). Additionally, it is unrealistic and just not possible to meet the stated purpose of this section in 28.49.370, A.5, "Ensure that the character of the surrounding neighborhoods is protected."

Markets (with or without restaurants) in the single family neighborhoods are an erosion of the intent of single family zoning and character of our neighborhoods, and this commercial use is not appropriate.

**Some impacts markets in single family neighborhoods bring, include:**

- Outside tables and chairs are allowed in the front yard, back yard, patios, etc., outside the interior yard setbacks. As single-unit zoning has the most generous front yard setbacks and required open yard on each parcel, it provides numerous opportunities throughout the lot for patron seating for these commercial uses (market and restaurant), and this is incompatible with the character of single family neighborhoods.
- Commercial use, and the constant coming and going, which is necessary for a business to succeed.
- Alcohol sales. Widely known to be necessary for a market to succeed.

- Possible/probable allowed on-site patron alcohol consumption, in the outside seating area(s) with a restaurant use/food service use also on site.
- Noise impacts, inherent to this type of commercial use.
- No required parking.
- Delivery trucks. Trucks delivering items sold in the market and for any on-site food preparation. Existing neighborhood markets in R-3 or R-4 (multi-family and hotel/motel zone), for instance, have very large Pepsi and Budweiser trucks making deliveries.
- Hours of operations. What hours of operation could possibly be compatible with adjacent single family homes? The answer is none. (Existing markets in multi-family neighborhoods are usually open early for the coffee crowd in the morning, and throughout the day and well into the evening, usually seven days a week.)
- Negative effect to property values, with new allowed commercial use(s) next door or close by. Homes were purchased in single family neighborhoods with certain expectations as to appropriate and allowed uses, based upon long-standing zoning.
- Neighborhood markets which sell food prepared on the premises, for example, the Guadalajara Market at 601 W. De La Guerra (R-3 zoning), often attract customers from outside the immediate neighborhood. The additional traffic and lack of parking has a negative impact on the neighborhood.

These are some of the impacts one could (or would) expect from neighborhood markets to the peaceful enjoyment of our single family neighborhoods.

The potential problems with the proposed change to allow markets, or markets with a restaurant, in single family neighborhoods is almost mind boggling. Do you want a market, or market with a restaurant, next door to your home?

Let's remember the goals of the NZO - basically reformatting/reorganizing/modernizing the Zoning Ordinance. Big major changes were not suppose to be part of this process. The proposal to allow Neighborhood Market commercial use in single family zones is a major change and outside the scope of the NZO. This proposal needs be eliminated from the NZO.

Sincerely,  
Allied Neighborhoods Association

cc: Renee Brooke

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CITY OF SANTA BARBARA  
PLANNING DIVISION

Renee Brooke, George Buell, Danny Kato

May 1, 2017

We have never had any conversation regarding planning etc but having had over 50 years involvement with the city I have observed many proposals and changes some of which I am offering my position on.

Regarding zoning: I have looked at this issue as a semi contract between the residents and the city. The city officials look at zoning as needed changes to continue the economic and livability of the city, and residents look at them as a form of security that tomorrow next door there will not be a development or use that affects the use, value or livability of their property.

The NZO was originally stated as a simplification and update of our zoning laws. It has now become in some cases changes that will affect the livability and uses in single family neighborhoods. I understand that the State has sent down mandates which the city will have to adjust to. However there are changes being proposed in the NZO which have a significant potential to affect what is allowed in residential and especially single family zones.

I remain concerned about the affect of the NZO regarding the ability to fight wild fires and to evacuate areas. The reality is that any part of our city can burn. I remain concerned about safety, our water supply and the increased density that is currently being implemented. Also are concerns regarding the lack of required parking for the increased density and the resulting parking up of neighborhoods. The city cannot make you take the bus, walk or bike to work, they cannot tell you where to shop, they cannot make you move if you have children, they cannot tell you where you can work. Reality is that we are an auto use society and until successful alternatives are in place one can get the idea that these proposals are a form of social engineering which may not be successful.

For example some proposals that would allow the approval of grocery stores, conversion of garages, businesses conducted in residential zones. While the basic idea may have some merit the ordinances are written with numerous conditions as to time, and mode of operation and where parking is to be allowed. They also contain words that are subject to various interpretations such as: if feasible, sensitive to , when warranted, etc. My observations are that the more complex and numerous the conditions the more difficult if not impossible to police and determine that these projects are being operated in the approved manner. There should be a clear wording of what is required and are acceptable standards. The process of fines or court action is staff time consuming and perhaps it is better to have a yes or no regarding questionable uses.

It is an unfortunate reality that the city enforcement is not very effective. Such an example is the current vacation rental issues. The city was very slow in hiring an enforcement agent even though promises were made.

The city's policy that a complaining person's identity will be made public, results in having neighborhood squabbles. Within sight of my house are several zoning infractions and when one neighbor was questioned the woman who is using her house as a catering operation (garage full of supplies and numerous employees) came down to my property and swore at me calling me a bitch. I want to live in peace and not confrontation. I have not reported her or the other violations however they exist today.

I would strongly suggest that in view of the budget funding that you examine the proposed zoning changes and simplify them. Eliminate words that do not clearly define the project and its operation. Eliminate conditions to zoning changes that would require significant staff time to make sure they are operating correctly. Above all preserve the integrity of residential neighborhoods.

Recognize that social engineering is not an answer to all issues. Businesses in illegal converted garages are there to make money, and frankly by operating in an illegal manner they have an unfair advantage to the business which is in the correct zone and paying the rent. Neighborhood markets is another example of a business to make money and as such decisions will be made that increase their business in order to stay in business regardless of the affect on adjacent residents.

I urge you in regard to the reduced budget for the Planning Department that you look at proposed zoning changes to make sure they are clear and precise in their application. This could reduce the potential time staff will have to spend dealing with complaints and with enforcement. Unanswered complaints frequently result in frustration by residents with the city. Simpler is often the best. Thank you for your consideration.

Judy Orias

A handwritten signature in cursive script, appearing to read "Judy", with a decorative flourish underneath.

## Current and Proposed Zone Designations

<i>Current Zone</i>		<i>Previous Zone(s)</i>	
<b>Residential Zones</b>			
RS-1A	Residential Single Unit, 1 acre minimum lot size	<i>A-1</i>	<i>One-Family Residence Zones</i>
RS-25	Residential Single Unit, 25,000 square foot minimum lot size	<i>A-2</i>	
RS-15	Residential Single Unit, 15,000 square foot minimum lot size	<i>E-1</i>	
RS-10	Residential Single Unit, 10,000 square foot minimum lot size	<i>E-2</i>	
RS-7.5	Residential Single Unit, 7,500 square foot minimum lot size	<i>E-3</i>	
RS-6	Residential Single Unit, 6,000 square foot minimum lot size	<i>R-1</i>	
R-2	Two-Unit Residential	<i>R-2</i>	<i>Two-Family Residence</i>
R-M	Residential Multi-Unit	<i>R-3</i>	<i>Limited Multiple-Family Residence</i>
R-MH	Residential Multi-Unit and Hotel	<i>R-4</i>	<i>Hotel-Motel-Multiple Residence</i>
<b>Commercial and Office Zones</b>			
O-R	Office Restricted	<i>R-O</i>	<i>Restricted Office</i>
O-M	Office Medical	<i>C-O</i>	<i>Medical Office</i>
C-R	Commercial Restricted	<i>C-P, C-I, C-L</i>	<i>Restricted Commercial</i>
C-G	Commercial General	<i>C-2</i>	<i>Commercial</i>
<b>Manufacturing Zones</b>			
M-C	Manufacturing Commercial	<i>C-M</i>	<i>Commercial Manufacturing</i>
M-I	Manufacturing Industrial	<i>M-1</i>	<i>Light Manufacturing</i>
<b>Coastal-Oriented Zones</b>			
CO-HR	Coastal-Oriented Hotel and Restaurant	<i>HRC-1</i>	<i>Hotel and Related Commerce 1</i>
CO-HV	Coastal-Oriented Hotel and Visitor-Serving	<i>HRC-2</i>	<i>Hotel and Related Commerce 2</i>
CO-H	Coastal-Oriented Harbor	<i>HC</i>	<i>Harbor Commercial</i>
CO-CAR	Coastal-Oriented Commercial, Arts and Recreation	<i>OC</i>	<i>Ocean-Oriented Commercial</i>

<i>Current Zone</i>		<i>Previous Zone(s)</i>	
CO-MI	Coastal-Oriented Manufacturing Industrial	<i>OM-1</i>	<i>Ocean-Oriented Light Manufacturing</i>
<b>Park and Recreation Zone</b>			
P-R	Park and Recreation	<i>PR</i>	<i>Park and Recreation Zone</i>
<b>Overlay Zones</b>			
ACS	Auto, Commercial, and Services	<i>P-D</i>	<i>Planned Development Zone</i>
CZ	Coastal Zone	<i>S-D-3</i>	<i>Coastal Overlay Zone</i>
HWMF	Hazardous Waste Management Facility	<i>HWMF</i>	<i>Hazardous Waste Management Facility</i>
PUD	Planned Unit Development	<i>PUD</i>	<i>Planned Unit Development Zone</i>
RD	Research and Development	<i>C-X</i>	<i>Research and Development and Administrative Office Zone</i>
RH	Resort Hotel	<i>R-H</i>	<i>Resort-Residential Hotel Zone</i>
SRP	San Roque Park	<i>S-D-1</i>	<i>S-D-1 Zone</i>
SH	Senior Housing	<i>S-H</i>	<i>Senior Housing Zone</i>
USS	Upper State Street Area	<i>S-D-2</i>	<i>S-D-2 Zone</i>
<b>Specific Plan Zones</b>			
SP1-PP	Park Plaza Specific Plan	<i>SP-1</i>	<i>Park Plaza Specific Plan</i>
SP2-CP	Cabrillo Plaza Specific Plan	<i>SP-2</i>	<i>Cabrillo Plaza Specific Plan</i>
	<i>Rescinded</i>	<i>SP-3</i>	<i>Mission Canyon Specific Plan</i>
SP4-RA	Rancho Arroyo Specific Plan	<i>SP-4</i>	<i>Rancho Arroyo Specific Plan</i>
SP5-WC	Westmont College Specific Plan	<i>SP-5</i>	<i>Westmont College Specific Plan</i>
SP6-AIA	Airport Industrial Area Specific Plan	<i>SP-6</i>	<i>Airport Industrial Area Specific Plan</i>
SP7-RC	Riviera Campus Specific Plan	<i>SP-7</i>	<i>Riviera Campus Specific Plan</i>
SP8-H	Hospital Specific Plan	<i>SP-8</i>	<i>Hospital Specific Plan</i>
SP9-VM	Veronica Meadows Specific Plan	<i>SP-9</i>	<i>Veronica Meadows Specific Plan</i>
SP10-LP	Los Portales Specific Plan	<i>SP-10</i>	<i>Los Portales Specific Plan</i>

## Summary of Major Topics Reviewed by the Planning Commission

### MODULE 1 Discussion Topics

The following major topics were discussed in Module 1. For more information on these topics, please see Module 1 PC Staff Report, dated June 16, 2015. If a topic was discussed in another staff report, it is noted below.

1. M-I (currently M-1) Zone – Narrow the Range of Allowed Uses
2. Neighborhood Markets
3. Home Occupation Standards
4. Mobile Food Vendors
5. Temporary Use Regulations
6. Automobile Service Stations
7. Community and Market Gardens

#### Narrow the Range of Allowed Uses in the M-I Manufacturing Industrial (currently M-1) Zone

In order to preserve and encourage the long term integrity of light manufacturing uses (General Plan Policy LG8), the NZO proposes to reduce the types of uses that are allowed in the M-I Zone. Staff revised the NZO to eliminate a number of non-industrial uses from the M-I zone at the Planning Commission's direction. Offices that are accessory to industrial uses would be allowed, and the land use classification entitled, "Public Works and Utilities," which would include trash collectors and private utilities, was revised to specifically include associated offices as an allowed use.

The topic of Accessory Uses in the M-I Manufacturing Industrial (currently M-1) Zone was discussed by the Planning Commission in Module 2. In response to NZO Joint Committee members' comments, NZO proposes limitations on the size of the area occupied by accessory uses, with the possibility of a Performance Standard Permit for larger sizes. Additionally, the retail portion of a Food Preparation use, Food and Beverage Sales, and Eating and Drinking Establishments is proposed to be allowed as Accessory Use. The Planning Commission agreed with these proposed provisions.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission recommended adoption of the reduced list of allowed uses in the M-I Zone with a 5-2 vote (Higgins, Schwartz).

*For more information on this topic, please see Module 2, PC Staff Report, dated March 3, 2016, including Exhibits A and C of that Staff Report (NZO Joint Committee Staff Report and Meeting Notes) and the PC Staff Report Dated February 9, 2017.*

NZO proposes to use parking as another tool to preserve industrial uses. This is discussed further in the discussion below entitled, "Parking – Change of Use: Industrial Uses in the Manufacturing Industrial Zone."

#### Neighborhood Markets

In order to enable and ease establishment of limited neighborhood-serving commercial in residential zones (Possible General Plan Implementation Action to be Considered LG4.4), NZO proposes to allow neighborhood markets in residential zones with either a Conditional Use Permit



(Residential Single Unit Zones) or with a Performance Standard Permit (all other residential, office and commercial zones), with specific standards<sup>1</sup>. The Planning Commissioners were split on whether to allow neighborhood markets in the Residential Single Unit Zones. The allowance remains in NZO because there may be appropriate locations for neighborhood markets, and the CUP process would determine whether a proposed location is appropriate.

This topic was discussed by the Planning Commission on April 13, 2017. The Draft NZO proposed to allow up to 50% of the floor area to be used for food service use; however, after discussion staff's recommendation to reduce the amount of floor area devoted to food service use to 25%, the Planning Commission recommended adoption of the proposal, with a reduction in the amount of floor area devoted to food service use from 50% to 35%, with a 5-2 vote (Campanella, Schwartz).

*For more information on this topic, please see the PC Staff Report Dated February 9, 2017.*

### Home Occupation Standards

The current Zoning Ordinance allows home occupations (home businesses). In order to create standards to enable viable live work opportunities including standards for home occupation in residential zones, (Possible General Plan Implementation Action to be Considered LG10.1), NZO proposes to clarify the operational and performance standards required for a home occupation<sup>2</sup>, and to include a new process requiring a Zoning Affidavit to conduct a home occupation, in order to ensure that the resident(s) are informed for the limitations on home occupations. Planning Commission agreed with the proposed provisions. In response to a public comment, a proposal to allow one hair cutting chair as an allowed home occupation was removed.

### Mobile Food Vendors

Currently, food vendors on private property are prohibited as they are classified as peddlers, and are regulated under the City's Peddlers Ordinance SBMC Chapter 5.32<sup>3</sup>. Recognizing that mobile food trucks can create a gathering place or synergy with an existing business, NZO proposes new allowances under the Temporary Uses Chapter for mobile food vendors on nonresidential lots in nonresidential zones<sup>4</sup>. Limitations to the operations include number of days on a lot within a 12-month period, hours per day and number of trucks per day. A Performance Standard Permit may be requested for events that exceed the limitations of a Zoning Clearance. The City Attorney's Office is leading the ordinance revision effort for mobile vending on public streets. Where possible, aspects of the ordinances for private property and public streets have been made similar. The majority of the Planning Commission agreed with the proposed provisions. One Commissioner felt that the provisions were too restrictive.

*For more information on this topic, please see Module 2, PC Staff Report, dated March 3, 2016, including Exhibits A, B and C of that Staff Report (NZO Joint Committee Staff Report and Meeting Notes).*

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<sup>1</sup> See Division III, Section 28.49.370 – Retail Sales, Neighborhood Market

<sup>2</sup> See Division III, Section 28.49.200 – Home Occupation

<sup>3</sup> See SBMC Chapter 5.32 – Peddlers, <http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=12157>

<sup>4</sup> See Division III, Paragraph 28.49.420.E.5 – Temporary Uses Requiring a Zoning Clearance – Mobile Food Vendors

### Temporary Use Regulations

NZO proposes new provisions for temporary uses, including three levels of review (Zoning Clearance, Performance Standard Permit and Conditional Use Permit), as well as exemptions from review requirements for certain uses. Mobile Food Vendors, discussed above, are included in the Temporary Uses Chapter. The majority of the Planning Commission supported the proposed provisions. As mentioned in the Mobile Food Vender discussion above, one Commissioner felt that the limitations on Mobile Food Vendors were too strict.

*For more information on this topic, please see Module 2, PC Staff Report, dated March 3, 2016, and Module 3, PC Staff Report, dated October 6, 2016.*

### Automobile Service Stations

Due to input received from the Planning Commission (PC) during the review of Module 1, Planning and Transportation staff reviewed the requirements for automobile service stations, mini-markets and car washes, and concluded that standards for these uses were defined sufficiently. Given this, NZO was revised to allow automobile fueling stations including mini-markets, and automobile/vehicle washing facilities with a Performance Standard Permit (PSP) in the C-R (currently C-L, C-P and C-1) C-G (currently C-2) and M-C (currently C-M) Zones. An automobile fueling station would be allowed by right in the M-I (currently M-1) Zone, but an automobile/vehicle washing facility would require a PSP in the M-I Zone.

This topic was discussed by the Planning Commission on March 2, 2017, where the Commission recommended adoption of the proposed language with a 5-0-2 vote (Lodge and Schwartz absent).

### Community and Market Gardens

In order to encourage voluntary private development of community gardens (Possible General Plan Implementation Action to be Considered LG11.4) and market gardens, NZO proposes two new land use classifications: Community Gardens would be allowed in all zones by right, and Market Gardens would be allowed in most non-residential zones by right, and allowed in residential zones with either a Conditional Use Permit or a Performance Standard Permit, with restrictions<sup>5</sup>. The Planning Commission agreed with proposed provisions.

## **MODULE 2 Discussion Topics**

The following major topics were discussed in Module 2. For more information on these topics, please see Module 2, PC Staff Report, dated March 3, 2016:

1. Residential Unit, Building Attachment, Detached Guestrooms and, Accessory Buildings and Garages, Floor Area Increase
2. Nonconforming Buildings and Uses
3. Allowed Encroachments into Setbacks and Open Yards
4. Open Yard and Outdoor Living Space
5. Other Citywide Zoning Provisions
  - a. Distance Between Buildings on the Same Lot
  - b. Elimination of Building Story Maximum
  - c. Variability in Maximum Height, Setbacks and Distance Between Buildings

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<sup>5</sup> See Division III, Section 28.49.130 – Community and Market Gardens

- d. Multi-Unit Residential Zones – Parking Setback
- e. Multi-Unit Residential Zones – Rear Setbacks
6. Seafood Processing in M-C (currently C-M) Zone
7. Mobile Food Trucks (*See Module 1 above*)
8. Accessory Uses in the M-I Zone (*See Module 1 above*)

#### Residential Unit, Building Attachment, Detached Guestrooms

NZO proposes a number of items under this subject: 1) to reduce the minimum unit size for studios to 220 square feet, consistent with the building code<sup>6</sup>; 2) to revise the standards for building attachment to address current ambiguities<sup>7</sup>; 3) to codify existing policy that specifies that detached guestroom would not be allowed to include indoor bathing facilities, more than one sink or cooking facilities, and that allows applicants to request more amenities with a Performance Standard Permit.<sup>8</sup> Some of the Planning Commissioners felt that a 220 square foot studio was very small, and requested that staff check with the Housing Authority staff regarding the minimum unit size. Housing Authority staff confirmed that 220 square feet was adequate space for a studio unit. The Planning Commission was supportive of the proposed provisions.

#### Accessory Buildings and Garages, Floor Area Size

In response to public input, NZO proposes two changes to Accessory Building:

- Increase the accessory building and covered parking (garage and carport) floor area allowed for lots greater than 1 acre (underlined in table below); and
- Change the way that the floor area can be used, with restrictions. Currently, the square footage allowed for covered parking may only be used for covered parking (not accessory buildings), and the square footage allowed for accessory buildings may only be used for accessory buildings (not covered parking). Therefore, if a lot less than 20,000 s.f in size is only required to provide one covered parking space (250 s.f.), the remaining 250 s.f. in the covered parking allowance cannot be used for additional accessory space (i.e. a 250 s.f. garage and a 750 s.f. accessory building is not allowed). Conversely, if the lot has a two-car garage (500 s.f.), a 500 s.f. accessory building with a garage door and vehicular access would not be allowed because it is 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. Both of the examples described above would be allowed.

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<sup>6</sup> See Division III, Section 28.40.160 – Residential Unit

<sup>7</sup> See Division III, Section 28.40.030 – Building Attachment

<sup>8</sup> See Division III, Section 28.40.160 – Residential Unit

The table below shows the proposed maximum totals, ranging from 1,000 to 1,750 square feet:

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

The proposed restrictions are<sup>9</sup>:

1. The maximum detached livable floor<sup>10</sup> area 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.

In Module 2, the Planning Commission saw an earlier iteration of this provision, wherein the maximum size of the buildings were larger, and the covered parking floor area allowance remained separate from the detached accessory space floor area. After the Module 2 PC Hearing, Planning staff reviewed the proposal, revised NZO to allow the floor area to be used for either purpose, and reduced the overall amount of floor area for larger lots. The revised proposal was presented to the Planning Commission in Module 3, and the Commission agreed with the proposed provisions.

*For more information on this topic, please see Module 3, PC Staff Report, dated October 6, 2016.*

<sup>9</sup> See Division III, Section 28.40.020 Accessory Buildings

<sup>10</sup> Livable floor area is defined in Section 28.81.060 of NZO as a subtype of floor area, and consists of finished and heated areas.

### Nonconforming Buildings and Uses

NZO proposes a number of clarifications and changes to the provisions regarding nonconforming buildings and uses<sup>11</sup>, as described below.

#### 1. Alterations to Nonconforming Buildings

NZO proposes to clarify and specify the types of alterations that are of concern while allowing most alterations that are proposed at least five feet (5') from an interior property line on the ground floor to be permitted. For example, window and door changes in the front setback will be allowed, but window and door changes on the second story in an interior setback will not be allowed.

Module 2 proposed allowing increases in building height up to 42' in the setbacks, and restrictions on buildings constructed closer than five feet (5') to an interior lot line, such as: no conversions from garages or carports to any other use, no conversions from residential to nonresidential and vice versa, no new residential units in the setback, no new or relocated windows or doors closer than five feet (5') in the interior setback. The Planning Commission was supportive of those proposed provisions.

This topic was discussed by the Planning Commission on March 2, 2017, where the Commission recommended that increases in building height up to 42' in the setbacks, and changes to windows within 5 feet of the interior lot line or on an upper floor be allowed with a Minor Zoning Exception by the Design Review bodies at a noticed public hearing with adjoining neighbor support, with a 5-2-1 vote (Higgins, Schwartz; Lodge absent). The Commission discussed this topic further on April 13, 2017, where the Commission recommended the elimination of adjoining neighbor support unanimously.

The NZO contains a number of revisions caused by the elimination of the requirement for neighbor support.

*For more information on this topic, please see PC Staff Report dated February 9, 2017.*

#### 2. Additions to Nonconforming Structures in Setbacks

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

#### 3. Nonconforming Garages and Carports Expansion

NZO proposes to allow “undersized” garages and carports that are nonconforming to the setbacks or open yard to be expanded, or demolished and rebuilt to meet the current interior size standards, provided that the number of parking spaces is not increased and that they do not exceed 250 square

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<sup>11</sup> See Division III, Chapter 28.45 – Nonconforming Structures, Site Development and Uses.

feet per parking space provided. The Planning Commission was supportive of the proposed provisions.

4. Nonconforming Residential Density – 250 sq. ft. Allowance

NZO proposes minor relief through an allowance of up to 250 square feet of new floor area for use in either a community area such as laundry room or, in multiple areas provided that no more than 50 additional square feet may be added to any one residential unit. This would allow for the enlargement of a room, but not enough to create an additional bedroom or increase residential density. The Planning Commission was supportive of the proposed provisions.

5. Nonconforming Open Yard

NZO proposes a provision that would allow the Community Development Director to both designate an area on a lot as the Nonconforming Open Yard, and to approve limited additions and alterations to sites that are nonconforming to the open yard requirements without the need for a zoning Modification. The Planning Commission agreed with this proposed provision.

*For more information on this topic, please see Module 3, PC Staff Report, dated October 6, 2016.*

6. Substitution of Nonconforming Uses

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

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

7. Buildings Containing Nonconforming Uses

NZO proposes that buildings containing *compatible* nonconforming uses would be allowed to be structurally altered or remodeled. Buildings containing incompatible uses would not be allowed to be structurally altered or remodeled; they would only be allowed to be repaired and maintained. The Planning Commission was supportive of the proposed provisions.

8. New Definition of Demolition

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

are more than fifty percent (50%) removed. In Module 2, NZO proposed that no additions would be allowed in conjunction with the demolition and reconstruction of a nonconforming building. The Planning Commission was supportive of the proposed provisions.

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

The existing Zoning Ordinance allows planned or *voluntary* replacement of one hundred percent (100%) of any nonconforming building if the basic exterior characteristics are unchanged, the replacement complies with building height and a nonconforming use is not perpetuated. In contrast, the existing Zoning Ordinance limits nonconforming, nonresidential buildings damaged by a natural calamity (considered *involuntary*) to be restored only if the loss does not exceed seventy-five percent (75%) of the market value. If damage exceeds seventy-five percent (75%), no repairs or reconstruction may occur unless every portion of the building conforms to current regulations. Although these are different circumstances, the overall concepts are in conflict.

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

#### Allowed Encroachments into Setbacks and Open Yards

The NZO proposes to clarify and change allowed encroachments in a number of areas, including Front Porches, Residential Front Yard Amenities, Attached and Detached Mechanical Equipment, Electric Vehicle Supply Equipment, Rain Barrels, Planter Beds, Small Arbors/Trellises, and Restaurant Furniture. The vast majority of the encroachments are limited to three feet into the setback, with a minimum of two feet from a property line. The Planning Commission was supportive of the proposed provisions.

After the Planning Commission hearing for Module 2, staff reviewed the allowances, reformatted the section, and made revisions to the provisions for porches, balconies and rain barrels/cisterns. These three topics were discussed by the Planning Commission March 2, 2017, where the Commission recommended adoption of the proposed changes, with a 5-1-1 vote (Wiscomb; Lodge absent).

##### 1. Porches

In Module 2, NZO proposed to allow porches up to six feet wide and four feet deep (6-feet by 4-feet), to encroach into the front setback but, no closer than five feet to any front lot line. The PC Staff Report dated February 9, 2017 recommended that porches up to 16 feet wide and 6 feet deep be allowed to encroach into the front setback.

*For more information on this topic, please see Module 2, PC Staff Report, dated November 11, 2015, and the PC Staff Report dated February 9, 2017.*

2. Balconies

In Module 2, the NZO proposed to allow balconies to encroach up to three feet into a front setback, without restrictions. The PC Staff Report dated February 9, 2017 recommended that the three foot allowance be extended into open yards, but with limitations on size, ground supports, coverings, and guardrails.

*For more information on this topic, please see the PC Staff Report dated February 9, 2017.*

3. Rain Barrels and Cisterns

In Module 2, the NZO proposed to allow rain barrels to encroach up to three feet into any setback and open yard.

The PC Staff Report dated February 9, 2017 recommended that the rain barrel allowance be expanded to include cisterns up to 1,000 gallons, with limitations of a six-foot maximum height and screening requirements.

The Ordinance Committee Draft NZO includes new language that requires that rain barrels and cisterns be maintained and used regularly to prevent accumulation of mosquitos and other vectors.

*For more information on this topic, please see the PC Staff Report dated February 9, 2017.*

4. Residential Front Yard Amenities

NZO proposes to allow such items in the required front setback only up to a maximum of 50 square feet or one percent (1%) of the required front setback, whichever is greater. The Planning Commission was supportive of the proposed provisions.

5. Other Elements

NZO proposes additional allowed encroachments including: attached mechanical equipment such as tankless water heaters and meters, detached mechanical equipment for utilities such as transformers and backflow devices, electric vehicle supply equipment, rain barrels, planter beds, small arbors/trellises, trash enclosures, and restaurant furniture in commercial setbacks. The Planning Commission was supportive of the proposed provisions.

Based on Planning Commission questions and comments regarding landings and screening, the NZO was revised to allow landings that encroach into setbacks to be covered by awnings or roof eaves, and to allow screening requirements to be reduced or waived by the Review Authority.

Open Yard and Outdoor Living Space, including AUD Projects

Open Yard requirements are currently addressed by zone designation. NZO proposes to address open yard by number of units on the lot, and to simplify the open yard for multi-unit residential development. Based on input from one of the Planning Commissioners, NZO now proposes that the required 10'x10' dimension for Alternative Open Yard can be reduced or waived by the Review authority. As a result of the proposed changes to the open yard standards, the incentives for Average Unit Density (AUD) projects were affected. NZO proposes to change the AUD open yard incentives so that the open yard provided is the same as the status quo in nonresidential zones. In Modules 2 and 3, except for Average Unit Density (AUD) projects, the Planning Commission agreed with the proposed provisions.



This topic was discussed by the Planning Commission on April 13, 2017, where the Commission recommended adoption of the proposed open yard standards, including the changes to the AUD incentives that are required to maintain equivalency with the status quo, with a 5-2 vote (Campanella, Schwartz).

*For more information on this topic, please see the Module 3 PC Staff Report, dated October 6, 2016 and the PC Staff Report Dated February 9, 2017.*

#### Distance Between Residential Buildings on the Same Lot

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

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

#### Elimination of Building Story Maximum

NZO proposes to eliminate the maximum number of stories in multi-unit residential zones and nonresidential zones<sup>12</sup>. The measured height limit is not proposed to change. The Planning Commission was supportive of the proposed provisions.

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

In various Chapters, the current Zoning Ordinance requires variable calculations based on either building height, *combined* building height, or floor areas to determine the maximum height, setback, or distance between buildings. The result is that a modification is required in order to allow an otherwise *conforming* addition to a building simply because the existing building is already situated using a variable calculation. Generally, NZO proposes to eliminate the variable standards and instead replace those with a discrete distance or height<sup>13</sup>. The Planning Commission was supportive of the proposed provisions.

The NZO contains several revisions to the development standard tables in Division II, where height limitations were changed to setback limitations, to reduce confusion.

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<sup>12</sup> See Division II, Development Standard Tables for all zones, Maximum Height

<sup>13</sup> See Division II, Development Standard Tables for all zones, Structure Form and Location section

### Multi-Unit Residential Zones: Parking Setback

NZO proposes to better align the parking setback standard by changing the six foot (6') setback to three feet (3') in the Multi-Unit residential zones *for smaller developments of up to a maximum of two residential units* which would be consistent with the allowance in the R-2 zone<sup>14</sup>. The Planning Commission was supportive of the proposed provisions.

### Multi-Unit Residential Zones: Rear Setback

NZO proposes removal of the “rear” setback standard and replacement with the “interior” setback standard in the Multi-Unit zones. The removal of this distinction would change the setback distance for the second story of a building from ten feet (10') to six feet (6'). Since no other zones specify a “rear” setback, removal would simplify the standards<sup>15</sup>. The Planning Commission was supportive of the proposed provisions.

### Seafood Processing

NZO proposes to prohibit seafood processing in the M-C Manufacturing-Commercial (currently C-M) Zone, while still allowing it in the M-I Manufacturing-Industrial (currently M-1) Zone, CO-MI (currently OM-1), CO-H (currently HC) and CO-CAR (currently OC) Zones pursuant to a Performance Standard Permit that would include the new requirement for an Odor Control Plan. Acknowledging the migrating nature of odors, the Odor Control Plan would also be required for all seafood operations, large and small-scale with accessory seafood uses<sup>16</sup>. The Planning Commission agreed with the proposed provisions.

*For more information on this topic, please see Module 2, PC Staff Report, dated March 3, 2016, including Exhibits A and B of that Staff Report (NZO Joint Committee Staff Report and Meeting Notes).*

## **MODULE 3 Discussion Topics**

The following major topics were discussed in Module 3. For more information on these topics, please see Module 3, PC Staff Report, dated October 6, 2016:

1. Central Business District (CBD) Boundary Expansion
2. Accessory Buildings and Garages (*See Module 2 summary above*)
3. Parking
  - a. Food Service Uses (*Discussed in the body of the staff report*)
  - b. Change of Use
  - c. Limit on Additions for Lots with Nonconforming Parking
  - d. Outdoor Seating
  - e. Bicycle Parking
  - f. Shopping Centers
  - g. Off-site Parking for Residential Development
  - h. Accessible Parking Provided in Addition to Residential Parking
  - i. Small Residential Unit Parking Reduction
  - j. Tandem Parking

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<sup>14</sup> See Division II, Development Standard Tables, R-M and RM-H Zones, Interior Setbacks

<sup>15</sup> See Division II, Development Standard Tables, R-M and RM-H Zones, Interior Setbacks

<sup>16</sup> See Division III, Section 28.49.380 – Seafood Odor Control

- k. Valet Parking
- l. Parking Requirements for Specific Zones
- m. Elimination of Guest Parking Requirement in the CBD
- n. Carsharing
- o. Electric Vehicle Supply Equipment
4. Open Yard for AUD projects (*See Module 2 summary above*)
5. Administration
6. Rules of Measurement
7. Temporary Uses (*See Module 1 above*)
8. Sustainable Living Research Initiative (SLRI)

### Central Business District – Boundary Expansion

In response to Circulation Element Implementation Action C7.2, NZO proposes to update the boundary of the Central Business District (CBD) through inclusion of additional area to the north, east and west. The expanded CBD would allow more lots to use the reduced parking rate of one parking space per 500 square feet of net floor area (1/500) for nonresidential uses. The reduced parking requirement is based on the availability of nearby public parking lots. As there is no new additional public parking, there would be no change to the Parking Zones of Benefit. The majority of the Planning Commission agreed with this proposed provision.

### Parking

NZO proposes to standardize the parking requirements, as described below.

#### 1. Food Service Uses

The Module 3 Planning Commission hearing included a long discussion about possible options for standardizing the various parking requirements for a range of food services uses. The Commission did not reach consensus on the policy question of the appropriate parking requirement for food service uses (sit-down restaurants, fast-food restaurants, espresso bars, sandwich shops, wine/beer/spirits tasting rooms, bars, bakeries that serve food for onsite consumption, delicatessens, etc.).

This topic was discussed by the Planning Commission on March 9, 2017, where the Commission recommended adoption of a parking ratio of one space per 250 square feet of floor area for food service uses, with a 5-1-1 vote (Lodge; Wiscomb absent).

*For more information on this topic, please see the PC Staff Report dated February 9, 2017.*

#### 2. Change of Use: Industrial Uses in Manufacturing-Industrial Zones

Currently, when a building that is nonconforming to the required number of parking spaces changes use from a use with a lower parking requirement to a use with a higher parking requirement, the nonconforming parking “credit,” i.e. the number of parking spaces by which the previous use is deficient, is allowed to be carried forward, which eases the change of use. For industrial uses in the M-C (currently C-M), M-I (currently M-1), CO-MI (currently OM-1), and CO-CAR (currently OC) Zones, NZO proposes to eliminate this “credit,” and require that a building that is nonconforming to the required number of parking spaces that is proposing to change use from industrial to non-industrial use provide the total number of parking spaces required for the new use. This provision would further discourage the change of use from

industrial uses to non-industrial uses in the M-C, M-I, CO-MI and CO-CAR Zones. The Planning Commission agreed with this proposal.

3. Change of Use: All Other Uses and Zones

NZO proposes to continue to allow a parking “credit” for all other uses and zones (i.e. industrial uses in zones not listed above, or any other use). The Planning Commission agreed with this proposed provision.

4. Nonconforming Parking: Limit on Additions

NZO proposes to eliminate an existing provision that requires that parking be brought up to code for any addition greater than 50% of that existing on July 15, 1980. The majority of the Planning Commission agreed with this proposed provision. One Commissioner felt that limiting the size of the addition for single-unit development to 80% of the required FAR was preferable.

5. Eating and Drinking Establishments, Outdoor Seating

Consistent with current policy, NZO proposes to require parking for outdoor seating area when it exceeds 50% of the indoor seating area. The parking ratio is proposed to be the same as that for food service seating area, which has yet to be finalized. The majority of the Planning Commission supported this proposed provision. One Commissioner felt that a larger outdoor seating area should be allowed before additional parking is triggered.

6. Bicycle Parking

NZO proposes long term and short term bicycle parking amounts, and would require conforming bicycle parking in specific situations. In a portion of the Central Business District, short term bicycle parking would not be required on private lots. NZO would also allow reductions to the required number of bicycle parking spaces through a Waiver by the Public Works Director. The Planning Commission supported this proposal.

7. Shopping Centers

NZO proposes new provisions for “shopping centers” by defining the term and allowing off-street parking spaces at a rate of one space per 250 square feet of floor area regardless of the proposed use. The proposed definition of Shopping Center is:

*An integrated group of commercial establishments that are planned and managed as a unit with a minimum of five attached businesses and shared onsite parking. Shopping Centers can include a variety of uses including, but not limited to: retail, eating and drinking establishments, small offices, and banks.*

The Planning Commission supported this proposal.

8. Off-Site Parking for Residential Development

NZO proposes to allow parking for residential developments in nonresidential zones to provide parking off-site. The Planning Commission supported this proposal.

9. Accessible Parking Provided in Addition to Residential Parking

For new, residential or mixed-use development where one parking space per residence is required, and signed, designated, accessible parking is also required, NZO proposes that the accessible

parking be provided in addition to the one parking space per unit ratio to ensure that the minimum intended amount of parking is provided. The Planning Commission supported this proposed provision.

#### 10. Small Residential Unit Parking Reduction

NZO proposes that residential units of 600 square feet or less of livable floor area, excluding covered parking, and with no more than one bedroom, would be required to provide one uncovered parking space per unit, rather than the minimum of 1.25 to 2 spaces currently required, depending on development type. The Planning Commission supported this proposed provision.

#### 11. Tandem Parking

The Zoning Ordinance currently allows tandem parking for mixed-use developments when each set of tandem parking spaces is assigned to a single residential unit. NZO proposes to also allow this approach for *multi-unit residential* and *nonresidential uses* with some limitations. The provision implements Housing Element Policy 17, which encourages flexible parking standards for housing, and 1997 Circulation Element Policy 7.4 to optimize parking resources by incorporating innovative design standards. The Planning Commission supported this proposed provision.

#### 12. Valet Parking

1997 Circulation Element Policy 7.4 also cites valet parking as an innovative design standard to optimize parking resources. NZO includes provisions that allow valet parking on private property, but prohibits the use of any street or City-owned parking facilities for the pick-up and drop-off activities. Any variations from the requirements must first be approved pursuant to a waiver by the Public Works Director. Ordinance provisions to allow valet parking in the public right of way are being considered separately by the Public Works Department. The Planning Commission supported this proposed provision.

#### 13. Requirements for Specific Zones

NZO proposes to eliminate special parking requirements in the following specific zones and incorporate the uses into the Table of Required Off-Street Parking Spaces:

- Restricted Commercial (C-P)
- Research and Development and Administrative Office (C-X)
- Senior Housing (S-H)
- Upper State Street Area Special District (S-D-2)
- Hazardous Waste Management Facility Overlay (HWMF)
- Park and Recreation (PR)

The Planning Commission supported this proposed provision.

#### 14. Elimination of Guest Parking Requirement in CBD

NZO proposes that all residential developments in the CBD shall not be required to provide guest parking. The Planning Commission agreed with this proposed provision.

#### 15. Reduction for Carsharing

NZO proposed to allow the substitution of required parking spaces with designated carsharing vehicles on multi-unit residential (up to 5%), mixed-use (up to 5%) and nonresidential (up to 25%) development. The Planning Commission agreed with this proposal; however, in response to input by one of the Commissioners, NZO now proposes up to an allowance for the substitution of up to 10% of the required parking spaces for multi-unit residential and mixed-use development.

#### 16. Electric Vehicle Supply Equipment

Staff considered electric vehicle supply equipment (EVSE) pre-wiring requirements as a component of NZO at the public's request. After considering the application of two differing rates of EVSE provisions between the Zoning Ordinance and Building Code, staff recommended that pre-wiring provisions remain as adopted by the City's Building Code and that local changes to the CalGreen standards, such as increased rates of EVSE provisions, be pursued through the City's building code adopting ordinance. No changes to NZO were proposed. The Planning Commission agreed with this approach.

#### Administration – General

As part of the overall organization change to the Zoning Ordinance, NZO proposes to consolidate zoning procedures into a single Division, in order to eliminate redundancy. The Planning Commission supported the proposed formatting, organization and text of Administrative Procedures.

#### Administration – Minor Zoning Exceptions for Errors in Zoning Information Reports

NZO proposes to retain Minor Zoning Exceptions for four types of improvements that are discovered as errors in Zoning Information Reports. The other MZEs are no longer necessary because the types of improvements are proposed to be allowed by right in NZO. The Planning Commission agreed with the proposed provisions.

#### Rules of Measurement and Definitions

NZO proposes a new section that describe the rules of measurement, when measurement is required by the zoning provisions. Additionally, NZO proposes updated or new definitions. The Planning Commission agreed with the proposed rules of measurement and definitions.

#### Sustainable Living Research Initiative (SLRI)

Representatives of the Sustainable Living Research Initiative (SLRI) requested that NZO include a program or performance-based approval that would allow for experimental residential development with relaxed zoning standards in order to meet sustainability goals. While the goals are admirable, the Planning Commission and staff agreed that the proposal was outside the scope of NZO.

#### **Additional Discussion Topics**

The following major topics were discussed during the Planning Commission's deliberations on the draft New Zoning Ordinance on March 2, 2017 and April 13, 2017. For more information on these

topics, please see Module 3, PC Staff Report, dated October 6, 2016, as well as the specific references below:

#### Minor Zoning Exception for Fences and Hedges

Currently, fence and hedge height can be increased by 4 feet with a Minor Zoning Exception (MZE) granted by the Community Development Director. In most cases, design review is also required for these proposals. Because the issues surrounding fences and hedges are primarily related to aesthetics and neighborhood compatibility, the NZO proposes to transfer the authority to allow increased fence and hedge height to the design review bodies.

This topic was discussed by the Planning Commission on March 2 and April 13, 2017, where the Commission ultimately recommended the transfer in responsibility for fence/hedge Minor Zoning Exceptions to the Design Review bodies with a noticed public hearing, unanimously.

The NZO contains a number of revisions caused by adding the noticed public hearing requirement, and eliminating a current requirement that the adjoining neighbor approve of the MZE. Additionally, the findings for the fence/hedge Minor Zoning Exception were revised: a finding regarding compliance with the Solar Access Ordinance was converted to a standard, and another was eliminated to reduce redundancy with similar, general MZE findings.

#### Setback and Lot Coverage for Nonresidential Uses in Residential Zones

The NZO proposes to eliminate lot coverage restrictions and double front setbacks for new nonresidential buildings and structures in residential zone, while retaining the double interior setbacks for new construction. The Planning Commission and Staff Hearing Officer will still retain the ability to determine whether setbacks for a particular use are adequate during their review of the CUP/PSP.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission recommended adoption of the proposed changes with a 6-1 vote (Lodge)

#### Setbacks for Mixed-Use Buildings vs. Mixed-Use Development

The current Zoning Ordinance differentiates between mixed-use buildings (buildings containing both residential and nonresidential uses) and mixed-use developments (developments containing both residential and nonresidential uses, but perhaps in separate buildings). Mixed-use buildings in nonresidential zones are required to comply with the setbacks for nonresidential buildings, which are generally less restrictive than residential setbacks. Residential-only buildings, whether stand-alone or part of a mixed-use development, located in nonresidential zones, are required to comply with the multi-unit zone setbacks for residential buildings. An exception to this are projects developed under the Average Unit-Size Density Incentive (AUD) program, which includes a development incentive to allow residential-only AUD projects to comply with nonresidential setbacks in nonresidential zones. The NZO proposes to apply the same standard to non-AUD mixed-use development, to further promote mixed-use development.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission recommended adoption of the reduced setbacks for mixed-use development, with a 6-1 vote (Lodge).

As a result of this topic, the NZO language was revised to change proposed language regarding setbacks for mixed use development, and to add language where it did not exist in the Planning Commission Draft.

#### Live-Work

In order to implement General Plan policies, the NZO proposes new standards for live-work development including: limitations on the size of the unit, the types of nonresidential uses allowed, and the number of non-resident employees; reduced parking and open yard requirements; and requirements that ensure that the residential portion cannot be occupied separately from the nonresidential portion. These standards are aimed at clearly defining the intent of a live-work unit.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission recommended adoption of the proposed live-work standards, with a 4-3 vote (Higgins, Schwartz, Wiscomb).

#### Front Setback for Multi-Story Buildings in the RS-6 and R-2 Zones

The existing front setback requirement for buildings in the R-1 and R-2 zones is 15 feet for the first story, and 20 feet for the upper stories. The intent of this stepped setback is to encourage variation in front building elevations. However, an unintended consequence for hillside properties is that what appears to be the first story at street level is actually the second story of the rear portion of the building, and results in a larger setback than intended for the street-facing portion of the building.

To address this, the NZO proposes to change how front setbacks are measured from stories to height measurements, so that in the RS-6 and R-2 Zones, the front setback for portions of a structure that are 15 feet or less in height would be 15 feet, and the front setback for portions of a structure that are greater than 15 feet in height would be 20 feet. Although it is uncommon for one-story buildings to be higher than 15 feet, this change may result in some existing one-story buildings that are higher than 15 feet to become nonconforming to the front setback.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended adoption of the proposed change to the RS-6 and R-2 setback standards.

#### Combine C-P, C-L, and C-1 Zones into C-R Zone

There are currently three Limited/Restricted Commercial zones with similar allowed land uses and development standards; the NZO proposes to combine those into a single zone as shown below:



Current Zone Name	Number of Affected Lots	NZO Proposed Zone Name
C-P Restricted Commercial Zone	186	C-R, Commercial Restricted Zone
C-L Limited Commercial Zone	3 (2 split zoned C-L/C-P)	
C-1 Limited Commercial Zone	165 (Coast Village Road and Foothill Triangle)	

While there are minor differences between the allowed uses within the existing C-P, C-L and C-1 zones, the merge into one C-R zone retains the purpose of the zones to provide for neighborhood-serving commercial uses. All of the uses currently allowed in the C-P, C-L and C-1 zones would continue to be allowed uses in the new C-R Zone. However, since the NZO proposes a new use classification titled, “Community Assembly,” non-religious organizations (e.g., clubs and lodges) would require a Conditional Use Permit in the C-R Zone the same as religious organizations (e.g., churches).

This topic was discussed by the Planning Commission on April 13, 2017, where the unanimously Commission recommended adoption of the combining of the C-P, C-L and C-1 Zones into the C-R Zone.

Coastal Oriented Zones

The NZO did not intend to propose changes to the following coastal-oriented zones, and they were previously shown as placeholders: HC (Harbor Commercial), HRC-1 and HRC-2 (Hotel and Related Commercial 1 and 2), OC (Ocean-Oriented Commercial), and OM-1 (Ocean-Oriented Manufacturing). However for consistency within the NZO, name changes, formatting and organization of these zones was undertaken to be compatible with the proposed Residential, Commercial and Office, and Manufacturing Zones. The intent of the regulations has not changed, but the lists of allowed uses has been revised to match the land use classifications that are contained in Division V of the NZO, and the allowed uses and the development standards have been organized and formatted in tables. The proposed Coastal Oriented zone designations changes are shown in Attachment ?,

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended adoption of the proposed changes to coastal oriented zones.

Specific Plans

Only four of the City’s nine specific plans are codified in the Zoning Ordinance. The NZO proposes to list all nine specific plans in the ordinance, add references, and update the use classifications and development standards of the four that are already codified.

The NZO proposes to expand the names of all specific plans to be more descriptive. In some cases, minor revisions will be required to the specific plan resolutions, to update references to various provisions of the Zoning Ordinance.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended adoption of the proposed changes to the Specific Plan zones.

The NZO shows a change to the proposed designation of SP-6, the Airport Industrial Area Specific Plan. As recommended by the Planning Commission, the designation was SP6-AIA; however, in Airport parlance, AIA stands for ???, which can be confusing; therefore the NZO proposes a new designation: SP6-AI.

#### Veronica Meadows

As part of a joint partnership with the Trust for Public Lands, three lots, including Area A of the Veronica Meadows Specific Plan (SP-9) is now under the City's stewardship. The NZO proposes to rezone these lots to Parks and Recreation (P-R) Zone, and to categorize them as Open Space. The NZO proposes to amend the SP9-VM Zone list of allowed uses to reflect the change. Area B will remain unchanged consistent with its specific plan approval.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended adoption of the rezone and all associated General Plan and Local Coastal Program amendments, as well as a Park Designation of Open Space.

#### Airport Zoning

The NZO proposes to combine the existing C-P, C-L and C-1 Zones into the new C-R (Commercial Restricted) Zone. The Airport Zoning Ordinance (Title 29) already contains a "C-R" (Commercial Recreation) Zone. To eliminate confusion and for consistency with the other airport zones, the NZO proposes to change the designation of the Airport C-R Zone to A-C-R (Airport Commercial Recreation) Zone. The NZO also proposes to change the designations of two zones in Title 28 that also appear in Title 29: S-D-3 (Coastal Overlay Zone) is proposed to become CZ (Coastal Zone), and SP-6 (Airport Industrial Area Specific Plan) is proposed to become SP6-AI (Airport Industrial Area Specific Plan). Staff is simultaneously processing an amendment to Title 29 to change these zone designations. No zoning provisions are proposed to be changed in the A-C-R or the SP6-AI zones. The Planning Commission supported the organization, formatting and wording of the CZ zone in Modules 2 and 3.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended adoption of the proposed Airport zoning designation changes.

#### Residential Use Definition

The NZO proposed new definitions of, "Residential Use," and "Nonresidential Use." The definition of, "Residential Use," included a 30 day minimum in order to be deemed a residential use. Members of the public objected to the inclusion of the 30 day minimum, as they viewed it as a change intended to make it more difficult to create short-term residential rentals.

This topic was discussed by the Planning Commission on March 2, March 9 and April 13, 2017, where the Commission ultimately recommended the deletion of the definitions of, "Residential Use," and "Nonresidential Use," with a 5-2 vote (Jordan, Thompson).

As a result of this topic, the NZO provisions were changed in a number of areas, as described in the PC Staff Report dated April 6, 2017, and additionally, the Permanent Recreational Vehicle Park land use classification was moved from the Public and Semi-Public category to the Residential category.

*For more information on this topic, please see the memo dated March 9, 2017 and PC Staff Report dated April 6, 2017.*

### Street Widening Setbacks

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 existing 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.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended adoption of the proposed changes to the Street Widening Setbacks chapter.

*For more information on this topic, please see the memo dated March 1, 2017.*

### NZO Applicability to Projects Currently in the Permitting Process

Staff anticipates that the new zoning ordinance would go into effect 30-60+ days from the date of adoption. The timing for when the new regulations would apply to projects that are currently in the permitting process must be determined. There are several stages in the permitting process that have been considered:

- Building permit issuance,
- Building permit application submittal,
- Discretionary approval by the Review Authority
- Application completeness, or
- Application submittal.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission recommended adoption of the language that specifies that the new NZO standards would be applicable for projects in the permitting process unless either the project has received a discretionary approval by a Review Authority, or a building permit has been issued for the project before the effective date of the NZO.

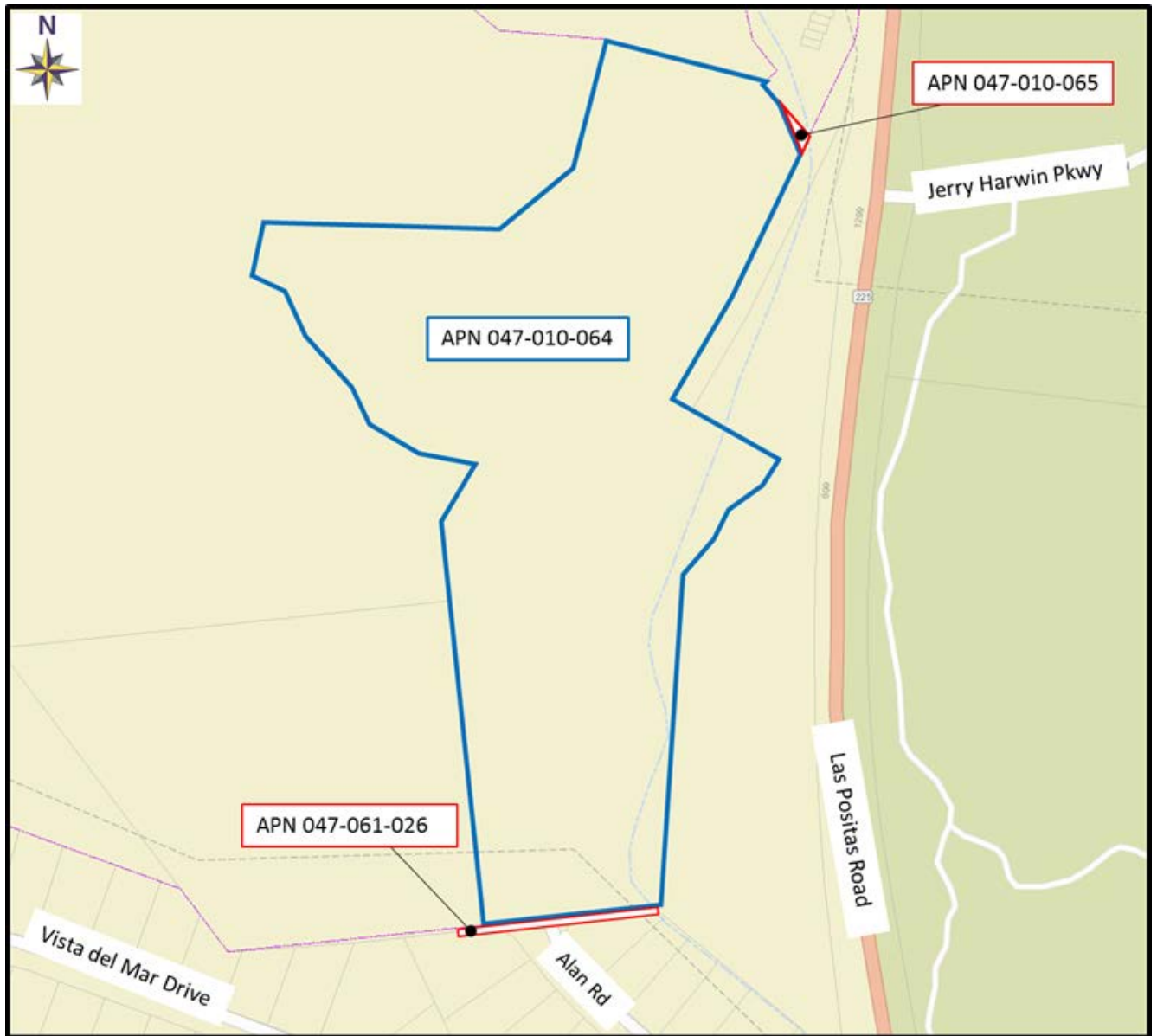
### Accessory Dwelling Units

On April 6, 2017, the City Council and Planning Commission directed staff to increase the priority of the creation of an Accessory Dwelling Unit Ordinance. Staff will embark upon that ordinance process in the coming weeks.

This topic was discussed by the Planning Commission on April 13, 2017, where the Commission unanimously recommended that the topic of Accessory Dwelling Units be excluded from the NZO at the current time.

*For more information on this topic, please see the memo dated April 11, 2017.*

# Veronica Meadows Parkland Designations



Three Lots Proposed as New Parkland at Veronica Meadows

<b>Veronica Meadows Specific Plan Zoning, General Plan and Local Coastal Program Land Use Designation Changes</b>			
	047-010-065 “North Triangle”	047-010-064 “Main Lot”	047-061-026 “Narrow Lot”
<b>Zoning, Existing</b>	SP-9  Veronica Meadows Specific Plan	SP-9 (partial)  Veronica Meadows Specific Plan; and  SP-9/S-D-3 (partial)  Veronica Meadows Specific Plan / Coastal Overlay Zone	E-3/S-D-3  One Family Residence/ Coastal Overlay Zone
<b>Zoning, Proposed</b>	P-R  Park and Recreation	P-R (partial)  Park and Recreation; and  P-R/CZ (partial)  Park and Recreation/ Coastal Overlay Zone	P-R/CZ  Park and Recreation/ Coastal Overlay Zone
<b>General Plan Designation, Existing</b>	Hillside Low Density Residential (Max 2 du/acre)	Hillside Low Density Residential (Max 2 du/acre)	Hillside Low Density Residential (Max 3 du/ac)/ and  Suburban Low Density Residential (Max 3 du/ac)
<b>General Plan Designation, Proposed</b>	Parks/Open Space	Parks/Open Space	Parks/Open Space
<b>Local Coastal Program Land Use Designation, Existing</b>	N/A  (not in Coastal Zone)	None*	Residential, One Unit Per Acre
<b>Local Coastal Program Land Use Designation, Proposed</b>	Parks/Open Space	N/A	Parks/Open Space

\* A Local Coastal Program Land Use Designation was not certified by the Coastal Commission upon Annexation; therefore, this lot does not have a Designation.

## Mobile Food Vendor - NZO Excerpt

### 28.49.420 Temporary Uses

- A. **Purpose.** The City recognizes that certain temporary uses can be a benefit to the community and should be allowed; provided that short-term negative effects, such as noise, lighting, parking, and traffic, are minimized. This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.
- B. **Limitations.** Any use allowances described in this Section do not override any use limitations placed on a lot pursuant to existing discretionary approvals. Temporary uses shall comply with all other applicable provisions of the Santa Barbara Municipal Code, including, but not limited to, the Sign Ordinance, the Outdoor Lighting Ordinance, applicable Building and Fire Codes, and any applicable design review of buildings or structures.
- C. **Determination of Approval Required.** The Community Development Director shall determine if a particular use, structure, or event represents a variation from the normal operations of a legally recognized use on a lot and shall be subject to the requirements of this Section.
- D. **Exempt Temporary Uses.** *Excluded from excerpt.*
- E. **Temporary Uses Requiring a Zoning Clearance.** The following types of temporary uses may be conducted with a Zoning Clearance pursuant to Chapter 28.73, Zoning Clearance. A Zoning Clearance is required for each separate temporary use occurrence and expires at the conclusion of the individual use, activity, or event. Temporary uses in the Coastal (CZ) Overlay Zone shall also require either a Coastal Exemption or Coastal Development Permit pursuant to Chapter 28.16, Coastal (CZ) Overlay Zone.
1. **Temporary Structures.** *Excluded from excerpt.*
  2. **Commercial Use of Recreational Vehicles, Mobilehomes, and Modular Units.** *Excluded from excerpt.*
  3. **Seasonal Sales.** *Excluded from excerpt.*
  4. **Special Events and Sales.** *Excluded from excerpt.*
  5. **Mobile Food Vendors.** Mobile Food Vendors on private property located and operated in compliance with the following standards:
    - a. **Location.** Mobile Food Vendors may only operate in nonresidential zones, on lots developed with nonresidential uses.
    - b. **Number.** Maximum one truck per day per parking lot.
    - c. **Duration.** Maximum four hours per day per parking lot. No lot may have a mobile food vendor onsite for more than 90 days total in any 12-month period.
    - d. **Distance.** No mobile food vendor on private property shall operate closer than a 500-foot radius from another mobile food vendor operating on private property.
    - e. **Required Parking.** No parking spaces are required for a Mobile Food Vendor that meets all of the standards under this Section.
    - f. **Displaced Parking.** Mobile Food Vendors may displace up to three required nonresidential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on-site

are displaced. Required parking spaces for an existing nonresidential use may be displaced if the existing nonresidential use is not open during the event.

- g. *Location.* Mobile food vehicles used by vendors shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.
- h. *Obstructions.* Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.
- i. *Allowed Products.* Operations are limited to the sales of food and beverages for immediate consumption.
- j. *Allowed Vehicles.* Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a push cart, standalone trailer, or kiosk are not allowed under this Title.
- k. *Nuisance.* Mobile Food Vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on-site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

F. **Temporary Uses Requiring a Performance Standard Permit.** Temporary uses that do not meet certain standards to be considered exempt or allowed pursuant to Zoning Clearance may be permitted with a Performance Standard Permit pursuant to Chapter 28.68, Performance Standard Permit, as follows:

- 1. ***Additional Allowances.*** The Staff Hearing Officer may approve additional allowances for the following standards.
  - a. *Use Limitation.*
  - b. *Location.*
  - c. *Size.*
  - d. *Number of Events.* Up to 12 times per 12-month period, per site. A Performance Standard Permit approval may authorize multiple occurrences of a temporary use provided all occurrences are conducted within a 12-month period. Conditional Use Permit approval is required for temporary uses that occur over multiple years.
  - e. *Duration.* Up to 11 consecutive days per event. Up to 24 consecutive months for a temporary structure.
  - f. *Time Limit.*
  - g. *Surfacing.*
  - h. *Parking Displacement.* A parking analysis may be used to establish the number of parking spaces required for all uses for the duration of the event.

- i. *Obstructions.*
    - j. *Mobile Food Vendors.*
  2. ***Required Findings.*** The Staff Hearing Officer may approve or conditionally approve an application for a Performance Standard Permit only upon making the following findings, in addition to any other findings required pursuant to this Title:
    - a. The proposed use will not unreasonably affect adjacent properties, their owners or occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
    - b. The proposed use will not unreasonably interfere with pedestrian, bicycle or vehicular traffic or circulation in the area surrounding the proposed use, and will create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
  3. ***Conditions of Approval.*** The Staff Hearing Officer may impose reasonable conditions deemed necessary to ensure compliance with the findings listed in Paragraph 28.49.420(F)(2), Required Findings, above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting, noise and odors; regulation of hours or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service and returning the site to its original condition. The Staff Hearing Officer may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- G. **Temporary Uses Requiring a Conditional Use Permit.**
  1. A Conditional Use Permit is required for any temporary use that has the potential to affect the community at large or the neighborhood beyond a 300-foot radius from the project site.
  2. A Conditional Use Permit is required for any temporary use that will occur on the same site more than 12 times per year or that will occur over multiple years.
- H. **Interim Governmental Displacement Use.** *Excluded from excerpt.*



## **Zoning Standards to be Considered in the NZO Effort**

### **(Working List)**

Excerpt from PC Staff Report dated April 10, 2014

#### **A. Examples of Standards to be Addressed in NZO (*note the list under 2 - 7 is neither all inclusive nor definitive as the public process will define the changes that will be made to the standards*)**

##### **1. Restructure Title 28 and:**

- a. maintain a pyramid zoning structure;
- b. make it more current, consistent, clear, and easier to understand;
- c. simplify the organization of the chapters;
- d. have policy alignment with historic interpretations;
- e. reduce redundancy;
- f. reconsider the zone classifications, reducing the number where possible, without increasing allowed densities;
- g. consider a format where all of the relevant standards that apply to the zone classification or use are in the same place (currently not user friendly with regulations in various locations in the code);
- h. consider tables or some other manner in which to reflect what review applies (e.g. ABR, HLC, SHO, PC);
- i. consider graphics in the document, or a guidelines document with photos and graphics, and interpretations. Consider what other communities are doing in this regard;
- j. add the intent of regulations, to make it easier to determine whether a proposal meets the intent;
- k. Clarify decision making protocols – ministerial, administrative adjustments/waivers, SHO, PC, Council, City Attorney;
- l. provide more administrative flexibility (e.g., proposed administrative approval being considered for the fence/hedge height ordinance). Necessary findings may cover the intent (see j. above). Research and consider other tools that could be used for flexibility between allowed standards and modifications; and
- m. keep in mind that the NZO will be processed concurrently with the Local Coastal Plan (LCP) Update. As the LCP Update proceeds, we need to ensure that the NZO is consistent.

##### **2. Update Definitions and:**

- a. improve and update with user-friendly terms;
- b. consider graphics to assist in the interpretation of definitions;
- c. consider updating definition of residential units (e.g. duplex, additional unit, accessory units - NPO related);
- d. remove standards from definitions wherever possible;
- e. consider whether definitions specific to a section or chapter should remain in the section or all provided in the main definitions section;
- f. improve definition of mixed use (2 or more uses in building vs. 2 or more uses on a site); clearly define what makes up a mixed use building;
- g. update with new definitions for “modern” uses, relying on Webster’s where we can or in line with what other Cities use;
- h. clarify that setbacks are measured from the right of way and not just the property line;

- i. define “front yard” as to *first* wall of the *first* main building;
  - j. update the definition of building separation requirements, SBMC 28.87.062.D.; and
  - k. define demolition and alteration for development and zoning purposes.
3. Assess Administration of the Code and:
- a. consider where appropriate for Planning Staff to make administrative decisions;
  - b. clearly define projects, process, and, any findings needed for Staff to make administrative decisions;
  - c. consider flexibility to expedite and assist affordable housing projects (H16.4 and H16.6 - see Exhibit B for General Plan Policies and Implementation Actions); and
  - d. consider expansion of SHO review (TSM's of 1-4 lots with public street waivers, all residential condo conversions or at least more than 4 unit limit).
4. Update Zoning Standards to:
- a. simplify where appropriate;
  - b. consider combining similar zone designations where appropriate (e.g. C-1, C-L, C-P);
  - c. consider reducing the number of single family zone classifications;
  - d. review corner lot standards to reduce the number of front yard modifications;
  - e. update encroachment allowances;
  - f. evaluate yards and setbacks and consider:
    - i. Changing setbacks in single family zones where 1975 downzone resulted in nonconforming setbacks. This could also be handled as an amendment to the nonconforming ordinance or an amendment in single family zones that allows for nonconforming additions that build to the pre-1975 setback (like we did in the R-2 zone, SBMC §28.18.065).
    - ii. Consider allowing bigger covered or uncovered steps or landings within interior setbacks and front setbacks.
    - iii. Consider allowing miscellaneous items in the required setback for existing development, as long as there are no visibility or safety issues (e.g. trash cans and enclosures, mailboxes, sign directories, light poles planters, entry gate keypads, public utility equipment, pool equipment, others?).
    - iv. Clarify what is allowed in the “front yard” vs. “front setback” (e.g. pool equipment, trellis, fountains, trash etc.).
    - v. Consider changes to the 1,250 s.f. open yard standards for single family zones (maybe all lots, maybe constrained lots only, or maybe just for properties with nonconforming open yard). Consider flexibility for these single family zoned properties, since the only people it affects are the residents.
    - vi. Simplify the R-3/R-4 open space requirement. This item confuses people the most on ministerial permits.
    - vii. Review what is allowed to encroach into open yards.
    - viii. Consider variable building setbacks for 100% commercial buildings Downtown, similar to AUD (AUD only covered mixed use and residential not when 100% commercial) (LG12.3).
    - ix. Consider changes to the standards for commercial and residential setbacks i.e., allowed encroachments, changes to non-conforming openings etc. Evaluate the need for commercial setbacks in various zones.

- g. clarify section on additional dwelling units regarding FAR limitations (how to calculate) open yard, limit on garage and accessory space etc. relative to the Neighborhood Preservation Ordinance;
- h. consider location and configuration of accessory buildings
  - i. Consider eliminating separation requirements, and let the building code dictate any required separation.
  - ii. Evaluate accessory building and garage size maximums. Consider a combined total floor area limitation for garages and accessory space. (R-3 zones do not have garage size limitations).
  - iii. Consider changing when accessory building area is allowed in the front yard (through and corner lots, etc)
- i. clarify standards for attached versus detached buildings (e.g. carport building);
- j. clarify confusing standards when there is more than one zoning designation on a lot (e.g. dual zoning, like R-2/C-P, R-2/R-O);
- k. consider expanding the modifications allowed for compliance with the Solar Access Ordinance (e.g., very narrow lots that can't move structure further out on northern property line);
  - i. clarify where base elevation points are measured from in the Solar Ordinance;
- l. clarify what exactly can occur on a vacant lot when there is no main building or use established (SBMC 8.16.070 and SBMC 28.97.001).

5. Update Allowed Uses and:

- a. modernize allowed uses and language;
  - i. Live work and home occupation uses in residential zones to reflect current trends/realities while considering impacts to residential areas (LG.10, LG10.1)
  - ii. Establish criteria for Artists' live-work space in the OC or C-M Zones. (LG10.2)
  - iii. Consider allowing Corner Stores/Small Neighborhood Centers in residential zones (LG4.4)
  - iv. Consider adding the following uses into appropriate zones
    - 1. "Green" Economic Development (LG7.1.c)
    - 2. Community gardens (LG11.4)
    - 3. Uses under the Sustainable Neighborhood Planning (LG15.1)
    - 4. Eco-tourism (EF7)
    - 5. Electric Charging Stations (ER8)
- b. consider simplifying commercial uses into basic categories such as retail, office, light industrial;
- c. consider granting authority to staff to determine similar uses that fit into basic categories;
- d. consider ways to preserve and encourage the long-term integrity of industrial and light manufacturing uses including possibly narrowing the range of commercial uses in C-M and M-1 zones while not precluding priority housing in the C-M zone. (LG8.1), (LG8.2) (EF15 and 16);
- e. consider expanding Conditional Use Permit findings for public facilities and institutional uses in residential areas (LG15.3);
- f. create consistency with any LCP updates to the OC zone to allow "visitor serving uses" and wineries and include more clarification on changes to nonconforming uses in OC zone. *(Only if LCP update and amendments are considering this);*

- g. consider creating requirements for storage containers (PODS) in residential zones. If they don't need a building permit, can we regulate them?
  - h. consider creating requirements for storage containers in commercial zones. Specify that it is considered square footage if enclosed, even if it does not require a Building Permit;
  - i. consider auto repair in C-P with a Performance Standard Permit or Conditional Use Permit if work is all done within an enclosed building; and
  - j. revise the CUP Ordinance to:
    - i. Consider allowing some uses that currently require a CUP to be permitted without a CUP (either as an allowed use in an appropriate zone, or with a PSP)
    - ii. Simplify CUP for day use facilities for kids, youth and seniors. (LG9.2),
    - iii. Relocate secondary dwelling units from the CUP section.
    - iv. Look at critical public infrastructure – such as Cater wells, reservoirs, etc, and consider a new zone classification to allow uses or consider changing the development process from Conditional Use Permits at the Planning Commission to Performance Standard Permits at the Staff Hearing Officer (currently additions of 500 square feet or less are allowed to an existing Public Works facility in all residential zones and 500 to 1,000 square feet are allowed in R3/R-4 and PR zones for treatment and distribution facilities).
6. Update Nonconforming Uses and Buildings to:
- a. avoid increasing the number of nonconforming properties and reduce the number of nonconforming situations (e.g. as a result of 1975 downzone and parking);
  - b. revise standards so frequently requested modifications are now allowed by the standards where appropriate;
  - c. consider allowing more changes in setbacks (e.g., allow new doors and windows in the front setback; allow change in location of windows and doors in setbacks) by right, or with administrative approval, or with a modification;
  - d. provide incentives or standards for adaptive reuse of commercial buildings (*assuming they do not meet parking requirements*) (EF12);
  - e. provide incentives or standards for reconstruction or rehabilitation of existing rental apartments at nonconforming General Plan densities and zoning standards. (H13.3);
  - f. consider allowing demo/rebuild of nonconforming structures in the setback without a modification if decreasing the nonconformance (i.e., encroaches less into the setback);
  - g. consider allowing nonconforming garages to expand to meet minimum dimensions in the required interior setback if not increasing the number of parking spaces provided or if making the parking requirement more conforming;
  - h. clearly state that if a nonconforming building was demolished without a permit, then it cannot be rebuilt in its former nonconforming location. Also, state that a nonconforming building permitted to be demolished has to be reconstructed or Building Permit issued within a certain timeframe to maintain its legal nonconforming status;
  - i. consider separate sections for different nonconforming types (Open yard, solar, story, height, use, and parking);
  - j. clarify that a lot with nonconforming mixed-use in a residential zone can add residential floor area as long as the residential density conforms to the current standard;

- k. consider changing the standards so that a modification is not necessary when making a conforming second story addition, or any conforming addition (which was the original intent); and
- l. consider allowing minor increases in height in the setback (like changing the orientation of the roof, or slight increases in pitch, or allowing a parapet, etc.).

7. Update Parking Standards and:

- a. look at ways to simplify the commercial parking standards and other standards (e.g., either 1 space per 250 square feet or 1 space per 500 square feet) as much as possible;
- b. evaluate the CP Zone 1/200, to determine whether the parking standard should be maintained at 1/200 or made consistent with other commercial zones, given 1/200 is to avoid affecting the surrounding lower density residential;
- c. avoid creating nonconformance, reducing when possible, and consider changing how we handle nonconforming parking situations;
- d. simplify the parking standard for restaurants (1 space/3 seats, or 1/100 s.f. for fast food, outdoor seating). Consider standardizing for all restaurants to have the same parking requirement;
- e. fix odd differences in residential parking. For example: make parking requirements consistent (e.g. condominiums requiring covered parking, where condo conversions do not; parking requirements for multi-family units that are detached versus attached; and condo conversions currently do not refer you to parking ordinance that allows reduced parking for affordable and senior units);
- f. clarify standards for covered and uncovered parking in C-2 zone;
- g. make the zoning parking standards, zoning design standards for parking lots, and City of Santa Barbara Standards for Parking Design consistent;
- h. consider appropriate trigger for upgrades to non-conforming parking lots. Specifically landscaping and bike parking. Consider removing or revising the 50% rule (i.e. if an addition of 50% or greater is proposed, nonconforming parking must be brought up to current standards, including design standards);
- i. consider allowing parking in driveways in front of garages for properties that contain single family residences; and if so, consider limitations on driveway and turnaround widths to minimum needed; and
- j. consider increasing or eliminating garage size maximums, while continuing to include garage size as part of Neighborhood Preservation Ordinance FAR.

**B. The Following Are Not Included In Scope Of NZO Effort**

- 1. Form Based Codes
- 2. Vacation Rentals
- 3. Storm Water Management Program Changes
- 4. Changes to Residential Density or Average Unit Density Ordinance, SBMC Chapter 28.20
- 5. Growth Management Ordinance Amendments, SBMC Chapter 28.85
- 6. Condominium Conversion Ordinance Amendments, SBMC Chapter 28.88 (H13.1 and H13.2)
- 7. Open space standards (LG5.2)

8. Mission Creek and Creek Setbacks, SBMC §28.87.250
9. Inclusionary Housing Ordinance, SBMC Chapter 28.43, 2004 (H11.3)
10. Design Overlays (LG12.1)
11. Floor Area Ratios (LG12.2.b.)
12. Transfer of Existing Development Rights Ordinance, SMBC Chapter 28.95, 1992 (LG2.4)
13. Illegal Dwelling Units (H20.5)
14. Renewable Energy Technology Standards (ER6.5)
15. Solar energy systems standards (ER6.6)
16. CUP for cellular antennas
17. The Sign Ordinance, Chapter 22.70
18. Mobilehome and Permanent Recreational Vehicle Park Conversion Regulations, SBMC Chapter 28.78
19. HWMF Hazardous Waste Management Facility Overlay Zone, SBMC §28.75
20. Adult Entertainment Facilities , SBMC Chapter 28.81
21. Neighborhood Preservation Ordinance, SBMC Chapter 22.69
22. Medical Cannabis Dispensaries, SBMC Chapter 28.80

## Applicable General Plan Policies

### Land Use Element Policies

LG4. Principles for Development. Establish the following Principles for Development to focus growth, encourage a mix of land uses, strengthen mobility options and promote healthy active living.

- Mix of Land Uses. Encourage a mix of land uses, particularly in the Downtown to maintain its strength as a viable commercial center, to include retail, office, restaurant, residential, institutional, financial and cultural arts, encourage easy access to basic needs such as groceries, drug stores, community services, recreation, and public space.
- Mobility and Active Living. Link mixed-use development with main transit lines; promote active living by encouraging compact, vibrant, walkable places; encourage the use of bicycles; and reduce the need for residential parking.

*Possible Implementation Actions to be Considered:*

LG4.4 Amend the Zoning Ordinance to enable and ease establishment of limited neighborhood-serving commercial and mixed-use in residential zones.

LG8. Manufacturing Uses. Preserve and encourage the long-term integrity of light manufacturing uses.

*Possible Implementation Actions to be Considered:*

- LG8.1 Narrow Commercial Uses. Narrow the range of permitted commercial uses to ancillary types in the M-1 zone for protection of industrial/manufacturing and related land uses.
- LG8.2 Limit Residential. Better define residential uses in the C-M Zone to both encourage priority housing and to protect existing manufacturing and industrial uses.

LG10. Provide viable live-work opportunities throughout the City.

*Possible Implementation Actions to be Considered:*

- LG10.1 Live-Work. Create a live-work land use category, zoning designation, or standards to enable viable live-work opportunities including standards for home occupation in residential zones that are consistent with building codes.
- LG10.2 Establish Criteria. Establish criteria and standards for Artists' live-work space in the OC (CO-CAR) or C-M (M-C) zones of the City.

LG11.4 Audit for Community Gardens. Conduct an audit to determine if the City owns land that could be used for community gardens and *encourage voluntary private development of gardens.*

LG15. Sustainable Neighborhood Planning. Neighborhoods shall be encouraged to preserve and enhance the sense of place, provide opportunities for healthy living and accessibility, while reducing the community’s carbon footprint.

*Possible Implementation Actions to be Considered*

***(Related to updating allowed uses only, development of comprehensive “Sustainable Neighborhood Plans” program not part of NZO).***

LG15.1 Sustainable Neighborhood Plans (SNPs). Develop comprehensive SNPs throughout the City (where desired by residents). A SNP may incorporate goals, objectives, policies and implementation actions addressing the following components, as applicable:

- a. A variety of housing types and affordability ranges;
- b. Neighborhood-serving commercial uses, especially retail food establishments such as small markets, green groceries, coffee shops;
- c. New grocery stores in underserved areas;
- d. Parks, recreational facilities, trails;
- e. Community gardens;
- f. Street tree planting program;
- g. Watershed protection, creeks restoration, public access to creeks;
- h. Transit, bicycle (including new Class 1 bike paths) and vehicle connectivity;
- i. Walkable streets with an appealing and comfortable pedestrian environment that promote physical activity and can be used safely by people of all ages or abilities including wheelchairs;
- j. Traffic calming along walkable and bicycle routes to school;
- k. Reduced impervious area (such as street and parking areas);
- l. Community services (e.g., schools, branch library, community center, clinics, etc.);
- m. Childcare and senior serving facilities;
- n. General safety (e.g., lighting); and
- o. Infrastructure needs.

LG15.3 Institutional Uses. Review the permitting process for government public facilities and institutional uses and strengthen the findings as needed for neighborhood compatibility in residential areas.

**2011 Circulation Element Policies**

C6.8 Circulation Element Policy 6.8: Car-Sharing. Work with public and private interests to establish various types of car-sharing.

C7. Parking Management. Manage parking Downtown to reduce congestion, increase economic vitality, and preserve Santa Barbara’s quality of life.



*Possible Implementation Actions to be Considered:*

- C7.1 Appropriate Parking. Establish requirements for on and off-street parking in the Central Business District (CBD) appropriate to the parking users as follow:
- a. Maximize availability of customer parking in the CBD;
  - b. Limit/discourage employee use of public parking in the CBD, and maximize employee commuting options to the CBD;
  - c. Manage and price public parking in the CBD so as not to put businesses in the CBD at a competitive disadvantage with other south coast shopping options; and
  - d. Change residential parking requirements and permitting programs in the CBD to maintain and/or increase the availability of on- and off-street customer parking.
- C7.2 Downtown Parking Requirements. Update the boundary of the delineated area of the Central Business District to include more of the commercial area.
- C7.5 Residential Parking Requirements. Allow residential land development projects to “unbundle” parking (i.e., selling or renting residential units separate from parking stalls) within the commercial and high density residential land use designations to address affordability and development size, bulk, and scale.
- C7.6 Residential Off-site Parking. Amend the Zoning Ordinance to allow residential required parking off-site in commercial zones.
- C7.7 Bicycle Parking and Other Needs. Require all multi-family and commercial projects to be designed to meet the needs of bicyclists (e.g., secure parking, storage, lockers, showers, etc.)

**1997 Circulation Element Policies**

Economic Vitality 1.1

The City shall establish, maintain, and expand a mobility system that supports the economic vitality of local businesses.

- 1.1.1 Optimize access and parking for customers in business areas by implementing policies of the Circulation Element aimed at reducing dependence upon the automobile, and improving and increasing pedestrian, bicycle use, and transit use.

Equality of Convenience and Choice 2.1

Work to achieve equality of convenience and choice among all modes of transportation.

- 2.1.5 Manage the supply of parking on a City-wide basis and suggest methods to better utilize existing parking or to provide additional parking.
- 2.1.9 Explore ways to continue the concentration of development Downtown and along transit corridors to facilitate the use of transit and alternative modes of transportation.

#### Bikeway System 4.2

The City shall work to expand, enhance, and maintain the system of bikeways to serve current community needs and to develop increased ridership for bicycle transportation and recreation.

- 4.2.6 Increase attractive, convenient, and secure bike parking and storage facilities on public property and encourage the provision of the same on private property

#### Parking Supply 7.2

The City shall improve ways to utilize existing parking and create new parking opportunities through partnerships and cooperation.

- 7.2.7 Develop methods to optimize the use of on street parking. These methods may include the following:

- the reduction of red painted curbs and other street parking prohibitions where safe and feasible,
- considering using on-street parking, where available, to satisfy private parking demands,
- allowing design flexibility and building siting that enhances the use of alternative means of travel, and
- increasing the availability and use of alternative means of travel to reduce the demand for parking spaces.

- 7.2.8 Encourage uses with different peak parking hours to share facilities and, therefore, reduce the total number of required parking spaces.

#### Parking Requirements and Standards 7.4

The City shall update its Parking Requirements and Design Standards to optimize its parking resources and to encourage increased use of alternative transportation.

- 7.4.1 Incorporate innovative design standards, such as tandem parking, stacked parking, and valet parking.
- 7.4.2 Consider allowing on-site parking requirements to be reduced if amenities are provided that support the use of alternative transportation.
- 7.4.3 Survey land uses, public parking supplies, and available alternative modes of transportation prior to considering changes in parking requirements.
- 7.4.4 Consider amending the parking standards of the Santa Barbara Municipal Code to allow reduced parking standards for uses such as delivery services, courier services, and phone and mail order services that help reduce automobile trips.

#### Downtown Parking and Economic Viability 8.1

The City shall continue to manage the Downtown public parking supply to support the economic vitality of the Downtown business district while sustaining or enhancing its historical and livable qualities.

- 8.1.1 Operate and manage the Downtown public parking program in partnership with the Downtown community to reduce the need for employee parking and to increase available parking for customers and clients.

- 8.1.3 Consider reducing or eliminating the parking requirements for small businesses and small additions (as defined in the Santa Barbara Municipal Code), when adequate alternatives are operational.

Downtown Housing 8.5

The City shall promote/facilitate the development of housing to decrease the need for parking through an increased walking/biking population that lives, works, and shops in the Downtown.

- 8.5.2 Allow residential parking in public parking lots for mixed use development after ensuring that there is adequate capacity to serve existing uses.

Compact Development 13.2

Without increasing the City wide development potential as provided for in the existing Zoning Ordinance and General Plan, the City shall allow more compact, pedestrian oriented development along major transit corridors

13.2.2 Consider amending the Zoning Ordinance to:

- allow increased residential densities and more compact, pedestrian oriented, non-residential development along streets identified as major transit corridors, and
- reduce parking requirements for properties near major transit corridors if it can be demonstrated that a negative impact will not occur. In conjunction with this reduction, the City shall evaluate and aggressively monitor the results to ensure continued use of alternative means of travel and to justify reduced parking demands.

Incentives for Mixed Use 13.3

Provide incentives for mixed use development.

- 13.3.2 Continue to identify and pursue new strategies to encourage the development of mixed use projects.

Neighborhood Serving Uses 13.5

Determine the need for residential neighborhood services and commercial uses that support the City's mobility goals. Provide opportunities to address those needs, while preserving and protecting the neighborhood character.

- 13.5.1 Allow small scale neighborhood serving commercial uses in residential areas if supported by affected property owners. Ensure that the character of the surrounding neighborhood is protected.

13.5.2 Consider amending the Zoning Ordinance to:

- reduce or eliminate automobile parking requirements for small scale neighborhood serving commercial uses,
- encourage the establishment of new social/neighborhood centers, and
- grandfather existing non-conforming uses.

## **Housing Element Policies**

H13. Non-Subsidized Rental Housing. Preserve and promote non-subsidized affordable rental housing.

*Possible Implementation Actions to be Considered*

H13.3 Rental Units. Allow the reconstruction or rehabilitation of existing rental apartments at non-conforming General Plan densities and zoning standards. The loss of some rental units may be considered to meet building code requirements.

H14 Sustainable Housing. Ensure that new market-rate residential development is consistent with the City’s sustainability goal, including reduced energy and resource use, and increase affordable housing opportunities.

*Possible Implementation Actions to be Considered:*

H14.3 Market-Rate Incentives. Prepare design standards and codify incentives for market rate developers to build smaller “affordable-by-design” residential units that better meet the needs of our community.

H16. Expedite Development Review Process. Assist affordable housing sponsors to produce affordable housing by reducing the time and cost associated with the development review process while maintaining the City's commitment to high quality planning, environmental protection and urban design.

*Possible Implementation Actions to be Considered*

H16.4 Coordinated Project Review. Address issues of coordination between the Architectural Board of Review (ABR), the Historic Landmarks Commission (HLC), the Staff Hearing Officer (SHO) and the Planning Commission (PC). Identify areas where additional staff authority could be given for administrative approvals.

H16.6 Administrative Approvals. Develop a list of administrative approvals for small infill projects that would include, but not be limited to the following:

- Paint color
- Window changes
- Water heater enclosures
- Room additions
- Additions of less than 250 s.f.
- Small infill projects consistent with adopted design prototypes

H17. Flexible Standards. Implement changes to development standards to be more flexible for rental, employer sponsored workforce housing, affordable housing projects, and limited equity co-operatives, where appropriate.

*Possible Implementation Actions to be Considered:*

H17.1 Parking Requirements. Consider incremental changes to the Zoning Ordinance parking requirements such as:

- Reducing parking requirements for projects that develop under the Average Unit-Size Density Incentive Program to 1 space minimum per unit.
- Allowing tandem parking
- Providing more flexibility for constrained sites (e.g., allowing for more than one maneuver, use of car stacking devices or other space saving measures)
- Eliminating guest parking requirements for housing in the Downtown commercial area
- Rounding down when calculating parking requirements

H17.2 Zoning Standards. Consider amending the Zoning Ordinance to change how, where and the extent of outdoor living space, yard and setback requirements for housing in commercial zones.

### **Economy and Fiscal Health Element Policies**

EF9. **Infrastructure Improvements**. Identify, evaluate and prioritize capital improvements that would assist in business retention or expansion, such as increased public transit, a rail/transit transfer center, city-wide wi-fi, sidewalk improvements, or consolidated customer parking facilities.

EF12. **Re-Use of Commercial Space**. Provide incentives for adaptive re-use of vacant commercial buildings.

EF15. **Protect Industrial Zoned Areas**. Preserve the industrial zones as a resource for the service trades, product development companies, and other industrial businesses not precluding priority housing in the C-M, Commercial Manufacturing Zone.

EF16. Ensure that there is sufficient land available for industrial uses.

### **Historic Resources Element**

HR2. **Historic Structures**. Protect historic structures through building height limits, reduced densities and other development standards in Downtown.

*Possible Implementation Actions to be Considered:*

HR2.3 Adaptive Reuse. Encourage the adaptation of the structure for uses other than the original intended use when the original use of a historic structure is no longer viable,

### **Environmental Resources Element**

ER8. **Low-Emission Vehicles and Equipment**. Expand infrastructure and establish incentives for use of lower emission vehicles and equipment (e.g., parking priority, electric vehicle plug-ins). Support the amendment of speed limit restrictions to permit the wider use of electric vehicles.

*Possible Implementation Actions to be Considered:*

ER8.1 Electric Vehicles. Monitor electric car development, including the projected availability of new vehicles and the types of charging stations that will serve those vehicles. Require the installation of the most commonly used types of electric charging stations in all major new non-residential development and remodels as appropriate, based on increases in the electric vehicle fleet and the availability of suitable charging technology. Provide expedited permitting for installation of electric vehicle charging infrastructure in residential, commercial, and industrial development. Consider changing the Building Code to require pre-wiring for electric vehicle charging infrastructure in new and substantial remodels of residential units.

## **Hyperlinks to Previous Staff Reports, Minutes and Notes**

All of these staff reports, minutes and notes can be found on the City's Website:  
<http://www.santabarbaraca.gov/services/planning/mpe/zoning/nzomeetings.asp>

### **Module 1 – Use Regulations**

[NZO Joint Committee Staff Report](#)

[Module 1 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](#)

### **Draft New Zoning Ordinance - Planning Commission Review**

March 2, 2017 Planning Commission Hearing

[Staff Report, February 9, 2017](#)

[Exhibit A - Draft NZO for PC Review](#)

[Exhibits B - E](#)

[Exhibit F - Diagrams](#)

[Exhibits G - L](#)

[Memo, March 1, 2017: Potential Changes Resulting from Open House Comments](#)

[Minutes, March 2, 2017](#)

March 9, 2017 Planning Commission Hearing

[Memo, March 8, 2017: Additional Information](#)

[Map - Food Service Use and Zoning](#)

[Memo, March 9, 2017: Residential Uses and Units](#)

[Minutes, March 9, 2017](#)

April 13, 2017 Planning Commission Hearing

[Staff Report, April 6, 2017](#)

[Memo, April 11, 2017: Accessory Dwelling Units](#)

**Environmental Review**

[Addendum to Final Plan Santa Barbara Environmental Impact Report](#)  
(Addendum is Exhibit J of the document hyperlinked above)

**Current Municipal Code Titles**

[Title 28 - Zoning Ordinance](#)

[Title 29 - Airport Zoning Ordinance](#)

[Title 22 - Environmental Policy and Construction \(Design Review Bodies\)](#)

[Title 27 - Subdivisions](#)

[Title 9 - Public Peace and Safety \(Noise\)](#)

**General Plan and Local Coastal Program**

[General Plan and Local Coastal Program](#)



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE TITLE 9 (PUBLIC PEACE AND SAFETY) TITLE 22 (ENVIRONMENTAL POLICY AND CONSTRUCTION) TITLE 27 (SUBDIVISIONS) AND TITLE 29 (AIRPORT ZONING) TO IMPLEMENT THE NEW ZONING ORDINANCE

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

**SECTION ONE.** Section 1.25.130 of Chapter 1.25 (Administrative Code Enforcement Procedures) of Title 1 of the Santa Barbara Municipal Code is amended to read as follows:

**1.25.130 Collection of Unpaid Fines.**

A. **CITY REMEDIES.** The City, at its discretion, may pursue any and all legal, equitable, and administrative remedies for the collection of unpaid civil administrative fines.

1. **Remedies Cumulative.** Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines owed by a person under this Chapter have been collected.

2. **Refusal to Issue Permits.** A City department may refuse to accept an application for a City permit or license or to refuse to issue, extend, or renew to any person, who has unpaid delinquent fines, liens, or assessments, any city permit, license, or other City approval pertaining to the property that is the subject of a Notice of Administrative Citation and an unpaid administrative fine.

3. **Suspension of Issued Permits.** Notwithstanding any other provision of the Code, any permit, license, or any type of land use approval issued by the City to a person who has unpaid administrative fines totalling \$500.00 or more which remain delinquent for thirty (30) days or longer may be suspended by the department which issued the permit or other entitlement. The suspension becomes effective ten (10) days after the date the notice of the suspension is placed by the issuing department in the United States mail, postage prepaid, addressed to the person, and continues until the administrative delinquency is paid in full. The person may request an appeal/or review hearing pursuant to the specific permit, license, or other City approval procedures or ordinance if such a request is filed before the ten (10) day period ends. Continuing to operate under a suspended permit, license, or approval shall also be grounds for the Planning Commission to act pursuant to Section ~~28.87.360~~58.140 of this Code to revoke the permit, license, or approval.

4. **Criminal Remedies.** The City Attorney, at his or her discretion, may also issue a criminal citation or complaint (infraction or misdemeanor) to any person for a Code violation when the applicable fine has not been paid.

B. **VIOLATIONS CONSTITUTE A PUBLIC NUISANCE.** The Director may pursue the remedies described in this Section whether or not the City is pursuing any other action to terminate an ongoing Code violation that was the basis for an administrative fine or to otherwise abate the violation or sanction the property owner. To compel Code compliance, the City may also seek to collect assessed fines by means of a nuisance abatement lien or special assessment against the property where a property related violation occurred in accordance with the procedures in Government Code Sections 38773.1 and 38773.5.

C. **LIEN CONDITIONS.** To recover any delinquent administrative fines as a lien or special assessment on real property, the following conditions must be met:

1. The Director must submit to and receive approval from the City Council for a resolution certifying the amounts of the liens and special assessments sought to be collected from each property owner; and

2. The total amount of the delinquent fine against the property owner must be delinquent for 60 days or more.

D. **LIEN COLLECTIONS.** The Director is authorized to take any steps necessary to enforce collection of the lien or special assessment, including but not limited to the following:

1. Request the County Recorder to record a notice of any lien or special assessment certified by resolution of the City Council.

2. Request the County Tax Collector on behalf of the City to collect any special assessments certified by resolution of the City Council.

E. **NOTICE OF LIEN COLLECTION PROCEDURES.** All Notices of Administrative Citation shall contain a notice that unpaid fines are subject to the assessment and lien collection procedures of this Chapter. This notice shall satisfy the notice requirements of Government Code Sections 38773.1 and 38773.5 when a Notice of Administrative Citation is served on the person. In addition, the Director shall by first class mail send notice to each property owner at least ten (10) days before the City Council considers the resolution to certify the amounts of the liens and special assessments stating the date, time, and location of the meeting. The lien or special assessment shall be imposed on the date the Notice of Administrative Citation for the Code violation is issued to the responsible person and shall become effective upon the recording of a Notice of Lien or Special Assessment by the County Recorder.

F. **CONTESTING CERTIFICATION OF A LIEN.** A person may contest the amount or the validity of any lien or special assessment for a civil fine at the public hearing when the City Council considers the resolution to certify the liens or assessments. Such contests shall be limited to the issue of the amount or validity of the lien or assessment and may not consider whether the underlying Code violation occurred. Pursuit of such a contest by a person is necessary to exhaust the administrative remedies concerning a legal challenge to the validity of any such lien or special assessment.

**SECTION TWO.** Section 1.30.020 of Chapter 1.30 (Appeals from the Administrative Decisions and Time Limits for Judicial Review of Administrative Decisions) of Title 1 of the Santa Barbara Municipal Code is amended to read as follows:

**1.30.020 Applicability of Code of Civil Procedure §1094.6.**

Code of Civil Procedure §1094.6 is hereby made applicable to adjudicatory administrative decisions of the City Council and City commissions, boards, committees, officers, employees and agents made, after hearing, suspending, demoting, or dismissing an officer or employee, revoking or denying any application for a permit or a license or denying an application for any retirement benefit or allowance. As used here-in, permit shall include applications for modifications, variances or conditional use permits filed pursuant to Chapters 28.6092 and 28.6894 of this Code. A petition for writ of mandate challenging said decisions must be filed no later than the ninetieth (90th) day following the day on which the decision becomes final. Notice of this limitation shall be given to the affected party at the time the decision becomes final.

**SECTION THREE.** Section 4.08.020 of Chapter 4.08 (Revenue, Finance and Purchasing) of Title 4 of the Santa Barbara Municipal Code is amended to read as follows:

**4.08.020 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. DIRECTOR OF FINANCE. The person who is the supervisor of the Finance Department or other person designated by the Director of Finance or the City Administrator.

B. HOTEL. Any structure, any portion of any structure, or any property or portion thereof which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, overnight mobilehome or recreational vehicle and camping park (as defined in Title 28 of this Code), or other similar structure or portion thereof.

C. OCCUPANCY. The use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

D. OPERATOR. The person who is proprietor of the hotel, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

E. PERSON. Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

F. RENT. The consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

G. TRANSIENT. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy; provided that an occupant of an apartment unit, constructed under a building permit as such, or in buildings which have been legally converted into apartments, shall not be deemed to be a transient if his occupancy is for a period of more than thirty (30) days and with or without such written agreement.

**SECTION FOUR.** Section 5.04.425 of Chapter 5.04 (Business Taxes) of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.04.425 Residential Rentals.**

A. Every person carrying on the business of operating an ~~apartment house, a court~~ multi-unit residential, a permanent recreational vehicle or mobilehome park (as defined in Title 28 of this Code), ~~two-unit or single-unit residential duplexes, or single family dwellings~~, which business controls a total of three (3) or more rental units, shall pay an annual fee based upon the total gross receipts as follows:  
Annual Tax - \$15.00 minimum plus \$1.00 per \$1,000 gross receipts or fraction thereof over \$10,000.

B. For purposes of this section, rental unit shall mean a ~~housing accommodation~~ residential unit which is offered for rent, lease or charge and shall include, but not be limited to, the following or like situations: ~~an apartment, court, duplex~~ a single-unit, two-unit, or multi-unit residential, mobilehome park space or permanent recreational vehicle space.

**SECTION FIVE.** Section 5.20.030 of Chapter 5.20 (Dance Permits) of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.20.030 Exclusions from Dance Permit Requirement.**

A City dance permit under Section 5.20.020 of this Chapter is not required for the following activities:

**A. DANCES AT CITY FACILITIES.** Any public dance conducted in a park or recreational facility owned or operated by the City of Santa Barbara, where the City facility has been properly reserved for a private non-commercial function and the dancing has been otherwise expressly permitted by the City for that facility;

**B. CLUB DANCES.** Any public dance conducted by or sponsored by any club or similar association organized for charitable, dramatic, or literary purposes, where the club or association has pre-established association membership and it holds regular meetings for purposes other than dancing, provided the net proceeds from the public dances are used exclusively for the purposes which the club or association has been officially established;

**C. NONPROFIT YOUTH DANCES.** Any public dance sponsored by any nonprofit public benefit organization (as established pursuant to state law) whose primary objective is the sponsoring of youth activities so long as all of the following requirements are met:

1. No person eighteen (18) years of age or older may be in attendance, unless such person is a bona fide student at, or member of, the sponsoring agency or organization;
2. No alcoholic beverages are served or available at the premises where the dance is held;
3. Chaperones from the sponsoring agency are present on the premises at the rate of two adults (who are at least twenty-five years of age or older) for every one hundred guests;
4. The dance ends by midnight, and the establishment and the adjoining parking lots are promptly vacated no later than 12:30 a.m. after the dance.

**D. PRIVATE CLUB DANCES.** Dancing occasionally provided for members and their guests at a private club having a pre-established membership, where admission to the dance is not open to the general public and where the dance is not held within premises licensed as a restaurant or premises licensed by the ABC for the public sale of alcohol to the general public. For purposes of this Section, “private club” shall mean a corporation or association operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, in which membership is by application and regular dues are charged, and the facilities of the club belong to members, and the operation of which is not primarily for monetary gain;

**E. PRIVATE PARTIES.** Dancing occasionally provided for invited guests only at a private non-commercial event such as a wedding reception, an anniversary party, private banquet, or similar private or family celebration, where there is no admission charge and where the invitation is not concurrent with the event or party;

**F. CITY-SPONSORED DANCES AND DANCE LESSONS.** A dance or dance lessons provided or sponsored by the City of Santa Barbara.

**G. CHURCH DANCES.** Dancing occasionally conducted or sponsored by any religious or other corporation or organization exempt from taxation pursuant to Internal Revenue Code Section 501, where all net proceeds from the dance (including all net proceeds from refreshments sold or served at the dance) are used exclusively for the charitable, religious, or benevolent purposes of such corporation or organization;

**H. SCHOOL PERFORMANCES.** Performances or student recitals by students or performers at educational institutions (as defined by the Education Code), where such performances are part of an educational or instructional curriculum or program;

**I. THEATRICAL PERFORMANCES.** Dancing on a stage as part of a theater performance in a play or a similar dramatic or musical theater production or in connection with performances permitted pursuant to subparagraph ~~(BA)~~(2)(b) of Santa Barbara Municipal Code Section 28.81.02049.060;

**J. PRIVATE DANCE INSTRUCTION.** Dance lessons or dance instruction by a business, provided such lessons or instruction begin and end prior to 9:00 p.m. each day.

**K. PHYSICAL FITNESS CENTERS.** Physical exercise to music provided by an athletic club, gym, or similar physical fitness center.

**SECTION SIX.** Sections 6.08.010 and 6.08.060 of Chapter 6.08 (Care and Feeding of Animals) of Title 7 of the Santa Barbara Municipal Code are amended to read as follows:

**6.08.010 Raising Rabbits, Chickens and Fowl.**

A. GENERALLY. Except where two or fewer rabbits, chickens or fowl are kept as pets and not for commercial or breeding purposes, rabbits, chickens and other fowl may not be kept or raised unless in accordance with the following conditions:

1. No more than fifteen (15) rabbits, chickens or fowl, or any combination thereof, may be kept at any one time on any premises zoned pursuant to Title 28 of the Santa Barbara Municipal Code as ~~R-MH4, R-M3, R-2, R-1RS-6, E-3RS-7.5, or E-2RS-10.~~

2. No more than thirty (30) rabbits, chickens or fowl, or any combination thereof, may be kept at any one time on any premises zoned pursuant to Title 28 of the Santa Barbara Municipal Code as ~~E-1RS-15, A-2RS-25 or A-1RS-1A.~~

3. No more than one hundred (100) racing or homing pigeons may be kept at any one time on any premises within the City.

4. All rabbits, chickens, fowl or racing or homing pigeons shall be kept in cages, hutches or coops which shall be maintained in a clean and sanitary condition at all times. Any such cage, hutch or coop shall be located outside the front yard, as that term is defined in ~~Section Chapter 28.04.71081,~~ and shall be located at least one hundred (100) feet from any property being used as a school, park, hospital or similar institution and at least thirty-five (35) feet from any dwelling unit or structure used for human habitation and located on an adjoining lot.

B. ROOSTERS. It shall be unlawful to keep or maintain a rooster.

**6.08.060 Keeping Livestock.**

Except as otherwise provided in Title 28 of this Code relating to the permitted uses in ~~one family~~ residential single unit zones, it shall be unlawful for any person to keep any cow, calf, hog, sheep, goat or any other cloven-footed animal on any lot less than one and one-half (1 1/2) acres in size. In addition, no such animals, nor any pen, stable, barn or corral shall be kept or maintained within thirty-five feet (35') of any property line, dwelling or other building used for human habitation.

**SECTION SEVEN.** Sections 7.16.010 and 7.16.021 of Chapter 7.16 (Garbage and Refuse Collection and Disposal) of Title 7 of the Santa Barbara Municipal Code are amended to read as follows:

**7.16.010 Definitions.**

As used in the Chapter, the following words and terms shall have the meanings respectively ascribed to them by this Section:

**A. BUNDLE.** A package containing rubbish only, not exceeding four feet (4') in its longest dimension and eighty pounds (80 lbs.) in weight, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof, without spillage or leakage and placed for collection immediately adjacent to a standard container.

**B. COMMERCIAL SERVICE.** All service which is not a residential service as defined in Subsection 7.16.010.M.

**C. CONTRACTOR.** A party who holds a contract, franchise or other approval of the City to collect refuse within a specified geographic area of the City.

**D. CUSTOMER AND REFUSE SERVICE CUSTOMER.** A person, firm, or corporation in charge of use of private property who requests refuse removal.

**E. FOOD SERVING BUSINESS.** Any business which provides, within the City, refreshments, snacks, fast food, or restaurant services, including prepared food, for financial gain, revenue or profit, including, but not by way of limitation, any restaurant, theater, hotel, refreshment stand and other business providing food services.

**F. GARBAGE.** Commercial or residential wet or dry animal or vegetable waste material.

**G. INDUSTRIAL REFUSE.** The solid waste materials from factories, processing plants, and other manufacturing enterprises.

**H. MULTIPLE DWELLINGS.** A building with three (3) or more rental dwelling units as defined in the Santa Barbara Municipal Code.

**I. PLACE OF BUSINESS.** Any social, commercial, fraternal, religious, educational, medical, or industrial establishment.

**J. RECYCLABLE MATERIAL.** Magazines, newspapers (including clean office paper), corrugated cardboard, cereal boxes, junk mail, empty glass bottles and aluminum cans or other similar materials which are designated as capable of being recycled by the City or a collector authorized by contract with the City to regularly collect recyclable materials.

**K. REFUSE.** All types of solid wastes, including garbage, rubbish, ashes, and any other solid waste matter.

**L. REGULAR COLLECTION.** Collection of garbage, refuse, rubble, and other matter at prearranged scheduled intervals.

**M. RESIDENTIAL SERVICE.** Collection of refuse, green waste and mixed recyclable materials from a dwelling as defined in ~~Section~~Chapter 28.04.26081 of this Code.

**N. RUBBISH AND TRASH.** Normal accumulation of combustible and/or noncombustible waste materials which are not included in the "garbage" terms and shall include paper, rags, cartons, boxes, wood shavings or chips, furniture, bedding, rubber, leather, tree branches, yard trimmings, cans, bottles, metals, mineral matter, glass, crockery, dirt, dust, grass clippings, weeds, and leaves.

**O. RUBBLE.** Rocks, concrete, bricks, and similar solid materials, plaster, or dirt.

**P. SANITATION CODE ENFORCEMENT OFFICER.** A public officer, working under the supervision of the Director of Public Works, and who shall have the duty to assure strict compliance with all provisions of the Municipal Code, issue citations as necessary under the provisions of Title 7 of the Municipal Code and enforce any rules adopted pursuant thereto.

**Q. SPECIAL HAUL SERVICES.** Collections as specially requested by occupants or owners, of amounts of refuse in excess of those normally generated or at pickup times other than normally scheduled.

**R. STANDARD CONTAINER.** Any plastic or galvanized metal container with tight fitting cover, thirty-three (33) gallons or less in capacity, with handle and side bails, or as otherwise approved by the City.

### **7.16.021 Mandatory Collection by Licensed or Contract Collector of Refuse.**

It shall be mandatory that trash collection service be provided for every dwelling and food serving business located within the City, as follows:

A. Every dwelling as defined in ~~Section~~Chapter 28.04.26081 of this Code located within the City limits shall be provided with adequate refuse collection service by agreement with the waste collection service authorized by the City to collect waste where the dwelling is located. Such refuse service shall regularly remove refuse and waste material often enough to prevent accumulation of material constituting a nuisance, or which attracts flies, rodents or other vectors, but no less often than once in every seven days.

B. Every food serving business located within the City limits shall be provided with adequate refuse collection service by agreement with the waste collection service authorized by the City to collect waste where the business is located, or other service which is properly licensed and approved for regular refuse collection service by the City. Such refuse service shall regularly remove refuse and waste material often enough to prevent accumulation of material constituting a nuisance, or which attracts flies, rodents or other vectors, but no less often than once in every seven days.

C. No person shall own or maintain any dwelling or any food serving business as such premises are defined herein, within the City of Santa Barbara and fail to maintain a regular collection service at a level adequate to provide for the needs of the premises.

D. An exemption from mandatory collection may be approved by the City Public Works Director, upon application in a form approved by the Public Works Director, for any property that is to be vacant for a period of thirty (30) consecutive days or more.

E. Relief from payment of all or any part of the approved fees for regular collection may be approved by the City Public Works Director, on the basis of economic hardship, upon application in a form approved by the Public Works Director.

F. An exemption from mandatory trash collection service for a dwelling or food serving business may be approved by the City Public Works Director upon application, in a form approved by the Public Works Director, of any person or entity to self-haul that person or entity's own refuse and waste material. Said application will indicate the place of disposal and the method and times in which the person or entity will haul the refuse and waste material. Upon approval of the application, the person or entity shall regularly submit proof of receipts from the place of disposal every thirty days to the Public Works Director. Such self-hauling shall be performed without the hiring, employment or use of any other business, contractor or person. The exemption allowing self-haul shall be forfeited or terminated for two years if the hauling is not in accordance with the approved application or in violation of any part of this Code, or if City inspection of the premises to which the exemption applies reveals inadequate removal of refuse and waste material. The loss or discontinuance of any exemption shall require a new application be approved.

**SECTION EIGHT.** Section 8.16.020 of Chapter 8.16 (Fire Permits) of Title 8 of the Santa Barbara Municipal Code is amended to read as follows:

### **8.16.020 Permits Required.**

Except as herein provided, no person shall establish, operate, maintain or use any building, structure, room, parcel of land or premises for any purpose other than for purposes of a ~~single-family dwelling unit residential, two-family unit residential dwelling, or an apartment house~~multi-unit residential, or for purposes incidental thereto, without having a permit then in effect issued under this chapter. No permit shall be required for any business or occupancy in existence prior to the effective

date of Ordinance No. 3187, codified in this chapter. Only one (1) permit shall be required for all buildings or structures operated by the same person at the same location as a laboratory.

**SECTION NINE.** Section 9.16.070 of Chapter 9.16 (Regulation of Noise Affecting Parcels Zoned or Used for Residential Purposes) of Title 9 of the Santa Barbara Municipal Code is amended to read as follows:

**9.16.070 Regulation of Noise Affecting Parcels Zoned or Used for Residential Purposes.**

**A. HOURS OF OPERATION.** Hours of operation on property zoned for agricultural use and used for planting, grading, vegetation removal, harvesting, sorting, cleaning, packing, shipping, and pesticide application shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday. Hours of operation for the above-stated activities shall be limited to 8:00 A.M. to 7:00 P.M. on Sunday and holidays.

**B. MOTOR VEHICLE HORNS AND SIGNALING DEVICES.** The following acts and the causing thereof are declared to be in violation of this ordinance:

1. The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger as provided in Section 27000 of the California Vehicle Code.

2. The sounding of any horn or other auditory signaling device which produces a sound level in excess of 60 dB(A) at a distance of 200 feet.

3. Exception. Emergency vehicles may be equipped with and use auditory signaling devices that do not comply with the requirements of this section.

**C. MECHANICAL EQUIPMENT.** Mechanical equipment other than vehicles and equipment which are operated by electricity obtained from an electricity utility company shall not be used outside before 8:00 A.M. or after 7:00 P.M. on Saturday, Sunday or holidays, or before 7:00 A.M. or after 7:00 P.M. Monday through Friday.

**D. NOISE LIMITATIONS.** All mechanical equipment other than vehicles (including heating, ventilation, and air conditioning systems) shall be insulated. Sound at the property line of any adjacent parcel used or zoned for residential, ~~institutional, or park purposes~~ public, or semi-public uses shall not exceed ~~sixty-five three A-weighted decibels using the Community Noise Equivalent Level (60 dB(A) CNEL)~~ 53dB(A). All wind machines are prohibited in the City.

**SECTION TEN.** Section 10.04.190 of Chapter 10.04 (Definitions) of Title 10 (Transportation and Parking) of the Santa Barbara Municipal Code is amended to read as follows:

**10.04.190 Residential District, Defined for Certain Purposes.**

For the purposes of sections of this title, "residential district" means those zones established and in effect under the current Zoning Ordinance of the City, as amended, and designated as ~~A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3 and R-4~~ RS-1A, RS-25, RS-15, RS-10, RS-7.5, RS-6, R-2, R-M, and R-MH Zones.



**SECTION ELEVEN.** Section 10.44.090 and 10.44.205 of Chapter 10.44 (Stopping, Standing and Parking – Generally)) of Title 10 of the Santa Barbara Municipal Code are amended to read as follows:

**10.44.090 Parking Prohibited - Private Property.**

It shall be unlawful for any person to park a motor vehicle upon private property without the consent of the owner or occupant of said property provided that (i) a sign, prohibiting public parking and conforming to the requirements of the California Vehicle Code and Santa Barbara Municipal Code Section 10.44.095, is displayed in plain view at each vehicular entrance to such property, or (ii) the vehicle is parked upon a lot or parcel improved with one ~~single family dwellings~~single-unit residence.

**10.44.205 Public Works Director Authority to Regulate Parking of Recreational Vehicles.**

A. **RECREATIONAL VEHICLES.** For the purposes of this section, the term “Recreational Vehicle” shall be as defined in Section 18010 of the state Health and Safety Code, as it is presently enacted or hereafter amended.

B. **AUTHORITY OF PUBLIC WORKS DIRECTOR – PARKING OF RECREATIONAL VEHICLES.** In accordance with the authority provided by state Vehicle Code Section 22507, the Public Works Director, upon the advice of the Chief of Police, may designate those streets or portions of streets (including specific block faces) within the City where it is necessary to prohibit or restrict the stopping, standing, or parking of Recreational Vehicles in order to decrease parking by an Excessive number of such vehicles and to provide for the public health and safety, provided that the streets or street block faces so designated are located within five hundred (500) feet of at least one of the following land uses:

1. any School or Educational Institution, provided further that the Public Works Director shall post all of the streets or portions of streets in the City within five hundred (500) feet of any School or Educational Institution to prohibit stopping, standing or parking a Recreational Vehicle;
2. any ~~Child Day~~ Care Center, Family Day Care Home, or ~~Group Home~~Transitional and Supportive Housing;
3. any park, public library, or museum open to the public;
4. any community center or social service center, public or private;
5. any City or nonprofit recreational facility;
6. any Community Care Facility, Skilled Nursing Facility, health care facility, or hospital;
7. any homeless shelter;
8. any ~~church or other religious facility~~Community Assembly;
9. any designated safe route to schools.

C. **NOTICE OF RESTRICTIONS.** When signed or marked in accordance with state Vehicle Code requirements, no person shall stop, stand, or park a Recreational Vehicle in or on any street, portion of street or block face so designated generally (where designated) or in violation of any hourly restrictions so signed or marked.

D. **MEASUREMENT OF DISTANCE.** For the purposes of this Section, distance shall be measured in a straight line, without regard to intervening structures or objects, and shall be based on property lines or street right-of-way lines.

E. **DEFINITIONS.** Capitalized terms used herein shall be construed and applied as defined by Title 28 of the Santa Barbara Municipal Code. The term “Excessive” shall mean two or more vehicles.

**SECTION TWELVE.** Sections 10.46.010, 10.46.062 and 10.46.066 of Chapter 10.46 (Permit Parking) of Title 10 of the Santa Barbara Municipal Code are amended to read as follows:

**10.46.010 Definitions.**

For the purpose of this Chapter, the following words are defined and will be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

A. HOTEL. A building, group of buildings or portion of a building as defined in Section ~~28.04.39580.040~~, Hotel and Similar Uses, of this Code.

B. HOTEL GUEST PARKING PERMIT. A permit that is issued pursuant to Section 10.46.066 of this Code.

C. PARKING PERMIT. A Resident Parking Permit, Temporary Resident Parking Permit, Visitor Parking Permit, Hotel Guest Parking Permit, Special Circumstances Parking Permit, or Employee Parking Permit, as provided in this Chapter.

D. PERMIT. A Parking Permit.

E. PERMIT PARKING AREA. An area designated as hereinafter provided.

F. PERMITTED VEHICLE. A motor vehicle for which a permit has been issued.

G. RESIDENT PARKING PERMIT. A permit that is issued pursuant to Section 10.46.062 of this Code.

H. TEMPORARY RESIDENT PERMIT. A permit that is issued pursuant to Section 10.46.065 of this Code.

I. VISITOR PARKING PERMIT. A permit that is issued pursuant to Section 10.46.064 of this Code.

J. SPECIAL CIRCUMSTANCES PARKING PERMIT. A permit that is issued pursuant to Section 10.46.069 of this Code.

K. EMPLOYEE PARKING PERMIT. A permit that is issued pursuant to Section 10.46.068 of this Code.

**10.46.062 Resident Parking Permits.**

A. ELIGIBLE PERSONS. Resident Parking Permits for a designated Permit Parking Area may only be obtained by a natural person who is a bona fide resident of that Permit Parking Area as determined by the Transportation Engineer. No more than three (3) annual Resident Parking permits may be issued to residents of any one legal dwelling unit as that term is defined by ~~Section~~Chapter ~~28.04.26081~~ of this Code.

B. SPECIFIC RESIDENT VEHICLE. A Resident Parking Permit may only be used by the Resident Vehicle which is identified in the application for the Permit.

**10.46.066 Hotel Guest Parking Permits.**

A. ELIGIBILITY. Hotel Guest Parking permits may be obtained by a hotel which (i) is located within a Permit Parking Area; (ii) was operated as a hotel on November 13, 1984; and (iii) was a nonconforming structure as to parking on that date. For purposes of this section, a "nonconforming structure as to parking" shall include a hotel to which a modification, variance or similar approval has been granted and which would be nonconforming as to parking in the absence of such approval.

B. CERTIFICATE OF ALLOTMENT. A Certificate of Allotment shall authorize issuance of a number of Hotel Guest Parking Permits not to exceed the hotel's "parking deficiency," as calculated pursuant to the following subsection. In order to obtain a Certificate of Allotment for a hotel that is located within a Permit Parking Area, the owner of that hotel must file an application for such a Certificate with the Transportation Engineer.

C. COMPUTATION OF PARKING DEFICIENCY. Parking deficiency for a hotel shall be calculated as follows: (i) the number of parking spaces required by ~~Section~~Chapter 28.90.10047 of this Code if the hotel were not legally nonconforming as to parking and the actual number of parking spaces that the hotel possesses shall be determined; (ii) the actual number of parking spaces shall be subtracted from said required number of parking spaces; and (iii) the remainder would establish the parking deficiency and the maximum number of parking spaces that would be authorized in the Certificate of Allotment.

D. PROCEDURE. The Transportation Engineer shall refer a complete application for a Certificate of Allotment to the Community Development Department within ten (10) days after its receipt. The Community Development Department shall review the application and advise the Transportation Engineer within thirty (30) days after said application is referred to it, (i) if the hotel is legally nonconforming as to parking; and (ii) the amount of the parking deficiency.

Within fifteen (15) days after receipt of the advice from the Community Development Department, the Transportation Engineer shall (i) approve, approve with modifications or deny the application for a Certificate of Allotment and (ii) mail the applicant written notification such approval or denial.

E. REVIEW BY DIRECTOR OF PUBLIC WORKS. Any applicant for a Certificate of Allotment shall have the right to have the decision of the Transportation Engineer, pursuant to Subsection D of this Section, reviewed by the Director of Public Works or his delegate. Such a request for review must be made in writing and filed with the Director of Public Works within ten (10) days after notification of said decision accompanied by any required fee.

F. ISSUANCE OF HOTEL GUEST PARKING PERMITS. The Transportation Engineer is authorized to issue Hotel Guest Parking Permits to an owner of a hotel in a number not in excess of the number of such permits authorized by the Certificate of Allotment for that hotel.

G. RESTRICTION. A Hotel Guest Parking Permit may only be used by a *bona fide* guest of the hotel and may not be issued to an employee of the hotel.

**SECTION THIRTEEN.** Section 15.16.060 of Chapter 15.16 (Public Beaches and Parks) of Title 15 of the Santa Barbara Municipal Code is amended to read as follows:

**15.16.060 Recreational Vehicles and Camping in Public Areas - Definitions.**

For the purpose of Sections 15.16.060 through 15.16.100 inclusive, the following words and terms are defined as follows:

A. BOAT TRAILER. A vehicle used to convey a boat.

B. CAMP. The use of camping facilities such as tents, tarpaulins or temporary shelters, the use of non-City designated cooking facilities and similar equipment, or the use of cots, beds or hammocks. "Camping" shall not include merely sleeping outside or the use of a sleeping bag, bedroll, or mat, and no more personal possessions than can reasonably be carried by an individual.

C. PUBLIC STREET. Includes streets, roads, highways, alleys, sidewalks, parkways, bridges, culverts, drains and all other facilities and areas necessary for the construction, improvement and maintenance of streets and roads.

D. RECREATIONAL VEHICLE. Shall have the definition set forth in ~~Section~~Chapter 28.04.55581 of this Code.

**SECTION FOURTEEN.** Section 15.20.020 of Chapter 15.20 (Tree Planting and Maintenance) of Title 15 of the Santa Barbara Municipal Code is amended to read as follows:

### **15.20.020 Definitions.**

For the purpose of this chapter, certain terms and words are hereby defined as follows:

A. **DIRECTOR.** The person having control and management of the Parks and Recreation Department of the City or the Director’s designated representative.

B. **GROUND COVER.** Includes grass, turf or perennial plants that normally grow in a prostrate manner so as to conceal, or with the purpose of concealing, the ground surface, and that do not exceed eight inches in height, and that will tolerate light pedestrian traffic.

C. **HISTORIC TREE.** A tree which has been found by the Parks and Recreation Commission, the Historic Landmarks Commission, or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an “historic tree”. For purposes of this definition, trees designated by the City Council as an “historic tree” or an “historic landmark tree” shall be treated as “historic trees”.

D. **MAINTENANCE or MAINTAIN.** For purposes of this Chapter 15.20, maintenance or maintain shall mean the following: pruning, spraying, bracing, root pruning, staking, fertilizing, watering, treating for disease or injury, and other work performed to promote the health, beauty, or adaptability of trees and shrubs, but shall not include the watering of such trees in residential zones.

E. **OFFICIAL TREE.** A tree so designated by the Director because of its desirable characteristics of growth and beauty with reference to its crown, root structure, and adaptability to local climatic, soil and street conditions. The Director shall keep a list of official trees.

F. **PARKWAY STRIP.** Either (i) the area between the curb and sidewalk within a fully improved street right-of-way, or (ii) that area extending six feet from the curb towards the nearest right-of-way line in an area with no sidewalk, or (iii) any area within a street right-of-way in which an official or parkway tree is located.

G. **PARKWAY TREE.** A tree planted or caused to be planted by the City within a street right-of-way.

H. **PUBLIC AREA.** Parks, playgrounds, areas around public buildings and all other areas under the supervision and maintenance of the City not including any street right-of-way.

I. **SHRUB.** Woody vegetation or a woody plant having multiple stems and bearing foliage from the ground level up.

J. **SPECIMEN TREE.** A tree which has been found by the Parks and Recreation Commission to be of high value because of its type and/or age and which has been designated by resolution of the City Council as a “specimen tree”.

K. **STREET.** Shall have the meaning set forth in ~~section~~ Chapter 28.04.66581 of this Code.

L. **TREE.** A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems.

M. **TREE WELL.** A planting area found in an otherwise paved street right-of-way.

**SECTION FIFTEEN.** Sections 15.24.010 and 15.24.110 of Chapter 15.24 (Preservation of Trees) of Title 15 of the Santa Barbara Municipal Code are amended to read as follows:

### **15.24.010 Definitions.**

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

A. **TREE.** A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems;

B. **PALM TREE.** Any tree from the Palmae plant family;

C. SPECIMEN TREE. Any tree which has been found by the Parks and Recreation Commission to be of high value because of its type and/or age and which has been designated by resolution of the City Council as a "specimen tree";

D. HISTORIC TREE. A tree which has been found by the Parks and Recreation Commission, the Historic Landmarks Commission or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree". For purposes of this definition, trees designated by the City Council as an "historic tree" or an "historic landmark tree" shall be treated as "historic trees";

E. DIRECTOR. The Director of the City's Parks and Recreation Department or the Director's designated representative.

F. REMOVE A TREE. To cut a tree down or to otherwise remove a tree from its location by any means.

G. SETBACK TREE. A tree located in the front setback of any lot as the term front setback is defined and specified in Title 28 of this Code, the Zoning Ordinance. A tree is a setback tree if more than 50% of the tree trunk, measured at the highest natural grade adjacent to the trunk, is within the front setback.

H. PARKING LOT TREE. A tree situated in a planter required pursuant to Section 28.90.05047.080 of this Code.

I. SIGNIFICANTLY ALTER A TREE. To prune a tree in such a way that either (i) its natural character is significantly altered, or (ii) the height and/or spread of the tree crown is reduced by more than one-quarter within any twelve-month period.

J. TREE CROWN. The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

K. TREE ON AN APPROVED PLAN. A tree shown on an approved plan on record with the City for a lot developed with a ~~commercial, nonresidential or multi-unit residential, multiple family residential, or industrial~~ use.

#### **15.24.110 Other City Regulations Related to Trees and Landscaping.**

For purposes of reference, the following provisions of this Code also concern the maintenance of trees and plants within the City of Santa Barbara:

A. Section 8.04.020.G.5 & 6: Fire Code Vegetation Management and Defensible Space Requirements

B. Chapter 8.20: "Vegetation Obstructing Public Places"

C. Chapter 15.20: "Tree Planting and Maintenance"

D. Chapter 22.10: "Vegetation Removal"

E. Chapter 22.11: "Maintenance of Approved Landscape Plans"

F. Section 22.22.130: "Approval for Construction, Demolition, Moving or Exterior Alteration" (El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District)

G. Chapter 22.68: "Architectural Board of Review" (Landscape Plans)

H. Chapter 22.69: "Single Family Design Board" (Landscape Plans)

I. Chapter 22.76: "View Dispute Resolution Process"

J. Section 28.40.12087.170: "Fences, Walls, Screens and Hedges"

~~K. Section 28.87.200: "Landscape or Planting Plan Approvals Standards"~~

~~L. Section 28.47.08090.050: "Parking Area Landscaping and Fence Standard as Lighting" (Parking Lot Design Standards)~~

**SECTION SIXTEEN.** Section 22.11.010 of Chapter 22.11 (Maintenance of Approved Landscape Plans) of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.11.010 General Provisions.**

The provisions of this Chapter shall apply as follows:

A. SCOPE OF APPLICATION. The provisions of this Chapter shall apply to the following lots within the City:

1. Any lot developed with a ~~multiple-family residential, commercial, or industrial use~~nonresidential or multi-unit residential use; or

2. Any lot developed solely with a ~~single-family residence~~unit residence or a ~~duplex~~two-unit residence~~residential unit~~, where the conditions of approval for the development on the lot require the installation and maintenance of trees or landscaping in accordance with an approved landscape plan.

B. RELATIONSHIP TO CITY TREE PRESERVATION ORDINANCE. If a tree is protected under both Chapter 15.24 and this Chapter 22.11, the alteration or removal of such a tree shall be processed and regulated in accordance with the provisions of Chapter 15.24. Otherwise, any tree shown on an approved landscape plan for a lot subject to this Chapter shall be maintained in accordance with the approved landscape plan and the provisions of this Chapter.

**SECTION SEVENTEEN.** Section 22.18.030 of Chapter 22.18 (Seismic Safety Ordinance) of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.18.030 General Requirements.**

Each Potentially Hazardous Building shall be designated as either a High or Moderate Risk Building and shall be included on a list of such structures maintained by the Chief of Building and Safety. The owners of each structure listed in the Survey shall be served a Notice of Building Classification and a District Mitigation Schedule.

A. PERMITS AND CONSTRUCTION. Unless otherwise excepted, each Potentially Hazardous Building shall meet all of the requirements outlined in Appendix Chapter One of the Uniform Code for Building Conservation as amended by local ordinance. Where the scope of work proposed by the owner of a Potentially Hazardous Building, including demolition and replacement of an existing building or structure pursuant to ~~Section Chapter 28.87-04545.080~~, is limited to compliance with this Chapter, the requirements for permit approval shall be exclusively those outlined within this Chapter. Minor exterior work, such as parapet bracing or wall anchor plate installation on buildings located within El Pueblo Viejo Landmark District or another landmark district or on a building that is a designated Landmark, shall be subject to review by the Community Development Director or designee in accordance with guidelines approved by the Historic Landmarks Commission. Such minor exterior work on buildings outside of landmark districts shall be subject to review by the Community Development Director or designee in accordance with guidelines approved by the Architectural Board of Review. Other exterior work will be subject to full Historic Landmarks Commission or Architectural Board of Review approval, as applicable. Nothing in this Chapter shall be construed so as to prohibit additions to buildings as permitted under Municipal Code Chapter 28.4685; Nonresidential Growth Management Program.

B. TIME LIMITS. All time limits shall be as outlined in the District Mitigation Schedule established by resolution of the City Council.

C. EXCEPTIONS. Two categories of buildings are excepted from this general requirement as provided below: (i) Moderate Risk Buildings which may utilize alternative compliance measures provided by Appendix Chapter One of the Uniform Code for Building Conservation in accordance

with Table No. A1-E as amended by local ordinance and adopted by reference in Chapter 22.04 of this Code, and (ii) historical buildings listed in the 1987 Cultural Resources Section of the City's Master Environmental Assessment, and Landmarks and Structures of Merit designated pursuant to Chapter 22.22 of this Code which may utilize the alternative compliance measures outlined in (i) above or those described in Chapter 8-5 "Alternative Structural Regulations" of the California Historical Building Code. Application of alternative compliance measures for High Risk Historic Buildings shall be evaluated on a case by case basis in accordance with the required findings of reasonable safety contained in the California Historical Building Code.

**SECTION EIGHTEEN.** Sections 22.22.020, 22.22.092, 22.22.131, 22.22.131, 22.22.132, 22.22.140, 22.22.142, 22.22.143, 22.22.144 and 22.22.160 of Chapter 22.22 (Historic Structures) of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

**22.22.020 Definitions.**

Unless the context requires a different meaning, the words and phrases used in this chapter are defined as follows:

- A. "**ADOBE.**" An unburnt, sun-dried, clay brick; or a building made of adobe bricks.
- B. "**ADVISORY MEMBER.**" An Honorary Member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.
- C. "**ALTERATION.**" An exterior change or modification. For the purposes of this chapter, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.
- D. "**ARCHAEOLOGICAL.**" Pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.
- E. "**ARCHITECTURAL.**" Pertaining to the science, art or profession of designing and constructing buildings.
- F. "**CEQA.**" The "California Environmental Quality Act" as codified at state Public Resources Code §§ 21000 et seq. and the approved Administrative Guidelines related thereto as established in the California Code of Regulation, Title 14, Chapter 3, §§ 15000-15387.
- G. "**COMMISSION.**" Historic Landmarks Commission established by City Charter.
- H. "**COMMUNITY DEVELOPMENT DIRECTOR.**" Community Development Director of the City of Santa Barbara, or designee.
- I. "**CONTRIBUTING RESOURCE OR STRUCTURE.**" A building, structure, object, or site within the boundaries of an Historic District which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities, or its archaeological features. Another key aspect of a "contributing resource" is its possible historic integrity.
- J. "**COUNTY ASSESSOR.**" The Tax Assessor of the County of Santa Barbara.
- K. "**CULTURAL.**" Pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.
- L. "**DEMOLITION.**" The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

**LM. "ELEVATIONS."** The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

**MN. "FAÇADE."** The front of a building or the part of a building facing a street, courtyard, etc.

**NO. "HISTORIC DISTRICT."** A delineated geographic area of the City (or a noncontiguous grouping of real properties within the City) where most of the properties within the district are thematically architecturally related and possess historical significance, special character, or aesthetic value, including, but not limited to, a distinct section of the City possessing a significant concentration of cultural resources which are united historically or aesthetically either by plan or by physical development, as such a district is designated by the City Council, acting by resolution or by ordinance, as being worthy of protection under this Chapter.

**OP. "HISTORIC RESOURCE."** A City designated "Landmark" or a City designated "Structure of Merit."

**PQ. "HISTORIC RESOURCE SURVEY."** A field investigation of structures, sites, or natural features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying potential City Historic Resources.

**QR. "LANDMARK."** A structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

**RS. "LANDMARK DISTRICT."** An area of the City of Santa Barbara containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this Chapter.

**ST. "MEMBER."** A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

**TU. "NATURAL FEATURE."** A tree, plant life or geological or other distinctive physical characteristic or natural feature or element present on the real property.

**UV. "NEIGHBORHOOD."** An area of the City of Santa Barbara designated as such in the City's General Plan.

**VW. "NON-CONTRIBUTING RESOURCE OR STRUCTURE."** A building, structure, object, or site within the boundaries of an Historic District that does not possess the age, qualifications, or characteristics of a Contributing Resource, but which has been included within the Historic District because of its geographic location within the Historic District.

**WX. "OWNER."** A person, association, partnership, firm, corporation or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.

**XY. "POTENTIAL HISTORIC RESOURCES LIST."** A list consisting of those structures, real property sites, or real property natural features which have been identified by the Historic Landmarks Commission as being a potentially significant historic resource as such identification process is provided for in Section 22.22.030 hereof.

**YZ. "PRESERVATION EASEMENT."** An interest held by the public in any structure, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

**ZAA. "PROJECT DESIGN APPROVAL."** The review and approval of an application on its merits where the application has been filed pursuant to Santa Barbara Municipal Code Chapter 22.22, Chapter 22.68, or Chapter 22.69, and where the minutes of the Historic Landmarks Commission (or the Architectural Board of Review or the Single Family Design Board, as the appropriate case may be) designate the approval as the "Project Design Approval." For the purposes of the state "Permit Streamlining Act" (Government Code section 65950 et seq.), the "Project Design Approval" is the substantive approval of the project on its design merits.

**AABB. "SITE PLAN."** A flat scale drawing of the place where something is, is to be, or was located.

**BBCC. "STRUCTURE."** A building or any other man-made object affixed on or under the ground.



~~DDCC.~~ **"STRUCTURE OF MERIT."** A structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a Structure of Merit under the provisions of this Chapter.

#### **22.22.092 ~~Bed and Breakfast Inns~~ Hotels and Similar Uses in Designated Historic Structures.**

Plans for conversion of an existing Structure of Merit or a Landmark in the ~~R-O Restricted Office Zone~~O-R Office Restricted Zone into a ~~Bed and Breakfast Inn~~Hotel or Similar Uses, or for alterations to such structures for this purpose, or for construction of new structures to be used for this purpose on a lot on which a Structure of Merit or Landmark used as a Hotel or Similar Uses ~~Bed and Breakfast Inn~~ is located, shall be submitted to the Historic Landmarks Commission for review and action, in accordance with this chapter.

#### **22.22.131 Review of Single-Unit Family Residential UnitsDevelopment.**

~~—A. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS.~~ If a project is referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code, the Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, make the findings required for approval of the project as specified in Section 22.69.050 of this Code prior to approving the project.

~~—B. GREEN BUILDING STANDARD FOR LARGE RESIDENCES.~~ If a project referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code proposes 500 square feet or more of new net floor area (new construction, replacement construction, or additions), and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

#### **22.22.132 Historic Landmarks Commission Notice and Hearing.**

A. **PROJECTS THAT REQUIRE PUBLIC HEARING.** Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single-unit residential units, two-unit residential duplexes, multiple multi-unit residential units, mixed-use (residential and nonresidential) buildings, or nonresidential buildings,
2. The addition of over 500 square feet of net floor area to a single-unit residential unit or two-unit residential duplex development,
3. An addition of a new second or higher story to an existing single-unit residential unit or two-unit residential duplex development,
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit residential or two-unit residential duplex development,
5. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential-unit residential development,
6. Small nonresidential additions as defined in Chapter ~~28.46-28.85~~,
7. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint),

8. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels, or

9. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property, or

10. Projects involving an application for an exception to the covered parking requirements ~~for a single family residential unit~~ as specified in Section ~~28.90.100.G.1.e.28.47.030.M.1.a.ii~~ of this Code.

11. Projects involving an application for a Minor Zoning Exception as specified in Title 28 of this Code.

**B. MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

**C. ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ten (10) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

**D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER.** Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council.

#### **22.22.140 Publicly Owned Property.**

**A. PUBLICLY OWNED BUILDINGS GENERALLY.** Except as provided in Subsections (B) and (C) below, any structure, natural feature, site or area owned or leased by any public entity other than the City of Santa Barbara and designated as a Landmark or Structure of Merit, or located within any landmark district, shall not be subject to the provisions of Sections 22.22.070, 22.22.080, 22.22.104, 22.22.114, 22.22.130, and 22.22.170 of this Chapter.

**B. EXCEPTION FOR CITY FACILITIES.** The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City and designated as a Landmark or Structure of Merit, or located within any landmark district, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.

**C. EXCEPTION FOR IMPROVEMENTS WITHIN THE HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY DESIGN DISTRICT.** The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, which requires a Coastal Development Permit pursuant to Municipal Code Chapter 28.4428.16 and which is designated as a Landmark or Structure of Merit, or which is located within any landmark district shall be reviewed by the Commission.

**D. EXCEPTION FOR STREET TREES, CITY TREES, HISTORIC TREES AND SPECIMEN TREES.** Notwithstanding Subsection B above, the placement, alteration, or removal of the following trees shall be processed and regulated as follows:

1. Any tree planted in a parkway strip, tree well, public area, or street right-of-way owned or maintained by the City is processed and regulated pursuant to Chapter 15.20 of this Code.
2. Any tree designated by a resolution of the City Council as an “historic tree”, an “historic landmark tree” or a “specimen tree” is processed and regulated pursuant to Chapter 15.24.

**22.22.142 Review of Minor Zoning Exceptions.**

The Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, review applications for a Minor Zoning Exception whenever it is allowed by Title 28, subject to the required criteria and findings in Title 28.

**22.22.143 Review of Alternative Open Yard Design.**

The Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, review applications for an Alternative Open Yard Design on multi-unit residential or mixed-use projects, subject to the criteria and findings Section 28.40.150.

**22.22.144 Outdoor Sales and Display.**

The Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, review all proposals for Outdoor Sales and Display (as described in Section 28.80.040.V).

**22.22.160 Incentives for Preserving Historic Resources.**

**A. Legislative Intent; Administrative Regulations.** In enacting this section, the City Council seeks to adopt a City program of incentives to encourage the maintenance and preservation of historic resources within the City of Santa Barbara. In order to carry out this program more effectively and equitably and to further the purposes of this section, the Council may also, by resolution, supplement these provisions by adopting administrative regulations and standardized forms for a broad City program of economic and other incentives intended to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.

**B. Preservation Incentives Under the State Mills Act - Government Code Sections 50280-50290.** Preservation incentives may be made available by the City to owners of properties that are “Qualified Historic Properties” (as that term is used by Government Code Section 50280.1) such as individually designated City landmarks or structures of merit or those properties that are deemed to contribute to designated City Historic Districts (or Districts listed in the National Register) as determined appropriate by the City Council.

### **C. Qualified Historic Property Mills Act Contracts.**

#### **1. Purpose.**

a. The purpose of this Section is to implement state Government Code Sections 50280 through 50290 in order to allow the City approval of Qualified Historic Property Contracts by establishing a uniform City process for the owners of qualified historic resource properties within the City to enter into Mills Act contracts with the City.

b. The City Council finds and determines that entering into Qualified Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate, maintain, and preserve those properties.

c. The City Council further finds that, in some instances, the preservation of these properties will assist in restoring, maintaining, and preserving the City's existing stock of affordable housing and support the goals and objectives in the Land Use Element of the City General Plan concerning the preserving of historically and architecturally significant residential structures.

#### **2. Limitations on Eligibility For a Mills Act Contract.**

a. In approving this program, it is the intent of the City Council that unrealized revenue to the City from property taxes not collected due to executed Qualified Historic Property Contracts shall not exceed a total annual amount (including total individual amounts for any one historic property), as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter, unless exceeding this limit is specifically approved by the Council.

b. In furtherance of this policy, Qualified Historic Property Contracts shall be limited to a maximum number of contracts each year consisting of a certain number of residential properties each year and a certain number of commercial or industrial properties each year, unless the City Council approves additional contracts beyond the established limits as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter. In addition, no ~~single-family~~ unit residence approved for a City contract pursuant to this section may have an assessment value in excess of an amount established by the City Council nor may the assessed value of any ~~non-single-family unit home residential~~ property (i.e., a ~~multi-family~~ multi-unit residential, ~~commercial~~, or ~~industrial-nonresidential~~ property) exceed an amount established in the City Council's concurrent resolution.

c. For the purpose of this Subparagraph (2), "assessed valuation" does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution, and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

#### **3. Required Provisions of Qualified Historic Property Contracts.**

##### **Mills Act Provisions Required.**

a. The required provisions of a Qualified Historic Property Contract between the City and the property owner shall be those required by State law (Government Code Sections 50281 and 50286) expressly including the following specifications:

##### **Term.**

(i) The contract shall be for the minimum ten (10) year term, with automatic renewal yearly by either the City or the property owner on the anniversary of the contract date in the manner provided in Government Code Section 50282.

##### **Restoration and Maintenance Plan; Standards.**

(ii) The fundamental purpose of the contract will be an agreement to assist the property owner in the owner's restoration, maintenance, and preservation of the qualified historic resource; therefore, the plan for restoration and maintenance of the property required by the contract shall conform to the rules and regulations of the State of California Office of Historic Preservation (California Department of Parks and Recreation), the Secretary of the Department of the Interior's Standards, and the State Historical Building Code.

**Verification of Compliance with Plan.**

(iii) The real property owner will expressly agree in the contract to permit periodic examination of the interior and exterior of the premises by the County Assessor, the City Community Development Director ~~(or his or her designee)~~, the State Department of Parks and Recreation, and the State Board of Equalization, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.

**Property Visible from Street.**

(iv) The real property owner will expressly agree and the plan shall provide that any fencing or landscaping along the public right-of-way frontages of the real property will such that it allows the home or building to be visible to the public from the public rights-of-way.

**Recordation of Contract.**

(v) The contract shall be recorded by the Santa Barbara County Recorder's Office and shall be binding on all successors-in-interest of the owner with respect to both the benefits and burdens of the contract.

**Notice to State.**

(vi) The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.

**Procedure for Non-Renewal.**

(vii) The procedure for notice of non-renewal by the owner or the City shall be as identified in State law [Government Code Section 50282 (a), (b), and (c), and Section 50285.]

**Annual Report Required.**

(viii) The contract shall require the real property owner to file an annual report, initially, on the program of implementing the plan or restoration or rehabilitation until that has been completed to the satisfaction of the Community Development Director, and thereafter, on the annual maintenance of the property, which report may require documentation of the owner's expenditures in restoring, rehabilitating, and maintaining the Qualified Historic Property.

**Cancellation of Contracts.**

(ix) The contract shall expressly provide for the City's authority to cancel the contract if the City determines that the owner has breached the contract either by his or her failure to restore or rehabilitate the property in accordance with the approved plan or by the failure to maintain the property as restored or rehabilitated. The manner of cancellation shall be as set forth in Government Code Sections 50285 and 50286.

**Breach of Contract.**

b. Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the other substantive provisions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was originally designated.

**Cancellation Fee.**

c. The contract may also provide that if the City cancels the contract for any of these reasons, the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor, without regard to any restriction on the property imposed by the Historic Property Contract.

**Force Majeur Cancellations.**

d. The contract shall require that in the event preservation, rehabilitation, or restoration of the Qualified Historic Property becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract may not be cancelled by the City unless the City determines, after consultation with the State

of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

**Standard Contract.**

e. The City Community Development Department shall prepare and maintain a sample "Historic Property Contract" with all required provisions specified by this Subparagraph (3).

**4. Procedures for Application for and Approval of Historic Property Contracts.**

a. An owner of a qualified historic property (as listed in Paragraph (B) above) may file an application for entering into an Historic Property Contract with the City.

b. Each application shall be accompanied by a complete legal description of the property; and

c. Within sixty (60) days of the submission of the application, a plan for the restoration or rehabilitation of the property.

d. In January of each year, the City may notify, either by mailing or published notices, the owners of qualified historic properties of the period of application for and process for City Historic Property Contracts for that calendar year.

e. Application forms, as prescribed by the City, shall be mailed to any property owner who requests the application forms.

f. Upon submission of an application and the plan for restoration or rehabilitation of the property, the application and plan shall be reviewed for completeness by the City's Urban Historian within sixty (60) days of the submission. In connection with this review, the Urban Historian shall complete an initial inspection of the Qualified Historic Property, obtain photo documentation of the existing condition of the property, and utilize the inspection information to revise the plan for restoration or rehabilitation where necessary.

g. All applications and plans for restoration or rehabilitation deemed complete and acceptable to the City's Urban Historian shall, within sixty (60) days of being deemed complete, be submitted to the City's Historic Landmarks Commission. Such application and plans shall be evaluated by both the Urban Historian and the Commission for compliance with established City criteria that will include, but not be limited to, the following findings:

(i) the plan will substantially contribute to the preservation of an historic and unique City resource which is threatened by possible abandonment, deterioration, or conflicting regulations, and it will enhance opportunities for maintaining or creating affordable housing, or it will facilitate the preservation and maintenance of a property in cases of economic hardship.

(ii) the plan will support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.

(iii) the Community Development Director has certified that the property does not now consist of any unpermitted or unsafe construction or building elements, is not the subject of a pending City code enforcement matter, and is current on the payment of all property taxes.

(iv) whether the plan calls for any new construction, in particular new construction or additions which might impact the eligibility for the structure to qualify as a Qualified Historic Resource, as that term is used in the Mills Act.

h. Upon completion of the Historic Landmarks Commission review of the application and plan, the Commission shall make a recommendation to the City Community Development Director for the City approval or disapproval of the contract.

i. If an application is recommended for approval by the Historic Landmarks Commission and the Urban Historian, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.

j. Additional provisions in the Contract desired by the owner shall be subject to approval by the Community Development Director or, when determined appropriate by the Community Development Director, by the City Council and as to form by the City Attorney in all cases.

k. The City Finance Director shall determine that the proposed contract does not cause the total annual revenue loss to the City to exceed the amounts established by resolution for this program by the City Council, both collectively and for individual properties.

l. Upon approval of the contract by the Finance Director, the contract signed by the property owners shall be submitted to the City Clerk/City Administrator and City Attorney for execution of the contract on behalf of the City and for recordation by the City Clerk's Office.

m. Historic Property Contracts that exceed the limits identified in this Section shall only be approved and executed after and upon the express approval of the City Council.

**SECTION NINETEEN.** Section 22.65.020 of Chapter 22.65 (Design Standards for Development Near Highway 101) of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.65.020 Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

**A. Accessory Building.** As defined in ~~Section Chapter 28.04.01081~~ of this Code.

**B. Extensive Occupancy or Exposure.** Substantial time periods involving daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years as experienced with residential land uses and schools.

**C. Main Building.** As defined in ~~Section Chapter 28.04.14581~~ of this Code.

**D. ~~Required Outdoor Living Space~~ Open Yards.** ~~Outdoor living space or~~ Open yard area required in accordance with City residential zoning standards as specified in ~~Title 28~~ pursuant to Section 28.40.150 of this Code.

**E. Sensitive Individuals.** Persons most susceptible to adverse effects of poor air quality (including from diesel particulates), including children, the elderly, and people who are ill or have serious chronic respiratory, heart, or other medical conditions that are exacerbated by air pollution.

**F. Sensitive Land Uses.** Land uses that involve Extensive Occupancy or Exposure by Sensitive Individuals, including residences; nursing homes, retirement homes, and other community care facilities; schools; and large family day care facilities. Land uses not considered sensitive land uses include retail, commercial services, and offices.

**G. State Highway Roadside Sound Wall.** A roadside sound wall constructed by the California Department of Transportation.

**SECTION TWENTY.** Sections 22.68.010, 22.68.015, 22.68.020, 22.68.040 and 22.68.070 of Chapter 22.68 (Architectural Board of Review) of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

**22.68.010 Architectural Board of Review.**

**A. PURPOSE.** Section 814 of the Santa Barbara City Charter creates and establishes an Architectural Board of Review for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty.

B. **MEMBERSHIP.** The Architectural Board of Review shall be composed of seven (7) members to be appointed as provided in the Charter.

C. **OFFICERS - QUORUM.** The members of the Architectural Board of Review shall elect from their own members a chair and vice-chair. The Community Development Director ~~or his or her designee~~ shall act as secretary and record Board actions and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect.

#### **22.68.015 Definitions.**

A. **DEFINED IN THIS CHAPTER.** If any word or phrase is defined in this Chapter 22.68, the definition given in this Chapter shall be operative for the purposes of this Chapter.

B. **DEFINED IN CHAPTER 28.8104.** If a word or phrase used in this Chapter 22.68 is not defined in this Chapter, but is defined in Chapter 28.8104 of this Code, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.8104.

C. **UNDEFINED WORDS AND PHRASES.** Any words or phrases used in this Chapter 22.68 that are not defined in this Chapter or Chapter 28.8104 of this Code shall be construed according to the common meaning of the words and the context of their usage.

D. **COMMUNITY DEVELOPMENT DIRECTOR.** Community Development Director of the City of Santa Barbara, or designee.

~~D.~~ **PROJECT DESIGN APPROVAL.** With respect to design review by the Architectural Board of Review, a “Project Design Approval” is as defined in SBMC Section 22.22.020.

#### **22.68.020 Design Review – ~~Nonresidential and Multi-Family~~ Multi-Unit, Two-Unit -Residential and Mixed-Use Buildings Development.**

A. **APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT.** No building permit or grading permit, the application for which is subject to design review by the Architectural Board of Review in accordance with the requirements of this Chapter 22.68, shall be issued without the approval of the Board or the City Council, on appeal.

B. **BUILDING PERMITS - ~~NONRESIDENTIAL, MULTIPLE MULTI-UNIT RESIDENTIAL, DUPLEX TWO-UNIT RESIDENTIAL, TWO OR MORE DETACHED RESIDENTIAL UNITS AND MIXED-USE.~~** Any application for a building permit to construct, alter, or add to the exterior of a nonresidential, ~~multi-family~~ multi-unit residential, ~~two-unit residential, duplex or mixed-use (residential and nonresidential) building or a related accessory structure~~ development, or any application which will result in two or more ~~detached~~ residential units on one lot in any zone (other than the Residential Single Unit ~~Family~~ Zones listed in Chapter 28.0745 of this Code), shall be referred to the Architectural Board of Review for design review in accordance with the requirements of this Chapter.

C. **SUBDIVISION GRADING PLANS.** All subdivision grading plans involving grading on a lot or lots located in any zone (other than the Residential Single ~~Family~~ Unit Zones listed in Chapter 28.0745 of this Code) shall be referred to the Architectural Board of Review for a review of the proposed grading.

D. **GRADING PERMITS.** Any application for a grading permit that proposes grading on any lot (other than a lot located in the Residential Single Unit ~~Family~~ Zones listed in Chapter 28.0745 of this Code or a lot that is developed exclusively with a single-family-unit residence or Additional Residential Unit [as described in Section 28.80.020.B.2] in any zone) and which application is not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot shall be referred to the Architectural Board of Review for a review of the proposed grading.



**E. EXTERIOR COLOR.**

1. **New Buildings.** The Architectural Board of Review shall review the exterior color of any new building or structure that is subject to design review by the Architectural Board of Review.

2. **Alterations.** If a change of the exterior color of a building or structure is proposed in connection with another alteration to a building or structure that is subject to design review by the Architectural Board of Review, the Architectural Board of Review shall review the proposed change of color in the course of the design review of the other alteration(s).

3. **Nonresidential Buildings or Structures.** The Architectural Board of Review shall review any change to the exterior color of a nonresidential building or related accessory structure whether or not the change of color is proposed in connection with another alteration of the building or structure that is subject to design review by the Architectural Board of Review.

**F. HIGHWAY 101 IMPROVEMENTS.** Improvements to U.S. Highway 101 or appurtenant highway structures which require a Coastal Development Permit pursuant to the City's Certified Local Coastal Program, and which are located within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, shall be referred to the Architectural Board of Review for design review, except for improvements to those portions of U.S. Highway 101 and its appurtenant structures that are located within the El Pueblo Viejo Landmark District, which are subject to review by the Historic Landmarks Commission pursuant to SBMC §22.22.140.B.

**G. SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE PLANS FOR LOTS DEVELOPED WITH NONRESIDENTIAL OR ~~MULTI-FAMILY~~ MULTI-UNIT RESIDENTIAL USES.** The Architectural Board of Review shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with ~~a multi-unit~~ residential units, a mixed-use development, or a building that is occupied by a nonresidential use, whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Architectural Board of Review. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Architectural Board of Review guidelines.

**H. ACCESSORY BUILDINGS.** The Architectural Board of Review shall review any new buildings, additions, or exterior alterations to existing buildings, on projects that are subject to design review by the Architectural Board of Review, for the following:

1. Detached accessory buildings greater than 500 square feet, or.
2. Buildings, or portions of buildings, providing covered parking, resulting in three or more covered parking spaces on the lot.

**I. MINOR ZONING EXCEPTIONS.** The Architectural Board of Review shall review applications for a Minor Zoning Exception whenever it is allowed by Title 28 on all projects that are subject to review by the Architectural Board of Review, subject to the criteria and findings in Title 28.

**J. ALTERNATIVE OPEN YARD DESIGN.** The Architectural Board of Review shall review applications for an Alternative Open Yard Design on multi-unit residential or mixed-use projects, subject to the criteria and findings Section 28.40.150, Open Yards.

**K. OUTDOOR SALES AND DISPLAY.** The Architectural Board of Review shall review all proposals for Outdoor Sales and Display (as described in Section 28.80.040.V).

**H.L. ARCHITECTURAL BOARD OF REVIEW SUBMITTAL REQUIREMENTS.** Applications for review by the Architectural Board of Review shall be made in writing in such form as is approved by the Community Development Director. No application required to be referred to the Architectural Board of Review shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

**FM. ADMINISTRATIVE REVIEW AND APPROVAL.** Minor design alterations, as specified in the Architectural Board of Review Design Guidelines approved by a resolution of the City Council,

may be approved as a ministerial action by the Community Development Director ~~(or the Director's designee)~~ without review by the Architectural Board of Review. The Community Development Director ~~or the Director's designee~~ shall have the authority and discretion to refer any minor design alteration to the Architectural Board of Review if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property

#### **22.68.040 Architectural Board of Review Notice and Hearing.**

A. **PROJECTS THAT REQUIRE A NOTICED HEARING.** Review of the following projects by the Architectural Board of Review must be preceded by a noticed public hearing:

1. A new two-unit residential duplex, multiple multi-unit residential unit, mixed-use (residential and nonresidential) building, or nonresidential building,
2. The addition of over 500 square feet of net floor area to a two-unit residential duplex or multiple multi-unit residential development unit,
3. An addition of a new story or an addition to an existing second or higher story of a two-unit residential duplex or multiple multi-unit residential unit development,
4. An addition or alteration ~~to a multiple residential unit~~ that will result in an additional residential unit on a lot,
5. Small nonresidential additions as defined in Chapter 28.4685 of this Code,
6. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint), or
7. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels.
8. Projects involving an application for a Minor Zoning Exception as specified in Section 28.66.050 of this Code.

B. **MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the project hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Architectural Board of Review, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. **ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the twenty (20) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. **PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER.** Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice of the first hearing before the Architectural Board of Review shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of

any hearing before the Architectural Board of Review to be published in a newspaper, or 2. mailed notice of hearings before the Architectural Board of Review after the first hearing conducted by the Architectural Board of Review, except as otherwise provided in the Architectural Board of Review Guidelines adopted by resolution of the City Council.

**22.68.070 Special Design District – Lower Riviera Survey Area (Bungalow District).**

**A. SPECIAL DESIGN DISTRICT AREA MAP – LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** Applications for building permits to construct, alter, or add to ~~multi-family-unit residential units~~ or ~~two-unit residential duplexes~~ development on lots located within the “Lower Riviera Survey Area - Bungalow District” established pursuant to SBMC Section 22.68.060 shall be subject to design review in accordance with the requirements of this Section 22.68.070 as follows:

**B. REVIEW OF BUILDING PERMIT APPLICATIONS.** Applications for building permits to construct, alter, or add to ~~multi-family~~ multi-unit residential units or ~~two-unit residential development duplexes~~ on lots located within the Bungalow District shall be referred to the Community Development Director for review to determine if the application constitutes a project to demolish the structure. For the purposes of this Section, a “demolition” shall be as defined in subparagraph (J) of Santa Barbara Municipal Code Section 22.22.020. Such a determination shall be made by the Community Development Director ~~or the Director’s designee~~ in writing within thirty (30) days of the date of the original application. If the Community Development Director ~~or the Director’s designee~~ determines that the property is eligible for listing on the City’s Potential Historic Resources list, the demolition application shall be referred to the Historic Landmarks Commission for determination of the historical significance of the building or structure pursuant to Section 22.22.035.C.3. If it is determined that the property is not eligible for listing on the City’s Potential Historic Resources list and the Community Development Director ~~or the Director’s designee~~ determines that the application does constitute an application to demolish the structure, such application shall be referred to the City’s Architectural Board of Review for review by the Board in accordance with the requirements of this Section. If the Community Development Director ~~or the Director’s designee~~ determines that the application does not constitute a demolition under the terms of this Section, the building permit shall be issued upon compliance with the otherwise applicable requirements of this Code for appropriate and required design and development review.

**C. REVIEW OF BUNGALOW DISTRICT DEMOLITION APPLICATIONS BY THE ARCHITECTURAL BOARD OF REVIEW.** An application referred to the Architectural Board of Review pursuant to Subsection B above shall be reviewed by the Architectural Board of Review in accordance with the hearing, noticing, and appeal procedures established in SBMC Sections 22.68.040 and 22.68.100. An application referred to the Architectural Board of Review pursuant to Subsection B above shall not be approved unless the Architectural Board of Review makes all of the following findings with respect to that application:

1. That the demolition will not result in the loss of a structure containing a primary feature or features of Bungalow or Arts and Crafts style residential architecture, which features are worthy of or appropriate for historical preservation;
2. That the demolition will not result in the loss of a structure which, although not eligible as a City Historic Resource, is a prime example of the Bungalow or Arts and Crafts style residential building appropriate for historical preservation;
3. That the demolition will not result in the loss of a structure which is prominent or which is a prime example of the Bungalow or Arts and Crafts style residential architecture for which this neighborhood is characterized or known.

**D. ARCHITECTURAL BOARD OF REVIEW CONDITIONAL APPROVAL OF DEMOLITION WITHIN THE BUNGALOW DISTRICT.** Notwithstanding the above-stated

requirement for appropriate demolition findings, the ABR may approve a demolition application within the Bungalow District if the ABR conditions the demolition permit such that any proposed future development of the real property upon which the structure or structures are located must comply with express conditions of approval designed to preserve certain existing architectural features or buildings, as determined appropriate by the ABR.

Such conditions may provide that any future development of the property involved must either incorporate the existing structures, in whole or in part, into the new development, or it must preserve certain features or aspects of the existing structures or of the site such that these features are incorporated into any future development of the real property, either through the preservation of the building or feature or its replication in the new development, as may be determined appropriate by the ABR.

Such conditions of approval shall be prepared in written form acceptable to the Community Development Director and the City Attorney and shall be recorded in the official records of Santa Barbara County with respect to the involved real property prior to issuance of any building permit for said demolition such that these conditions shall be binding on all future owners of the real property as conditions imposed on any new development for a period of twenty (20) years after the conditional approval of the original demolition application and the completion of the demolition.

**E. REVIEW OF NEW DEVELOPMENT WITHIN THE BUNGALOW DISTRICT BY ARCHITECTURAL BOARD OF REVIEW.** Applications for building permits to construct new ~~multi-family~~multi-unit residential ~~buildings~~ or two-unit residential development ~~duplexes~~ on lots located within the Bungalow District shall be referred to the Architectural Board of Review for development plan review and approval in accordance with the public hearing, noticing and appeal requirements of SBMC Section 22.68.040 and 22.68.100, provided that the property owner/applicant may be required to submit those development plan materials deemed necessary for full and appropriate review by the ABR prior to the ABR hearing.

**F. BUNGALOW DISTRICT FINDINGS.** The ABR shall not approve a new development within the Bungalow District unless it makes both of the following findings:

1. Express conditions of approval have been imposed on the proposed development which appropriately incorporate the existing structures or architectural features or other aspects of these structures (or of the site involved) into the new development, or these structures, features or aspects will be appropriately replicated in the new development; and

2. The proposed development will not substantially diminish the unique architectural style and character of the Bungalow District as a residential neighborhood of the City.

**G. GUIDELINES FOR SPECIAL DESIGN DISTRICT.** The Lower Riviera Special Design District Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to the ABR, the Planning Commission and City staff in connection with the review of applications filed pursuant to this Section.

**SECTION TWENTY-ONE.** Sections 22.69.010, 22.69.015, 22.69.020, 22.69.040, 22.69.050, 22.69.055 and 22.69.070 of Chapter 22.69 (Single Family Design Board) of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

**22.69.010 Single Family Design Board.**

**A. PURPOSE.** A Single Family Design Board is hereby created and established by the City to promote the general public welfare, protect and preserve the City's natural and historical charm, and enhance the City's aesthetic appeal and beauty. The goal of the Single Family Design Board shall be to ensure that ~~single-unit~~single-unit~~family~~ residential ~~unit~~ projects are compatible with the surrounding neighborhood in size and design. The Single Family Design Board is also charged with the task of

protecting public visual resources and promoting the ecological sustainability of the City’s built environment through the design review process.

**B. MEMBERSHIP.** The Single Family Design Board shall be composed of seven (7) members appointed by the City Council. Two (2) members shall be licensed architects, one (1) member shall be a licensed landscape architect, (3) members shall possess professional qualifications in fields related to architecture, including, but not limited to, building design, structural engineering, industrial design, or landscape contracting, and one (1) member shall be appointed from the public at large. All members of the Board shall reside within Santa Barbara County and shall hold office at the pleasure of the City Council. A person may serve on the Architectural Board of Review or the Historic Landmarks Commission and the Single Family Design Board at the same time.

**C. CONDUCT OF MEETINGS.** The members of the Single Family Design Board shall elect from their own members a chair and vice-chair. The Community Development Director ~~or his or her designee~~ shall act as secretary and record Board actions and render written reports thereof for the Board as required by this Chapter. The rules of procedure for the Board shall be established and approved by resolution of the City Council. Four (4) members shall constitute a quorum, one (1) of whom shall be a licensed architect.

#### **22.69.015 Definitions.**

**A. DEFINED IN THIS CHAPTER.** If any word or phrase is defined in this Chapter 22.69, the definition given in this Chapter shall be operative for the purposes of this Chapter.

**B. DEFINED IN CHAPTER 28.8104.** If a word or phrase used in this Chapter 22.69 is not defined in this Chapter, but is defined in Chapter 28.8104 of this Code, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.8104.

**C. UNDEFINED WORDS AND PHRASES.** Any words or phrases used in this Chapter 22.69 that are not defined in this Chapter or Chapter 28.8104 of this Code shall be construed according to the common meaning of the words and the context of their usage.

**D. COMMUNITY DEVELOPMENT DIRECTOR.** Community Development Director of the City of Santa Barbara, or designee.

**~~E~~. PROJECT DESIGN APPROVAL.** With respect to design review by the Single Family Design Board, a “Project Design Approval” is as defined in SBMC Section 22.22.020.

#### **22.69.020 Neighborhood Preservation - Single Family Residential Unit Design Review.**

**A. APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT.** No building permit, grading permit, vegetation removal permit, or subdivision grading plan, the application for which is subject to the review of the Single Family Design Board pursuant to this Chapter 22.69, shall be issued without the approval of the Board or the City Council, on appeal.

**B. BUILDING PERMITS - SPECIAL DESIGN DISTRICTS.**

1. **Mission Area Special Design District and Lower Riviera Survey Area - Bungalow District.** Applications for building permits to construct, alter, or add to the exterior of a ~~single-family-unit residential residence unit~~ or a related accessory structure on a lot or lots within the Mission Area Special Design District or the Lower Riviera Survey Area - Bungalow District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines.

2. **Hillside Design District.** Applications for building permits to construct, alter, or add to the exterior of a ~~lot developed with either a single-family-unit residence~~ or an Additional Residential Unit (as described in Section 28.80.020.B.2) or a related accessory structure on a lot or lots within the Hillside Design District identified in Section 22.68.060 shall be referred to the Single

Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines if either:

a. The average slope of the lot or the building site is 20% or more as calculated pursuant to Section ~~28.04.030.15.080~~ of this Code; or

b. The application involves the replacement of an existing roof covering with a roof covering of different materials or colors.

**C. BUILDING PERMITS - SINGLE-FAMILY-UNIT RESIDENTIAL AND ADDITIONAL RESIDENTIAL UNITS.** Applications for building permits to construct, alter, or add to the exterior of any lot developed with either single-family-unit residential unit or an Additional Residential Unit (as described in Section 28.80.020.B.2) or a related accessory structure on any lot shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the Single Family Design Board Guidelines if the project for which the building permit is sought involves any of the following:

1. The construction of a new building or structure where any portion of the proposed construction is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 1, building height shall be measured from natural grade or finished grade, whichever is lower), or

2. An alteration to an existing building or structure where any portion of the proposed alteration either: (i) alters the second or higher story of the building or structure, or (ii) alters a point on the existing building or structure that is seventeen feet (17') or higher in building height (for purposes of this paragraph 2, building height shall be measured from natural grade or finished grade, whichever is lower), or

3. An addition to an existing building or structure where any part of the proposed addition is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 3, building height shall be measured from natural grade or finished grade, whichever is lower), or

4. The net floor area of all floors of all existing and new buildings on the lot will exceed four thousand (4,000) square feet as calculated pursuant to Section ~~28.07.030.A.215.083~~ of this Code, or

5. The project requires a net floor area modification pursuant to Chapter 28.67, Modifications~~Section 28.92.110.A.6~~ of this Code, or

6. The construction, alteration, or addition of a deck on the second or higher floor (including roof decks) or a balcony on the second or higher floor of any building that will extend perpendicularly more than three feet (3') from the adjacent exterior wall or will be more than seven feet (7') in length in the dimension parallel to the adjacent exterior wall, or

7. The construction, alteration, or addition of a retaining wall that is six feet (6') or greater in height, or

8. The construction, alteration, or addition of a wall, fence or gate in the front yard of the lot that is greater than three and one half feet (3.5') in height, excluding walls, fences, or gates that are constructed along the interior lot lines of the lot, shall be referred to the Single Family Design Board for a review of the proposed wall, fence or gate, or

9. The installation of a manufactured home, mobile home or factory-built home (as those terms are defined in the California Health and Safety Code), subject to the limitations on review specified in Government Code section 65852.3 et seq., or

10. The installation of a single-family-unit residence~~trial unit~~ that was, as a whole or in part, previously located on another lot, or

11. Grading outside the footprint of the main building on the lot that exceeds either: (i) fifty (50) cubic yards on a lot within the Hillside Design District identified in Section 22.68.060, or (ii) two hundred fifty (250) cubic yards on a lot that is not within the Hillside Design District. For purposes of this paragraph 11, soil located within five feet (5') of an exterior wall of a main building that is

excavated and recompact shall not be included in the calculation of the volume of grading outside the main building footprint, or

12. Projects involving an application for an exception to the covered parking requirements for a single-family residential unit as specified in Section 28.47.030.M 28.90.100.G.1.e. of this Code.

13. Any new buildings, additions, or exterior alterations to existing buildings, resulting in either: (i) detached accessory buildings greater than 500 square feet, or (ii) buildings, or portions of buildings, providing covered parking, resulting in three or more covered parking spaces on the lot. This provision excludes any floor area proposed for use as an Accessory Dwelling Unit, approved under Section 28.49.040 of this Code.

D. **SUBDIVISION GRADING PLANS.** All subdivision grading plans involving grading on a lot or lots located in any of the single-family Single-Unit Residential Zones listed in Chapter 28.0728.15 of this Code shall be referred to the Single Family Design Board for a review of the proposed grading.

E. **GRADING PERMITS.** Applications for grading permits that propose grading on a vacant lot or lots located within a Single-Unit Residential Zones single-family zone listed in Chapter 28.0728.15 of this Code or on any lot that is developed exclusively with a single-family-unit residence residential or an Additional Residential Unit (as described in Section 28.80.020.B.2) and related accessory buildings, and which are not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot or lots, shall be referred to the Single Family Design Board for a review of the proposed grading.

F. **VEGETATION REMOVAL PERMITS.** Applications for vegetation removal permits pursuant to Chapter 22.10 of this Code on a lot or lots located within a Single-Unit Residential Zones single-family zone listed in Chapter 28.0728.15 of this Code, or on any lot that is developed exclusively with a single-family-unit residential or an additional residential ~~ee~~ and related accessory buildings, shall be referred to the Single Family Design Board for a review of the proposed vegetation removal.

G. **RETAINING WALLS.** The following types of retaining wall improvements, if located on a lot or lots within a Single-Unit Residential Zones single-family zone listed in Chapter 28.0728.15 of this Code, or on any lot that is developed exclusively with a single-family-unit residence residential, an Additional Residential Unit (as described in Section 28.80.020.B.2), and related accessory buildings shall be referred to the Single Family Design Board for design review of the proposed retaining walls in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines:

1. The construction of a retaining wall on a lot or a building site with an average slope of 15% or more (as calculated pursuant to Section 28.04.030, Determining Average Slope 28.15.080 of this Code), or
2. The construction of a retaining wall on a lot that is adjacent to or contains an ocean bluff, or
3. The construction of multiple terracing retaining walls that are not separated by a building or a horizontal distance of more than ten feet (10') where the combined height of the walls exceeds six feet (6').

H. **SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE PLANS.** The Single Family Design Board shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with a single-family-unit residence where the conditions of approval for the development on the lot require the installation and maintenance of trees or landscaping in accordance with an approved landscape plan, whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Single Family Design Board. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Single Family Design Guidelines.

**I. MINOR ZONING EXCEPTIONS.** The Single Family Design Board shall review applications for a Minor Zoning Exception whenever it is allowed by Title 28, on any lot that is developed with a single-unit residence or Additional Residential Unit (as described in Section 28.80.020.B.2), subject to the criteria and findings in Title 28.

**IJ. SUBMITTAL REQUIREMENTS.** Applications for review by the Single Family Design Board shall be made in writing in such form as is approved by the Director of Community Development. No application shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

**JK. ADMINISTRATIVE APPROVAL.** Minor design alterations, as specified in the Single Family Design Guidelines or the Single Family Design Board Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director ~~or the Director's designee~~ without review by the Single Family Design Board. The Community Development Director ~~(or the Director's designee)~~ shall have the authority and discretion to refer any minor design alteration to the Single Family Design Board if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property.

**KL. PRESUMPTION REGARDING PRIOR GRADING, TREE REMOVAL, AND CONSTRUCTION.**

There shall be a presumption that any grading, removal of trees, or construction that occurred on the lot within two years prior to the submittal of an application for a building permit to construct, alter, or add to a ~~single-family-unit residence~~, an Additional Residential Unit (as described in Section 28.80.020.B.2) or a related accessory structure was done in anticipation of such application, and said activities will be included in determining whether the project is subject to review by the Single Family Design Board pursuant to this Chapter. For purposes of this presumption, if the prior work required a permit from the City, the prior work shall not be considered complete unless a final inspection has occurred or a certificate of occupancy has been issued. An applicant has the burden to rebut this presumption with substantial evidence sufficient to convince the Single Family Design Board that such work was not done in an effort to avoid review of the entirety of the project by the Single Family Design Board.

**LN. SINGLE FAMILY DESIGN GUIDELINES.** The Single Family Design Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to decision makers and City staff in connection with applications reviewed pursuant to this Chapter.

**22.69.040 Single Family Design Board Notice and Hearing.**

**A. PROJECTS THAT REQUIRE A NOTICED PUBLIC HEARING.** Single Family Design Board review of the following projects must be preceded by a noticed public hearing:

1. New ~~single-family-residential~~ unit residential building or Additional Residential Unit (as described in Section 28.80.020.B.2),
2. The addition of over 500 square feet of net floor area to a ~~single-unit residential unit~~ development or an Additional Residential Unit (as described in Section 28.80.020.B.2), including any related accessory structures,
3. An addition of a new second or higher story to a ~~single-unit residential unit~~ development, or an Additional Residential Unit (as described in Section 28.80.020.B.2), or a related accessory structure,
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a ~~single-unit residential~~ development, or an Additional Residential Unit (as described in Section 28.80.020.B.2), or a related accessory structure, or
5. Projects involving an application for a Minor Zoning Exception as specified in Title 28 of this Code.



56. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint),

67. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels, or

78. Projects involving an application for an exception to the ~~covered~~ parking requirements ~~for a single family residential unit~~ as specified in Section ~~28.47.030.M28.90.100.G.1.e~~ of this Code.

**B. MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the project hearing to be sent by first class mail to the following persons: (1) the applicant, and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Single Family Design Board, (3) the location of the subject property, and (4) the nature of the application subject to design review.

**C. ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ten (10) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

**D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER.** Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice of the first hearing before the Single Family Design Board shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Single Family Design Board to be published in a newspaper, or 2. mailed notice of hearings before the Single Family Design Board after the first hearing conducted by the Single Family Design Board, except as otherwise provided in the Single Family Design Board Guidelines adopted by resolution of the City Council.

### **22.69.050 Neighborhood Preservation, Grading and Vegetation Removal Ordinance Findings.**

If a project is referred to the Single Family Design Board for review pursuant to Section 22.69.020 and the Single Family Design Board Guidelines, the Single Family Design Board shall make the findings specified below prior to approving the project.

**A. NEIGHBORHOOD PRESERVATION FINDINGS.** Prior to approval of any project, the Single Family Design Board shall make each of the following findings:

1. **Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood.

2. **Compatibility.** The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood.

3. **Quality Architecture and Materials.** The proposed buildings and structures are designed with quality architectural details. The proposed materials and colors maintain the natural appearance of the ridgeline or hillside.

4. **Trees.** The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive trees with a trunk diameter of four inches (4") or more measured four feet (4') above natural grade. If the project includes the removal of any healthy, non-invasive tree with a diameter of four inches (4") or more measured four feet (4') above natural grade, the project includes a plan to mitigate the impact of such removal by planting replacement trees in accordance with applicable tree replacement ratios.

5. **Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved.

6. **Good Neighbor Guidelines.** The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.

7. **Public Views.** The development, including proposed structures and grading, preserves significant public scenic views of and from the hillside.

**B. HILLSIDE DESIGN DISTRICT AND SLOPED LOT FINDINGS.** In addition to the findings specified in Subsection A above, prior to approval of any project on a lot within the Hillside Design District described in Section 22.68.060 or on a lot or a building site that has an average slope of 15% or more (as calculated pursuant to Section ~~28.04.030, Determining Average Slope~~<sup>28.15.080</sup> of this Code), the Single Family Design Board shall make each of the following findings:

1. **Natural Topography Protection.** The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.

2. **Building Scale.** The development maintains a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of structures.

**C. GRADING FINDINGS.** In addition to any other applicable findings specified in this Section 22.69.050, prior to approval of any project that requires design review under either Paragraph 22.69.030.C.11 or Subsection 22.69.030.E of this Chapter, the Single Family Design Board shall make each of the following findings:

1. The proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and

2. The proposed grading will not cause a substantial loss of southern oak woodland habitat.

**D. VEGETATION REMOVAL FINDINGS.** In addition to any other applicable findings specified in this Section 22.69.050, prior to approving a vegetation removal permit that requires design review under Subsection 22.69.030.F of this Chapter, the Single Family Design Board shall make each of the following findings:

1. The proposed vegetation removal will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and

2. The proposed vegetation removal will not cause a substantial loss of southern oak woodland habitat; and

3. The proposed vegetation removal will comply with all applicable provisions of Chapter 22.10, "Vegetation Removal," of this Code.

#### **~~22.69.055 – Green Building Standard for Large Residences.~~**

~~—If a project proposes more than 500 square feet of new net floor area (new construction, replacement construction, or additions), and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.~~

**22.69.070 Special Design District – Lower Riviera Survey Area (Bungalow District).**

**A. SPECIAL DESIGN DISTRICT AREA MAP – LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** Applications for building permits to construct, alter, or add to single ~~family-unit~~ residential ~~units~~ development or related accessory buildings or structures on lots located within the “Lower Riviera Survey Area - Bungalow District” established pursuant to SBMC Section 22.68.060 shall be subject to design review in accordance with the requirements of this Section 22.69.070 as follows:

**B. REVIEW OF BUILDING PERMIT APPLICATIONS.** Applications for building permits to construct, alter, or add to single-unit residential ~~units~~ development on lots located within the Bungalow District shall be referred to the Community Development Director for review to determine if the application constitutes a project to demolish the structure. For the purposes of this Section, a “demolition” shall be as defined in subparagraph (J) of Santa Barbara Municipal Code Section 22.22.020. Such a determination shall be made by the Community Development Director ~~or the Director’s designee~~ in writing within thirty (30) days of the date of the original permit application. If the Community Development Director ~~or the Director’s designee~~ determines that the property is eligible for listing on the City’s Potential Historic Resources list, the application shall be referred to the Historic Landmarks Commission for determination of the historical significance of the buildings or structures pursuant to Section 22.22.035.C.3. If it is determined that the property is not eligible for listing on the City’s Potential Historic Resources list, and the Community Development Director ~~or the Director’s designee~~ determines that the application does constitute an application to demolish the structure, such application shall be referred to the City’s Single Family Design Board for review by the Board in accordance with the requirements of this Section. If the Community Development Director ~~or the Director’s designee~~ determines that the application does not constitute a demolition under the terms of this Section, the building permit shall be issued upon compliance with the otherwise applicable requirements of this Code for appropriate and required design and development review.

**C. REVIEW OF BUNGALOW DISTRICT DEMOLITION APPLICATIONS BY THE SINGLE FAMILY DESIGN BOARD.** An application referred to the Single Family Design Board pursuant to Subsection B above shall be reviewed by the Board in accordance with the hearing, noticing, and appeal procedures established in SBMC Sections 22.69.040 and 22.69.080. An application referred to the Single Family Design Board pursuant to Subsection B above shall not be approved unless the Single Family Design Board makes all of the following findings with respect to that application:

1. That the demolition will not result in the loss of a structure containing a primary feature or features of Bungalow or Arts and Crafts style residential architecture, which features are worthy of or appropriate for historical preservation;
2. That the demolition will not result in the loss of a structure which, although not eligible as a City Historic Resource, is a prime example of the Bungalow or Arts and Crafts style residential building appropriate for historical preservation;
3. That the demolition will not result in the loss of a structure which is prominent or which is a prime example of the Bungalow or Arts and Crafts style residential architecture for which this neighborhood is characterized or known.

**D. SINGLE FAMILY DESIGN BOARD CONDITIONAL APPROVAL OF DEMOLITION WITHIN THE BUNGALOW DISTRICT.** Notwithstanding the above-stated requirement for appropriate demolition findings, the Single Family Design Board may approve a demolition application within the Bungalow District if the Board conditions the demolition permit such that any proposed future development of the real property upon which the structure or structures are located must comply with express conditions of approval designed to preserve certain existing architectural features or buildings, as determined appropriate by the Board.

Such conditions may provide that any future development of the property involved must either incorporate the existing structures, in whole or in part, into the new development, or it must preserve certain features or aspects of the existing structures or of the site such that these features are incorporated into any future development of the real property, either through the preservation of the building or feature or its replication in the new development, as may be determined appropriate by the Board.

Such conditions of approval shall be prepared in written format acceptable to the Community Development Director and the City Attorney and shall be recorded in the official records of Santa Barbara County with respect to the involved real property prior to issuance of any building permit for said demolition such that these conditions shall be binding on all future owners of the real property as conditions imposed on any new development for a period of twenty (20) years after the conditional approval of the original demolition application and the completion of the demolition.

**E. REVIEW OF NEW DEVELOPMENT WITHIN THE BUNGALOW DISTRICT BY SINGLE FAMILY DESIGN BOARD.** Applications for building permits to construct new single family ~~unit~~ residential ~~units~~ development on lots located within the Bungalow District shall be referred to the Single Family Design Board for development plan review and approval in accordance with the public hearing, noticing and appeal requirements of SBMC Section 22.69.040 and 22.69.080.

**F. BUNGALOW DISTRICT FINDINGS.** The Single Family Design Board shall not approve a new single-unit residential ~~unit~~ development within the Bungalow District unless it makes both of the following findings:

1. Express conditions of approval have been imposed on the proposed development which appropriately incorporate the existing structures or architectural features or other aspects of these structures (or of the site involved) into the new development, or these structures, features or aspects will be appropriately replicated in the new development; and
2. The proposed development will not substantially diminish the unique architectural style and character of the Bungalow District as a residential neighborhood of the City.

**G. GUIDELINES FOR SPECIAL DESIGN DISTRICT.** The Lower Riviera Special Design District Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to the decision makers and City staff in connection with the review of applications filed pursuant to this Section.

**SECTION TWENTY-TWO.** Section 22.70.030 of Chapter 22.70 (Sign Regulations) of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.70.030 Sign Regulations.**

**A. PERMIT REQUIRED.** It is unlawful for any person to erect, repair, alter, relocate or maintain any sign within the City, or to direct or authorize another person to do so, except pursuant to a sign permit obtained as provided in this Chapter, unless the sign is specifically exempted from permit requirements by the provisions of this Chapter. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign unless the structure, design, color or character is altered.

**B. EXEMPT SIGNS.** The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, or area of signs allowed on a building or parcel:

1. Any official federal, state, or local government sign and notice issued by any court, person, or officer in performance of a public duty, or any sign erected or placed on park or beach property owned or controlled by the City and which (i) pertains to an event not exceeding five (5) days in duration and (ii) has been approved by the agency with authority over such property.
2. Any temporary sign warning of construction, excavation, or similar hazards so long as the hazard exists.

3. One temporary construction sign, provided the sign (i) does not exceed six (6) square feet in ~~one and two family residence~~the residential single unit and two-unit residential zones and does not exceed twenty-four (24) square feet in all other zones, (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company, (iii) is displayed during construction only, (iv) does not exceed the height limitations of a ground sign, and (v) meets all other applicable restrictions of this Chapter.

4. Any temporary sign relating to Fiesta, Solstice, or any official City holiday except banners, blinking lights, or signs and any related lighting that require a building, electrical, or other permit. Any such decorations or displays and any related lighting must be removed within ten (10) days following the event for which they were erected.

5. A sign consisting of a display of no more than twelve (12) balloons for any single business or residence, displayed at a height which is not above the roof ridge line of the main building or fifteen (15) feet, whichever is lower.

6. A noncommercial sign not exceeding six (6) square feet total for each lot in residential zones and twenty-four (24) square feet total for each lot in nonresidential zones. Such a sign shall be erected only with the permission of property owner or tenant. An election sign shall not be displayed for more than ninety (90) days prior to the election or for more than ten (10) days following the election for which it is erected.

7. A temporary real estate sign which indicates that the property is for sale, rent, or lease. Only one such sign is allowed on each street frontage of the property. A temporary real estate sign may be displayed only for such time as the lot or any portion of the lot is actively offered for sale, rent, or lease. Such a sign may be single-faced or double-faced and is limited to a maximum area on each face of four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in nonresidential zones. Signs allowed pursuant to this exemption shall not exceed the height limitations of a ground sign (six feet (6')).

8. Any temporary sign located on a kiosk.

9. Any "No Trespassing" sign, prohibiting or restricting access to property, provided it is (i) not more than one (1) square foot in size, (ii) placed at each corner and each entrance to the property and (iii) at intervals of not less than fifty (50) feet or in compliance with the requirements of law.

10. One identification sign of no more than one (1) square foot for a residence.

11. Any parking lot or other private traffic directional sign not to exceed two (2) square feet in area having black letters on a white or building color background, and limited to guidance of pedestrian or vehicular traffic within the premises. There shall be erected no more than three (3) such signs in each parking lot or more than one (1) sign per entrance.

12. Any informational commercial signs provided the sign (i) is in a nonresidential zone, (ii) has an aggregate area (when combined with all other similar signs on the parcel) of not more than one-and-one-half (1½) square feet at each public entrance nor more than five (5) square feet total, (iii) indicates address, hours and days of operation, whether a business is open or closed, credit information, and emergency address and telephone numbers. Lettering shall not exceed two (2) inches in height except for street numbers. Neon or light-emitting diode (LED) signs with the text "open" may be erected under this exemption subject to the following conditions: (i) no more than one (1) such sign may be erected per business, (ii) the letter height of any such sign shall not exceed six (6) inches and the overall height of the sign shall not exceed twelve (12) inches, and (iii) such signs are not allowed in El Pueblo Viejo, unless the sign is located inside the building and at least ten (10) feet back from any window or other opening in the façade of the building.

13. Any street name and address stamped or painted on a sidewalk or curb.

14. Any civic event sign, except a banner. Such a sign shall be removed within twenty-four (24) hours after the time of the event, shall not exceed twenty-four (24) square feet in size and may be

erected for a period not to exceed five (5) days out of any thirty (30) day period. Only one (1) such sign shall be erected per lot.

15. Temporary open house signs. Open house signs erected pursuant to this exemption shall contain only the address of the property where the open house is being held and the name of the real estate agent and/or real estate agency or party holding the open house. Open house signs may be single-faced or double-faced. Open house signs shall be erected and removed on the day the open house is held. Open house signs shall not be fastened or attached in any way to a building façade or architectural element.

a. On-Site Open House Signs. Pursuant to this exemption, one (1) on-site open house sign may be erected on each street frontage of the property that is for sale. Each face of an on-site open house sign shall have an area of three (3) square feet or less, and the height of the on-site open house sign, including the supporting structure, shall not exceed four (4) feet.

b. Off-Site Open House Signs. In addition to the on-site open house sign(s) allowed pursuant to this exemption, a maximum of five (5) off-site open house signs may be erected. Each face of an off-site open house sign shall have an area of three (3) square feet or less, and the height of the off-site open house sign, including the supporting structure, shall not exceed three (3) feet. Off-site open house signs shall not be erected on private property without the permission of the property owner. In addition to complying with the requirements listed above applicable to off-site open house signs, off-site open house signs may be erected within the public right-of-way if such signs comply with all of the following standards:

i. Signs shall not be erected in a manner which obstructs the pedestrian path of travel or which constitutes a hazard to pedestrians or vehicular traffic;

ii. Signs shall not be placed on vehicles;

iii. Signs shall not be placed in street medians; and

iv. Decorative attachments (i.e., balloons, streamers, etc.) shall not be attached to any sign.

16. Any sign on a telephone booth or newsrack, provided the sign (i) identifies only the product contained therein or displays operating instructions, and (ii) the lettering does not exceed two inches in height.

17. Flags flown on a temporary basis for purposes of honoring national or civic holidays which do not exceed eight (8) feet long in largest dimension. No more than two (2) flags may be flown pursuant to this exemption on a single parcel.

18. The official flag of a government, governmental agency, public institution, religion, corporation, business, or other similar entity. Only one (1) flag pole with a maximum height of twenty-five (25) feet and with a maximum dimension on the flag of eight (8) feet and which is not attached to the building shall be exempt. No more than two (2) flags may be flown pursuant to this exemption on a single parcel. Corporate or business flags displaying the emblem, name, logo, or other information of a business shall be included in the calculation of the maximum allowable sign area for the business.

19. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in area or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

20. Temporary window signs, except banners, not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year. Signs erected pursuant to this exemption shall not be illuminated. Unless specifically exempt pursuant to this

subsection B, any illuminated sign erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

21. Signs specifically required by federal, state, or City law, of the minimum size required.

22. Signs on the air operation side of the Santa Barbara Municipal Airport which are designed and oriented to provide information to aircraft.

23. A sign, such as a menu, which (i) shows prices of goods or services not on window display to the public, (ii) does not exceed twenty-four (24) inches by eighteen (18) inches, (iii) has letters and numbers not exceeding three-quarters (3/4) of an inch in height, and (iv) is located on a wall or in a window.

24. Signs on public transit vehicles designed to transport at least 19 passengers. No more than one sign may be displayed on each side of these vehicles, except as approved by the Sign Committee.

25. Temporary "Garage Sale" or other similar signs located only on the premises upon which the sale is occurring.

26. Digital displays on gasoline pumps, provided the digital displays conform to all of the following standards:

a. Each digital display shall not measure more than twenty-six (26) inches on the diagonal;

b. Each digital display is integrated into the face of the gasoline pump and is not a stand-alone display;

c. No more than one digital display is erected on each face of a gasoline pump.

d. The luminance of each digital display shall not exceed 1500 nits;

e. Any audio associated with a digital display shall not exceed 65 dB, measured at the nearest property line, between the hours of 7:00 a.m. and 10:00 p.m., and 55 dB, measured at the nearest property line, between the hours of 10:00 p.m. and 7:00 a.m.; and

f. No digital display shall be installed within twenty-five (25) feet of any property zoned exclusively for residential use.

27. Digital displays on automated teller machines (ATMs), provided, (i) the digital display only displays the name of the financial institution that operates the ATM and the instructions for operating the ATM and (ii) the lettering does not exceed two inches in height.

C. **PROHIBITED SIGNS.** In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:

1. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device.

2. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker, or any other official traffic control device.

3. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window, or fire escape.

4. Signs erected on public or private property without the permission of the property owner.

5. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors except for parking lot sales of less than four (4) days in duration.

6. Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do any of the foregoing, except time and temperature devices and digital displays otherwise exempted by this Chapter.

7. Off-premises signs, including billboards, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15 and digital displays erected in compliance with the standards specified in Section 22.70.030.B.26.

8. Any sign displaying obscene, indecent, or immoral matter as defined under the California Penal Code.

9. Signs on awnings or canopies except on the valance.

10. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.
11. Portable signs.
12. Mobile signs.
13. Any sign (generally known as a "snipe sign") tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or the exterior of a building or other structure, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located. Whenever a sign is found so placed, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign.
14. Bench signs.
15. Banners, including any banner inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.
16. Roof signs and any other graphics which extend, wholly or in part, above the eave line of the structure to which it is attached.
17. Any parapet or pergola sign placed above or partially above the parapet or pergola.
18. Logo signs with courtesy panels.
19. Pennants.
20. Signs which cover or interrupt architectural features.
21. Signs containing changeable copy, except theater marquee signs, business directories, church and museum signs, gas price signs and restaurant interior menu boards.
22. Historical markers placed on the structure, tree or other historical monument itself, except as approved by the Historic Landmarks Commission.
23. Pole signs.
24. Exposed cabinet/raceways behind channel letters.
25. Inflatable signs, except for balloon displays exempted by this Chapter.
26. Unless otherwise exempted by this Chapter, digital displays, including any digital display inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

#### D. GENERAL REQUIREMENTS.

1. No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15.
2. Churches, schools, and other public or semi-public facilities may have one (1) on-site sign not exceeding eighteen (18) square feet in any area, provided that, except for the name of the premises, the lettering shall not exceed three (3) inches in height, and such signs in residential zones shall not be internally illuminated.
3. Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.
4. Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. Said signs shall not exceed twenty-five (25%) percent of the building's total signage.
5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for



more than a total of sixty (60) days per calendar year. Unless specifically exempted in subsection B above, all illuminated signs erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

6. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy or language translation, shall be used in computing the area of a sign. Signing and illumination shall be on two opposing faces only.

7. In order to calculate the size of a sign, the following provisions apply:

a. If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of said box or outline.

b. If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.

c. If the sign is a ground sign, the base or support structure shall be included in calculating the height of the sign.

8. If a building consists of two (2) or more above-ground stories, no sign shall be allowed more than five feet six inches (5'6") above the second floor line or in conformance with Subsection D.11 below, where applicable.

9. Prior to issuance of a sign permit, a ground sign shall be approved by the traffic engineer to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.

10. A non-temporary window sign shall be not larger than twenty-five percent (25%) of the window area of the facade on which it is displayed.

11. A wall sign may be attached flat against or pinned away from the wall. A wall sign placed in the space between windows on the same story shall not exceed more than two-thirds (2/3) of the height of the window, or major architectural details related thereto. A wall sign placed between windows on adjacent stories shall not exceed two-thirds (2/3) the height of the space between said windows.

12. A projecting or hanging sign must clear the nearest sidewalk by a minimum of seven (7) feet and may project no more than four (4) feet into the public right-of-way. Such a sign for a business in the second story of a building is allowed only if the business has a separate street or public parking lot entrance and may be placed at the entrance only.

13. A device displaying time or temperature is permitted in all zones except residential zones and designated historic districts, subject to the provisions herein regulating various types of signs. Such devices are limited to one (1) per block. Only a logo is allowed to appear on the same structure as such a device.

14. A kiosk is permitted in all nonresidential zones, subject to approval by the Sign Committee and (i) the Historic Landmarks Commission if within El Pueblo Viejo Landmark District or another landmark district, or (ii) the Architectural Board of Review in other parts of the City.

15. A relocated sign shall be considered to be a new sign, unless the relocation is required by a public agency as a result of a public improvement, in which case approval shall be obtained only for the new location and base of the sign.

16. Except as otherwise stated in this Chapter, letter height shall be limited to a maximum of twelve (12) inches, except where it can be found that said letter size is inconsistent with building size, architecture and setback from the public right-of-way.

17. A ground sign which exceeds six (6) square feet in area shall not be located within seventy-five (75) feet of any other ground sign.

18. All signs on parcels immediately adjacent to El Pueblo Viejo Landmark District are subject to El Pueblo Viejo regulations.

**SECTION TWENTY-THREE.** Section 22.91.010, 22.91.020, and 22.91.030 of Chapter 22.91 (Solar Energy System Review Process) of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.91.010 Definitions.**

The following words and phrases as used in this Chapter 22.91 are defined as follows:

A. “Electronic submittal” means the utilization of one or more of the following:

1. e-mail, or
2. the internet, or
3. facsimile.

B. “Feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (b) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

C. “Small residential rooftop solar energy system” is a solar energy system that satisfies all of the following elements:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time;
3. A solar energy system that is installed on a single residential unit or two-residential unit ~~(as defined in Chapter 28.04 of this Code)~~; and
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

D. “Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

E. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 5713, 2015.)

**22.91.020 Administrative Approval Process.**

The City shall administratively approve applications to install solar energy systems pursuant to the provisions of this Chapter 22.91. If an application for a solar energy system satisfies all of the requirements of the Small Residential Rooftop Solar Energy System checklist, the application shall receive expedited review pursuant to Section 22.91.030. Otherwise, all applications to install solar energy systems shall be processed pursuant to this Section 22.91.020.

A. Application. Prior to submitting a solar energy system permit application and checklist to the City, the applicant shall:

1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. Verify that the existing electrical system's current or proposed configuration will accommodate all new photovoltaic electrical loads in accordance with the edition of the California Electrical Code in effect at the time the solar energy system permit application is submitted; and

3. Verify that the proposal is exempt from, or otherwise complies with, the coastal development permit requirements pursuant to Public Resources Code 30610, Sections 13250 to 13253 of Title 14 of the California Administrative Code, and Chapters 28.16 and 28.4459 of the Santa Barbara Municipal Code.

B. **Extent of Review.** The review of all applications to install a solar energy system shall be limited to the Building Official's review of whether the proposed solar energy system meets all health and safety requirements of local, state, and federal law, and the City Planner's review of applicable building height, open yard requirements, and zoning setbacks pursuant to Title 28 of the Santa Barbara Municipal Code. If the Building Official makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the City shall require the applicant to obtain a Performance Standard Permit.

C. **Standards for Solar Energy Systems.** All solar energy systems proposed for installation within the City of Santa Barbara shall meet the following standards, as applicable:

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, including building height, zoning setback, minimum open yard, and permitted construction standards.

2. Solar energy systems for heating water in single-family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

3. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

4. Solar energy systems may be installed on a property with outstanding violations of the City's Municipal Code so long as both of the following requirements are satisfied:

a. The proposed solar energy system installation will not rely upon prior construction that was identified as a violation in an unresolved City notice or document; and

b. In the course of conducting the building inspection for a solar energy system, a health or life-safety hazard is not observed. Examples of such hazards include, but are not limited to, conditions that could lead to structural failure, electrical shock, and sanitary sewer failures.

D. **Performance Standard Permit.** In the case where the Building Official makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the solar energy system shall not be installed until a Performance Standard Permit has been issued for the solar energy system pursuant to Chapter 28.9368 of this Code. The Performance Standard Permit shall require the installation or incorporation of methods or conditions necessary to minimize or avoid the specific, adverse impact.

E. **Appeal.** The Building Official's decision that a proposed solar energy system could have a specific, adverse impact upon the public health and safety is appealable in accordance with the following procedures:

1. **Who May Appeal.** The decision of the Building Official may be appealed to the Planning Commission by the applicant. No other persons can appeal.

2. **Timing for Appeal.** The applicant must file a written appeal with the Community Development Director no more than 10 calendar days following the Building Official's decision. The appeal shall include the grounds for appeal.

3. **Grounds for Appeal.** The decision of the Building Official may be appealed on the grounds that the Building Official's decision that a proposed solar energy system could have a specific, adverse impact upon the public health and safety is not supported by substantial evidence.

4. Scheduling an Appeal Hearing. The Community Development Department shall assign a date for an appeal hearing before the Planning Commission no earlier than 10 calendar days after the date on which the appeal is filed with the Community Development Director. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing.

5. Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the Building Official's decision that a proposed solar energy system could have a specific, adverse impact upon the public health and safety in accordance with the following:

a. A decision to affirm the decision of the Building Official shall require a finding based on substantial evidence in the record that the proposed solar energy system could have a specific, adverse impact upon the public health and safety.

b. If the Planning Commission determines that there is not substantial evidence that the solar energy system could have a specific adverse impact upon the public health and safety, then the decision of the Building Official shall be reversed and the project shall be approved.

c. If the Planning Commission determines that conditions of approval would mitigate the specific adverse impact upon the public health and safety, then the decision of the Building Official shall be reversed and the project shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible, which generally means the permit condition shall not cause the project to exceed 10 percent of the cost of the small rooftop solar energy system or decrease the efficiency of the small rooftop solar energy system by an amount exceeding 10 percent.

6. The decision of the City Planning Commission is final.

### **22.91.030 Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems.**

In compliance with Government Code Section 65850.5, the City has developed an expedited and streamlined permitting process for qualifying Small Residential Rooftop Solar Energy Systems. The submittal requirements and review procedures for applications of Small Residential Rooftop Solar Energy Systems are as follows:

A. Application Checklist. In order to be eligible for expedited review, prior to submitting a solar energy system permit application and checklist to the City, the applicant shall:

1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. Verify that the existing electrical system's current or proposed configuration will accommodate all new photovoltaic electrical loads in accordance with the edition of the California Electrical Code in effect at the time the solar energy system permit application is submitted; and

3. Verify that the proposal is exempt from, or otherwise complies with, the coastal development permit requirements pursuant to Public Resources Code 30610, Sections 13250 to 13253 of Title 14 of the California Administrative Code, and Chapters 28.16 and 28.4459 of the Santa Barbara Municipal Code.

B. Application Submission. The City accepts the submission of applications for Small Residential Rooftop Solar Energy Systems and the associated checklist and documentation in person at the Building Permit counter or by electronic submittal. The City shall accept signatures electronically for electronic submittals.

C. Standards for Solar Energy Systems. All solar energy systems proposed for installation within the City of Santa Barbara shall meet the following standards, as applicable:

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, including building height, zoning setback, minimum open yard, and permitted construction standards.

2. Solar energy systems for heating water in single-family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

3. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

4. Solar energy systems may be installed on a property with outstanding violations of the City's Municipal Code so long as both of the following requirements are satisfied:

a. The proposed solar energy system installation will not rely upon prior construction that was identified as a violation in an unresolved City notice or document; and

b. In the course of conducting the building inspection for a solar energy system, a health or life-safety hazard is not observed. Examples of such hazards include, but are not limited to, conditions that could lead to structural failure, electrical shock, and sanitary sewer failures.

D. Application Review. The Building and Safety Division shall confirm whether the application and supporting documents are complete and meet the requirements of the City's Small Residential Rooftop Solar Energy System checklist. The Building and Safety Division shall review applications for Small Residential Rooftop Solar Energy Systems within 24 working hours (3 working days) of submission. Mounting the solar panels on the plane of the roof with the California Solar Permitting Guide "Flush Mount" standards, will eliminate the need for confirmation of maximum building height.

E. Complete Application. An application that satisfies the information requirements specified in the City's Small Residential Rooftop Solar Energy System checklist shall be deemed complete.

F. Incomplete Application. If the Building and Safety Division determines that an application for a Small Residential Rooftop Solar Energy System is incomplete, the Building and Safety Division shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. Alternatively, if the Building and Safety Division determines that the proposed solar energy system, as proposed, will not qualify as a Small Residential Rooftop Solar Energy System, the Building and Safety Division may recommend that the applicant resubmit his or her application pursuant to Section 22.91.020.

G. Permit Approval. Upon confirmation by the Building and Safety Division that the application and supporting documents are complete and meet the requirements of the Small Residential Rooftop Solar Energy System checklist, the Building Official shall approve the application and issue all required permits or authorizations electronically.

H. Inspections. The installation of a Small Residential Rooftop Solar Energy System shall only require one building inspection which, if a fire inspection is required, shall be consolidated with the fire inspection. If the installation of the Small Residential Rooftop Solar Energy System fails the inspection, a subsequent inspection or inspections shall be required, at the applicant's expense, until the installation passes inspection or is cancelled and the solar energy system is removed to the satisfaction of the Building Official.

**SECTION TWENTY-FOUR.** Section 22.96.020 of Chapter 22.96 (Maintenance of Abandoned Automobile Service Stations) of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

**22.96.020 Definitions.**

A. "Abandoned service station" means an automobile service station where the owner or lessee has failed to operate such station for the retail sale of gasoline and other petroleum products to the general

public for at least ninety (90) consecutive days and where the property has not been converted to another ~~commercial~~ nonresidential use permitted by Title 28 of this Code.

An automobile service station which is used only as a storage facility for gasoline and other petroleum products is an abandoned service station for the purposes of this chapter.

B. "Automobile service station" means any site where the buildings are designed, built and operated for the purpose of dispensing and selling fuels for internal combustion engines of any automotive vehicles.

**SECTION TWENTY-FIVE.** Section 26.08.030 of Chapter 26.08 (Mobilehome and Recreational Vehicle Park Lease Regulations) of Title 26 of the Santa Barbara Municipal Code is amended to read as follows:

**26.08.030 Definitions.**

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning.

A. CAPITAL IMPROVEMENT. Any addition or betterment made to a mobilehome or recreational vehicle park which consists of more than a mere repair or replacement of an existing facility or improvement and which has a useful life of five or more years.

B. CONSUMER PRICE INDEX. The Urban Wage Earners and Clerical Workers Index, Los Angeles-Long Beach-Anaheim average, all items, as published by the United States Bureau of Labor Statistics, or such other index as may be approved by resolution of the City Council.

C. DEPARTMENT. The Community Development Department of the City of Santa Barbara.

D. MOBILEHOME. As defined in ~~Section~~Chapter 28.04.46581 of this Code.

E. MOBILEHOME PARK. As defined in ~~Section~~Chapter 28.04.47080 of this Code.

F. MOBILEHOME PARK SPACE. As defined in ~~Section~~Chapter 28.04.47581 of this Code.

G. MOBILEHOME RESIDENT. A person who rents a space in a mobilehome park.

H. PARK OWNER. The owner or operator of a mobilehome or recreational vehicle park or an agent or representative authorized to act on said owner's or operator's behalf in connection with the maintenance or operation of the park.

I. RECREATIONAL VEHICLE. As defined in ~~Section~~ Chapter 28.04.55581 of this Code.

J. RECREATIONAL VEHICLE PARK. As defined in ~~Section~~Chapter 28.04.56080 of this Code.

K. RECREATIONAL VEHICLE SPACE. As defined in ~~Section~~Chapter 28.04.57581 of this Code.

L. RECREATIONAL VEHICLE RESIDENT. A person who rents a space in a recreational vehicle park.

M. REHABILITATION WORK. Any renovation or repair work completed on or in a mobilehome or recreational vehicle park which was performed in order to comply with an order of a public agency, or to repair damage resulting from fire, earthquake, or other casualty.

N. RENT. The consideration, including any bonus, benefits or gratuity, demanded or received by a park owner for or in connection with the use or occupancy of a space, including but not limited to monies demanded or paid for the following: meals where required by the park owner as a condition of the tenancy, parking, furnishings, other housing services of any kind, subletting, or security deposits. (Housing services are defined as those services connected with the use or occupancy of a space including, but not limited to, utilities (light, heat, water and telephone), utility connections, ordinary repairs or replacement and maintenance, including painting. This term shall also include the provision of laundry facilities and privileges, common recreational facilities, janitor service, resident manager, refuse removal, storage facilities and any other benefits, privileges or facilities.)

O. RESIDENT. A mobilehome resident and a recreational vehicle resident.

- P. SPACE. A mobilehome park space and a recreational vehicle park space.
- Q. TENANCY. The right of a resident to use or occupy a space.

**SECTION TWENTY-SIX.** Section 26.20.020 of Chapter 26.20 (Report of Notice to Quit) of Title 26 of the Santa Barbara Municipal Code is amended to read as follows:

**26.20.020 Definitions.**

"Landlord and rental unit," when used in this Chapter, shall be construed as defined herein. Other words and phrases used herein shall have the meaning stated elsewhere in this Code.

A. LANDLORD. An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

B. RENTAL UNIT. A dwelling unit, as defined in ~~Section Chapter 28.04.260~~ 81 of this Code, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall include a dwelling unit in a condominium or similar project. The term shall not include:

1. A dwelling unit on a lot with four or fewer dwelling units, provided one such dwelling unit is occupied by a record owner of the property.

2. A single-family-unit residential structure where there is only one such structure on the lot.

3. Housing accommodations in hotels and boarding houses, provided that at such time as an accommodation has been occupied by one or more of the same tenants for sixty (60) days or more, such accommodation shall become a rental unit subject to the provisions of this chapter.

4. A dwelling unit in a nonprofit or limited equity stock cooperative while occupied by a share-holder tenant of the stock cooperative.

5. Housing accommodations in any hospital; state licensed community care facility; convent, monastery, extended medical care facility; asylum; fraternity or sorority house; or housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by its students or teachers.

6. Housing accommodations which a governmental agency, or authority owns, operates, or manages, or as to which rental or mortgage assistance is paid pursuant to 24 C.F.R. 882 ("HUD Section 8 Federal Rent Subsidy Program") or a similar federal rental assistance program.

7. Housing accommodations operated by an organization exempt from federal income tax is under section 501(c)(3) of the Internal Revenue Code provided that the gross income derived therefrom does not constitute unrelated business income as defined in Section 512 of the Internal Revenue Code, or a nonprofit public benefit corporation under California Corporations Code Section 5110 et seq., whose principal purpose is to provide low or moderate income housing.

**SECTION TWENTY-SEVEN.** Section 26.30.020 of Chapter 26.30 (Housing Discrimination) of Title 26 of the Santa Barbara Municipal Code is amended to read as follows:

**26.30.020 Definitions.**

For the purposes of this chapter, certain terms are defined as follows:

- A. BEDROOM. As defined in Title 28 of this Code.
- B. INFANT. A child less than one year of age.

C. **LANDLORD.** An owner, lessor, or sublessor (including any person, firm, corporation, partnership, association, trust, estate or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the authorized agent, representative or successor of any of the foregoing.

D. **MINOR CHILD.** A natural person under the age of sixteen years.

E. **PERSON.** An individual, firm, partnership, joint venture, association, corporation, estate or trust.

F. **RENTAL UNIT.** A dwelling unit, as defined in ~~Section~~ Chapter 28.04.26081 of this Code, rented or offered for rent for living or dwelling purposes, the land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall include a dwelling unit in a condominium or similar project.

G. **SENIOR ADULT.** A person sixty-two years of age or older.

H. **UNRUH ACT.** The Unruh Civil Rights Act, California Civil Code Sections 51 et seq., as construed by the California Supreme Court and courts of appeal.

**SECTION TWENTY-EIGHT.** Section 27.03.010, of Chapter 27.03 (General Procedural Provisions) of Title 27 of the Santa Barbara Municipal Code is amended to read as follows:

**27.03.010 Advisory Agency.**

The Planning Commission or the Staff Hearing Officer shall serve as the Advisory Agency for the City of Santa Barbara as designated below:

A. **THE PLANNING COMMISSION.** The Planning Commission is hereby designated as the Advisory Agency for the purposes of this Title 27 and the Subdivision Map Act, except as such duties are assigned to the Staff Hearing Officer pursuant to Subsection B below.

B. **THE STAFF HEARING OFFICER.** The Staff Hearing Officer is hereby designated as the Advisory Agency for the purposes of this Title 27 and the Subdivision Map Act for the following types of applications, unless the application requires another discretionary approval from the Planning Commission under any other provision of this Code:

1. Lot line adjustments between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

2. Subdivisions that will result in four (4) or fewer parcels or condominium units, unless any of the following conditions apply to the application:

a. Any portion of the real property within the proposed subdivision is located in a Hillside Design District, as defined in Chapter 22.68 of this Code;

b. The proposed subdivision requires a public street waiver pursuant to Section 22.60.300 of this Code; or

c. Any of the following creeks traverse or are immediately adjacent to the proposed subdivision: Arroyo Burro Creek, Arroyo Hondo Creek, Cieneguitas Creek, Laguna Creek/Channel, Lighthouse Creek, Mission Creek or Sycamore Creek, or their tributaries as shown on the City of Santa Barbara Creek and Tributaries Map for Tentative Subdivision Maps that require Planning Commission action adopted by resolution of the City Council.

3. Residential condominium conversions pursuant to Chapter 28.8843 of this Code involving four (4) or fewer residential units.

4. New commercial condominiums of up to 3,000 square feet of floor area.

5. Non-residential condominium conversions.

6. Requests for extensions of the time at which an approved tentative map expires for all approved tentative maps.



**SECTION TWENTY-NINE.** Sections 27.07.110 of Chapter 27.07 (Expiration and Extensions of Tentative Maps) of Title 27 of the Santa Barbara Municipal Code is amended to read as follows:

**27.07.110 Expiration and Extensions of Tentative Maps.**

A. **EXPIRATION.** The approval or conditional approval of a tentative map shall expire ~~twenty-four (24) months~~ three years from the date the map was approved or conditionally approved.

B. **EXTENSION.** The subdivider may request an extension of the tentative map approval or conditional approval by written application to the Staff Hearing Officer filed with the Community Development Department, such application to be filed before the expiration of the tentative map. The application shall state the reasons for requesting the extension. The Staff Hearing Officer shall grant or deny the request for an extension. In granting an extension, the Staff Hearing Officer may impose new conditions or revise existing conditions.

C. **APPEAL.** If the Staff Hearing Officer denies the subdivider's application for an extension, the subdivider may appeal said denial to the City Council within fifteen (15) days after the Staff Hearing Officer action.

D. **TIME LIMIT ON EXTENSIONS.** An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of ~~three (3) two~~ two years beyond the expiration of the ~~twenty four (24) month~~ three year period provided in Subsection A above.

E. **EFFECT OF MAP MODIFICATION ON EXTENSION.** Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

F. **LITIGATION TOLLING PURSUANT TO THE SUBDIVISION MAP ACT.** The period of time specified in this section for the validity of a tentative map, including any extension thereof, granted pursuant to the state Subdivision Map Act, shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, provided that such litigation tolling does not exceed a period of five ~~(5)~~ years.

For the purposes of compliance with subsection (c) of Government Code Section 66452.6 (a part of the state Subdivision Map Act), this subsection shall be deemed the local agency's express approval of the tolling of the period of time during which a tentative map's approval is subject to litigation. The Community Development Director may adopt administrative procedures for requiring an applicant to advise the City of litigation challenging the validity of a tentative map's approval or conditional approval and for documenting the period of time involved in such litigation.

**SECTION THIRTY.** Sections 27.13.040 and 27.13.060 of Chapter 27.13 (Expiration and Extensions) of Title 27 of the Santa Barbara Municipal Code are amended to read as follows:

**27.13.040 Where Permitted.**

~~A. **GENERALLY.** Condominium projects may be permitted in the single-family residential single unit zones subject to the issuance of a Conditional Use Permit as set forth in Chapter 28.36 of this Code. Condominium projects may be permitted in the R-2, R-~~M3~~ and R-MH4 zones subject to the requirements and standards set forth in this Chapter. In addition, condominium projects may be permitted in all other zones where appropriate and generally permitted except in the ~~C-XR-D~~ and ~~M-M-I~~ zones.~~

~~B. **ACCESSORY DWELLING UNITS ON CERTAIN R-2 LOTS.** Notwithstanding subsection (A) above, dwelling units constructed or permitted pursuant to the authority of Subsection~~

~~(E) of Santa Barbara Municipal Code Section 28.18.075 may not be subdivided as a condominium project due to the lack of consistency with General Plan requirements as mandated by Section 27.13.080 of this Chapter and the state Subdivision Map Act, Government Code Sections 66410-66499.58.~~

### **27.13.060 Physical Standards for Condominiums.**

In addition to the requirements of the zone in which a project is located, the following standards shall be required for all condominium projects:

1. **Parking.** The off-street parking requirements for a condominium development shall be in accordance with Chapter 28.90.10047 of this Code.
2. **Private Storage Space.** Each unit shall have at least 300 cubic feet of enclosed, weatherproofed and lockable private storage space provided in one location in addition to the guest, linen, pantry, and clothes closets that are customarily provided. This requirement may be waived for a unit if an enclosed garage is provided for that unit.
3. **Utility Metering.**
  - (a) The consumption of gas and electricity within each unit shall be separately metered so that the unit's owner can be separately billed for each utility.
  - (b) A water shut-off valve shall be provided for each unit or for each plumbing fixture.
  - (c) Each unit having individual meter(s) or heater(s) shall have access to its meter(s) and heater(s) which shall not require entry through another unit.
  - (d) Each unit shall have its own panel, or access thereto, for all electrical circuits which serve the unit.
  - (e) An exception may be granted to the above restrictions when heat or power is provided by means of solar energy.
4. **Laundry Facilities.** A laundry shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and one dryer for each five (5) units or a fraction thereof.
5. **Public Improvement Districts.** The applicant shall waive the right, through deed restriction, to protest the formation of public improvement districts as deemed appropriate by the Advisory Agency.
6. **Density.** The maximum number of dwellings may not exceed the zone in which the project is located (including slope density requirements where applicable).
7. **Unit Size.** The enclosed living or habitable area of each unit shall be not less than 400 square feet.
8. ~~Outdoor Living Space~~**Open Yard.** ~~Outdoor living space~~**Open yard** shall be provided as set forth in Section 28.18.060 for R-2 zoned lots and Section 28.21.081 for R-3 or less restrictive zoned lots of this Code pertaining to outdoor living space 28.40.150.
9. **Storage of Recreational Vehicles.** The provision for storage space of recreational vehicles shall be determined by the Advisory Agency at the time of the approval of the tentative map.

**SECTION THIRTY-ONE.** Section 27.20.050 of Chapter 27.20 (Vesting Tentative Maps) of Title 27 of the Santa Barbara Municipal Code is amended to read as follows:

### **27.20.050 Filing and Processing.**

A vesting tentative map shall (i) be submitted for approval in the same form, (ii) have the same contents and accompanying data and reports, and (iii) shall be processed in the same manner as a tentative map except as hereinafter provided:

A. VESTING TENTATIVE MAP - IDENTIFICATION. At the time a vesting tentative map is submitted for approval, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. SPECIAL REQUIREMENTS FOR VESTING TENTATIVE MAP. At the time a vesting tentative map is submitted for approval, the subdivider shall also supply the following information:

1. A preliminary plot plan of the proposed development, drawn to scale, showing, as a minimum:
  - a. Boundaries of the property;
  - b. The location, dimensions, and uses of all existing and proposed buildings and structures on the subject property;
  - c. Location, size and number of parking spaces and loading spaces;
  - d. All interior circulation patterns including streets, walkways, bikeways, and connections to existing or proposed arterial or connector roads and other major roads;
  - e. Location and use of all buildings and structures within 50 feet of the property's boundaries;
  - f. Location, height, and material of all existing and proposed walls and fences;
  - g. Location of areas of geologic, seismic, flood and other hazards;
  - h. Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies, and significant existing vegetation;
  - i. Location and amount of land devoted to public purposes, open space, landscaping and recreation.
2. Preliminary Soils Report.
3. Improvement plans for construction of public improvements as required by the Public Works Department. The improvement plans shall be prepared by a registered civil engineer and shall include but not be limited to:
  - a. Street improvements, including but not limited to curb, gutter, sidewalk, sewer system, water system, street lighting, traffic controls and undergrounding of utilities;
  - b. Existing and proposed drainage;
  - c. Right of way and other dedications;
  - d. Existing contours and proposed grading;
4. Preliminary building elevations;
5. Preliminary landscaping and irrigation plans indicating proposed trees, shrubs, and ground cover; and delineating species, size, and placement;
6. Statistical Data:
  - a. Net and gross acreage and square footage of the property;
  - b. Height, ground floor area, and total floor area of each building;
  - c. Number and type of dwelling units in each building, i.e., ~~single-family dwelling unit~~ residential, condominium, apartment, etc., and number of bedrooms in each dwelling, where applicable;
  - d. Building coverage expressed as a percent of the total net area of the property;
  - e. Percentage of the net or gross land area of the property devoted to landscaping, open space and/or recreation, whichever is appropriate;
  - f. Parking requirements for the entire development with a computation showing the requirements for each dwelling, unit in the development and total parking requirements;
  - g. Estimated number of potential residents in each residential category;
  - h. Number of employees and potential new employees, if applicable;
  - i. Average slopes, if parcel contains any slope in excess of 20 percent;
7. Three-dimensional perspective drawings and renderings to scale sufficient to show the architectural design, including colors and materials, of buildings and structures proposed to be constructed;

8. The off-site circulation pattern, including right-of-way dedication, street improvements, traffic control measures and acceleration and deceleration lanes;

9. A statement of intent as to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, transportation, i.e., proximity to transit or provision of bike lanes;

10. A statement of energy and water conservation measures and/or devices incorporated into the construction and occupancy phases of the development;

11. The on-site illumination plan emphasizing access, walkways, buildings, parking, landscaping, and signs; illumination intensity shall be subject to approval from the Advisory Agency after on-site inspection;

12. Any signs, including size and location, if applicable;

13. Measures to be used to prevent a reduced nuisance effect such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property;

14. If development is to occur in stages, the sequence and timing of construction of the various phases;

15. Proposed homeowners association (if applicable) indicating CC & R's, deeds, restrictions, and methods of open-space maintenance;

16. Any other data requested by the Community Development or Public Works Departments.

C. **PRIOR APPROVALS NECESSARY.** Where a vesting tentative map application is submitted for approval in conjunction with a development plan, conditional use permit, modification, or variance for the same property, the vesting tentative map shall be processed concurrently with such discretionary approvals. If the applicant is seeking a modification, variance, or conditional use permit, a vesting tentative map shall not be approved or conditionally approved until all other discretionary approvals have been granted or conditionally granted. A vesting tentative map processed in conjunction with a development plan shall not be approved or conditionally approved until the preliminary development plan has been approved or conditionally approved by City.

D. **DEVELOPMENT ALLOCATION SYSTEM.** Every vesting tentative map shall contain a statement that the issuance of any building or grading permit for the real property shown on the vesting tentative map is subject to the requirements and restrictions of the City's Development Allocation System existing at the time of any such issuance.

**SECTION THIRTY-TWO.** Section 27.40.100 of Chapter 27.40 (Expiration and Extensions) of Title 27 of the Santa Barbara Municipal Code is amended to read as follows:

**27.40.100 Expiration and Extension.**

A. **EXPIRATION.** The approval or conditional approval of a lot line adjustment shall expire ~~twenty four (24) months~~ three years from the date on which final action is taken approving or conditionally approving the lot line adjustment.

B. **EXTENSION.** The applicant may request an extension of the approval or conditional approval of a lot line adjustment by written application to the Staff Hearing Officer filed with the Community Development Department, such application to be filed before the expiration of the lot line adjustment. The application shall state the reasons for requesting the extension. An extension or extensions of a lot line adjustment approval shall not exceed an aggregate of ~~three (3)~~ two years beyond the expiration of the three year period provided in Section 27.40.100.A.

C. **APPEAL.** If the Staff Hearing Officer denies the applicant's application for an extension, the applicant may appeal said denial to the City Council within fifteen (15) days after the Staff Hearing Officer action.

**SECTION THIRTY-THREE.** Sections 29.04.120, 29.04.150 and 29.04.270 of Chapter 29.04 (Definitions) of Title 29 (Airport Zoning) of the Santa Barbara Municipal Code are amended to read as follows:

**29.04.120 Environmentally Sensitive Area.**

Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (See ~~Section 28.04.099.4~~ Chapter 28.81, Environmentally Sensitive Habitat Area.)

**29.04.150 Hangar Height.**

The intent of a hangar height definition is to allow for the security, storage and maintenance of aircraft. The calculation of the height of a hangar shall be as provided in Section ~~28.04.140-090~~ of the Santa Barbara Municipal Code provided that those portions of a hangar utilized exclusively for the purposes of enclosing portions of an aircraft in accordance with federal regulations shall be considered an architectural element.

**29.04.270 Wetland.**

Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. (See Chapter 28.1644, Coastal (CZ) Overlay Zone, Chapter 28.59, Coastal Permits, and Chapter 28.81, Definitions.)

**SECTION THIRTY-FOUR.** Section 29.10.001 of Chapter 29.10 (Zones Established) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.10.001 Establishing and Naming Zones.**

In order to classify, regulate, restrict and segregate the uses of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of setbacks, yards and other open spaces about buildings; the territory of the Santa Barbara Municipal Airport is hereby divided into the following zone classifications:

A-A-O	Aircraft Approach and Operation Zone
A-F	Airport Facilities Zone
A-C	Airport Commercial Zone
A-I-1	Airport Industrial-1 Zone
A-I-2	Airport Industrial-2 Zone
G-S-R	Goleta Slough Reserve Zone
<del>C-R</del> A-C-R	<u>Airport Commercial Recreation Zone</u>
P-R	Park and Recreation Zone
<del>SP-6</del> SP6-AI	Airport Industrial Area Specific Plan Zone
<del>S-D-3</del> CZ	<u>Coastal Overlay Zone</u>

**SECTION THIRTY-FIVE.** Section 29.15.131 of Chapter 29.15 (A-F Airport Facilities Zone) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.15.131 Development Potential.**

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in ~~Development Plan Approval~~, Chapter 28.4685, Nonresidential Growth Management Program.

**SECTION THIRTY-SIX.** Sections 29.21.030 and 29.21.131 of Chapter 29.11 (A-I-1 and A-I-2 Airport Industrial Zones) of Title 29 of the Santa Barbara Municipal Code are amended to read as follows:

**29.21.030 Uses Permitted.**

Any of the following uses, provided that such operations are not obnoxious or offensive by reason of emission or odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose hazard to life or property. Whether such obnoxious or offensive qualities exist or are likely to result from a particular operation or use shall be determined from the point of view of all immediately adjoining land and uses and considering the performance and development standards to which they are subject.

A. In the A-I-1 Zone:

The following uses are expressly permitted in the A-I-1 Zone:

1. Appliance and equipment service and repair.
2. Automobile tire installation and repair performed entirely in an enclosed building.
3. Cabinet making or refinishing.
4. Electronic products manufacturing and sales.
5. Freight terminal.
6. Household hazardous waste facility, subject to issuance of a Conditional Use Permit.
7. Laboratory.
8. Manufacture, assembly, processing and distribution of products.
9. Office or retail sales incidental and accessory to any allowed use.
10. Public and quasi-public utility or maintenance facilities, including pump plant, transformer yard, switching station, service and equipment yard and similar uses.
11. Recycling business, subject to the issuance of a Conditional Use Permit.
12. Research and development establishment and related administrative operations.
13. Storage and distribution warehouse.
14. Any use allowed in the A-F Zone.
15. The following open yard uses are allowed north of Francis Botello Road only:
  - a. Automobile repair and body shop.
  - b. Brick yard.
  - c. Concrete and asphalt products storage and manufacture.
  - d. Contractor's yard.
  - e. Lumber yard, including retail sales of lumber only.
  - f. Metal products storage, manufacture and distribution.
  - g. Open storage and rental of vehicles, trailers, recreational vehicles, mobilehomes, equipment and/or materials.
  - h. Rock, sand and gravel yard.

16. The following additional uses are allowed in buildings designated as a Structure of Merit under the provisions of Chapter 22.22 of this Code or determined to be eligible for such designation:

- a. Any use allowed in the Airport Commercial (A-C) Zone.
- b. Any use allowed in the Airport Commercial Recreation (~~C-RA-C-R~~) Zone.

17. Other uses determined to be appropriate by the Planning Commission.

B. In the A-I-2 Zone:

The following uses are expressly permitted in the A-I-2 Zone:

1. Any use allowed in the A-I-1 Zone, except household hazardous waste facility, recycling business and open yard uses.

2. Auto diagnostic center.

3. Bookkeeping, accounting and/or tax service.

4. Branch bank, branch savings and loan office, credit union or automatic teller machine, subject to the following provisions:

a. No similar facility is located within three hundred feet (300') of the subject facility.

b. There shall be no drive-up window or drive-up automatic teller machine.

c. Services are limited to deposits, check cashing, cashier and travelers checks issuance, acceptance of loan applications and night deposits. Loan applications processing is excluded.

5. Convenience store not exceeding 2,500 square feet in size.

6. Copying and duplicating service.

7. Courier and small package delivery service.

8. Dry cleaning establishment.

9. Mailing service and supply.

10. Motorcycle or bicycle and related accessories sales and repair.

11. New car agency, including accessory repair conducted entirely within a building or enclosed area.

12. Office supply sales.

13. Photographic shop including photographic developing.

14. Printing, lithographing, photocopying or publishing establishment.

15. Restaurant.

16. Secretarial service.

17. Temporary employment service.

18. Used car sales.

19. Any use allowed in the ~~C-RA-C-R~~ Zone on property immediately west of Frederic Lopez Road (adjacent to the ~~C-RA-C-R~~ Zone) when developed in conjunction with a use in the area zoned ~~C-RA-C-R~~, immediately east of Frederic Lopez Road, as shown in the Airport Industrial Area Specific Plan.

20. Other uses determined to be appropriate by the Planning Commission.

### **29.21.131 Development Potential.**

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in ~~Development Plan Approval~~, Chapter 28.4685, Nonresidential Growth Management Program.

**SECTION THIRTY-SEVEN.** Sections 29.23.001, 29.23.005, 29.23.030 and 29.23.131 of Chapter 29.23 (C-R Commercial Recreation Zone) of Title 29 of the Santa Barbara Municipal Code are amended to read as follows:

**29.23.001 In General.**

The following regulations shall apply in the ~~C-RA-C-R~~ Airport Commercial Recreation Zone unless other-wise provided in this ordinance.

**29.23.005 Legislative Intent.**

It is the intent of this zone classification to provide areas for any use or development, either public or private, providing pleasure, sport, amusement, exercise or other resources affording relaxation or enjoyment, which is operated primarily for financial gain. Because much of the area in the ~~C-RA-C-R~~ Zone is in the floodway, many of the uses allowed are uses that would be compatible with allowed development in the floodway. These include golf, miniature golf and other uses which involve minimal changes to the floodway.

**29.23.030 Uses Permitted.**

The following uses are expressly permitted in the ~~C-RA-C-R~~ Zone:

- A. Commercial Recreation, as defined in this Title.
- B. Game Arcade, subject to issuance of a Conditional Use Permit as outlined in Chapter 29.92.
- C. Golf course or driving range and related facilities.
- D. Health club.
- E. Miniature golf course.
- F. Outdoor vendor, in association with a commercial recreation use.
- G. Pushcart, in association with a commercial recreation use.
- H. Restaurant.
- I. Restaurant, fast food.
- J. Reverse vending machine.
- K. Skating rink.
- L. As shown in the Airport Industrial Area Specific Plan, any use allowed in the A-I-2 Zone on property immediately east of Frederic Lopez Road (adjacent to the A-I-2 Zone) when developed in conjunction with a use in the area zoned A-I-2, immediately west of Frederic Lopez Road.
- M. Other uses determined to be appropriate by the Planning Commission.

**29.23.131 Development Potential.**

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in ~~Development Plan Approval~~, Chapter 28.4685, Nonresidential Growth Management Program.



**SECTION THIRTY-EIGHT.** Section 29.25.020 of Chapter 29.25 (Goleta Slough Reserve Zone) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.25.020 Requirements and Procedures.**

A. **COASTAL DEVELOPMENT PERMIT REQUIRED.** In addition to any other permits or approvals required by the City hereafter, a Goleta Slough Coastal Development Permit shall be required prior to commencement of any development within the Goleta Slough Reserve Zone, unless specifically excluded. A Coastal Development Permit under the provisions of Chapters 28.1644 and 28.59, shall not be required if the proposed project is only in the G-S-R and ~~S-D-3CZ~~ Zones; however, a Goleta Slough Reserve Coastal Development Permit shall be required, unless specifically excluded. If a development is in another zone in addition to the G-S-R and ~~S-D-3CZ~~ zones, both a Coastal Development Permit under this Chapter and under Chapter 28.44 shall be required, unless specifically excluded. If a development is excluded from a Goleta Slough Coastal Development Permit, as stated in Section 29.25.040 of this Chapter, it shall also be excluded from a Coastal Development Permit under Chapters 28.1644 and 28.59 of the Municipal Code.

B. **PERMIT PROCESS.** The regulations set forth in Chapters 28.1644 and 28.59 of the Municipal Code, except as they pertain to the application for a separate Coastal Development Permit, shall apply to the processing of a Goleta Slough Coastal Development Permit application.

C. **SUBMITTAL REQUIREMENTS.** In addition to the information required to be submitted with an application for a Coastal Development Permit, or any other application requirements of the Community Development Department, the following information must be submitted with an application for a Goleta Slough Coastal Development Permit:

1. **Development Plan:** A development plan, clearly and legibly drawn, the scale of which shall be large enough to show clearly all details thereof and shall contain the following information:

- (a) Contour lines of existing grade with a minimum of two (2) foot intervals;
- (b) Dimensions of proposed development and location of proposed use with scale, date and north arrow;
- (c) Finished grade contours after completion of development or use clearly showing the location of all proposed grading, cut and fill;
- (d) The location of proposed access to the development site during construction and after the project is completed;
- (e) The location for the stockpiling of any dredged materials or storage of supplies and equipment during or after construction;
- (f) Habitat mapping and impact assessment by a qualified wetland biologist identifying all upland and wetland habitat locations within at least 100 feet from any development, access way, storage site or disturbed area and discussion of any impacts to the wetland or the 100 foot buffer along the periphery of the wetland. Wetland delineations shall be prepared in accordance with the definitions of Section 13577(b) of Title 14 of the California Code of Regulations;
- (g) An identification of habitat area that supports rare, threatened, or endangered species that are designated or candidates for listing under State or Federal law, “fully protected” species and/or “species of special concern,” and plants designated as rare by the California Native Plant Society;
- (h) Water Quality Mitigation Plan (WQMP) and Stormwater Pollution Prevention Plan (WQMP) and Stormwater Pollution Prevention Plan (SWPP) details consistent with the criteria of LUP Policies C-12 and C-13.

2. Written description of the project including the purpose of the project and an anticipated schedule for construction and completion.

3. Elevations of the proposed structure from all sides.

4. Written comment on the proposed use or development from the State of California Department of Fish and Game. Review by the Department of Fish and Game shall be coordinated through the City of Santa Barbara Community Development Department Staff.

5. An identification and description of rare, threatened, or endangered species, that are designated or candidates for listing under State or Federal law, and identification of “fully protected” species and/or “species of special concern,” and plants designated as rare by the California Native Plants Society, and avoidance, mitigation, restoration and monitoring measures/plan details consistent with the criteria of LUP Policies C-14 and C-15; and

6. Written description and impact assessment of sensitive archaeological or other culturally sensitive resources and details of avoidance, mitigation and monitoring measures necessary to avoid potential impacts.

7. Other information reasonably required by the Community Development Department.

D. NOTICING. Refer to Chapters ~~28.1644~~ and ~~28.59~~ for noticing requirements.

**SECTION THIRTY-NINE.** Sections 29.30.005, 29.30.030 and 29.30.090 of Chapter 29.30 (Airport Industrial Specific Plan (SP-6) Zone) of Title 29 of the Santa Barbara Municipal Code are amended to read as follows:

**29.30.005 Legislative Intent.**

It is the purpose of the Airport Industrial Area Specific Plan (~~SP-6~~SP6-AI) Zone to establish the boundaries of a Specific Plan area on the northern portion of the Santa Barbara Municipal Airport property. The boundaries are included in the Specific Plan, which is a separate document and is incorporated herein by reference. This Specific Plan sets out development policies and actions for this area.

**29.30.030 Uses Permitted.**

The uses permitted in the ~~SP-6~~SP6-AI Zone are outlined in the various zones established at the Airport.

**29.30.090 Other Regulations.**

A. The portion of the Specific Plan that is located north of Hollister Avenue shall be effective upon adoption of the Airport Industrial Area Specific Plan and the establishment of the ~~SP-6~~SP6-AI Zone. The portion of the Specific Plan that is located south of Hollister Avenue and, therefore, in the Coastal Zone, shall be effective upon certification by the California Coastal Commission.

B. For vacant parcels at the Santa Barbara Municipal Airport, development allowed on such vacant parcels under the provisions of Chapter ~~28.4685~~ of this Code may be relocated to other City-owned parcels at the Airport if it can be found that the vacant parcel from which the potential square footage is being relocated shall be used for: 1) parking; 2) required open space; 3) Airport operations such as those allowed in the A-A-O Zone described in Chapter 29.12; 4) open space; or 5) wetland protection or mitigation in the G-S-R Zone described in Chapter 29.25 of this Code or other similar non-habitable uses. Otherwise, vacant land square footage is subject to all other provisions of Chapter ~~28.4685~~ of Title 28 of this Code.

C. Small additions allowed at the Airport under Chapter ~~28.4685~~ may be relocated to other City-owned parcels at the Airport even though such relocation may result in more than one small addition on a given parcel. Otherwise, small additions are subject to all other provisions of Chapter ~~28.4685~~ of Title 28 of this Code.

**SECTION FORTY.** Section 29.87.050 of Chapter 29.87 (General Provisions) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.87.050 Building Height.**

A. No building or structure shall contain more than three (3) stories nor exceed a height of forty-five feet (45'), as ~~explained~~ ~~defined~~ in Chapter 28.04 of Title 28 of this Code. In any case, if the height limit in Subsection C. below is more restrictive, it shall supersede the height limit stated in this Subsection A.

B. Aircraft hangars may not exceed sixty feet (60') in height, as defined by Section 29.04.150 (Hangar Height) of this Title. In any case, if the height limit in Subsection C. below is more restrictive, it shall supersede the height limit stated in this Subsection B.

C. The height limits are modified by the approach, transitional and horizontal surfaces, the dimensions of which are determined by the FAA in the Federal Aviation Regulations Part 77, or their successors. No structure shall be erected, moved, altered or reconstructed, nor shall any plant or tree be allowed to grow in such a manner that the height thereof, including all superstructures and appurtenances, will exceed the height limits imposed in this Section. The Airport Director shall verify compliance with this requirement. These height limits are declared necessary in order to reduce to a minimum the hazard to safe landing and take-off of aircraft using the Airport.

**SECTION FORTY-ONE.** Section 29.90.001 of Chapter 29.90 (Automobile Parking Requirements) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.90.001 General.**

The standards and regulations for parking as set forth in Title 28, Chapter 28.47, Parking Regulations<sup>90</sup> of the Zoning Ordinance of the City of Santa Barbara, shall apply to the Santa Barbara Municipal Airport.

**SECTION FORTY-TWO.** Section 29.92.001 of Chapter 29.92 (Variances, Modifications, Conditional Use permits and Zone Changes) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.92.001 Variances, Modifications, Conditional Use Permits and Zone Changes.**

The regulations set forth in Chapters 28.60, Conditional Use Permits<sup>92</sup> and 28.68, Performance Standard Permit<sup>94</sup> of Title 28, the Zoning Ordinance, shall apply to the granting of variances, modifications, conditional use permits and zone changes.

**SECTION FORTY-THREE.** Section 29.96.001 of Chapter 29.96 (Zoning Upon Annexation) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.96.001 Zoning Upon Annexation.**

The regulations set forth in Chapter ~~28.75, Zoning Upon Annexation~~<sup>96</sup> of Title 28, the Zoning Ordinance, shall govern zoning upon annexation.

**SECTION FORTY-FOUR.** Chapter 29.97 (Occupancy) of Title 29 of the Santa Barbara Municipal Code is repealed.

~~**29.97.001 Certificate of Occupancy.**~~

~~—Certificates of Occupancy shall be required as set forth in Chapter 28.97 of Title 28, the Zoning Ordinance (Part 27 of Ordinance No. 2585).~~

**SECTION FORTY-FIVE.** Section 29.98.001 of Chapter 29.98 (Enforcement) of Title 29 of the Santa Barbara Municipal Code is amended to read as follows:

**29.98.001 Enforcement.**

The duties and procedures for enforcement shall be as set forth in Section 28.58.160 ~~Chapter 28.98~~ of Title 28, the Zoning Ordinance.

**SECTION FORTY-SIX.** The Santa Barbara Municipal Code is amended to add Title 30 to read as provided in Exhibit A of this ordinance.

**SECTION FORTY-SEVEN.** Uncodified. Effect on Projects in the Development Process:

(Recommended by PC): Any project for which a design review Project Design Approval or other discretionary land use approval has been granted, or any project for which a Building Permit has been issued, may be completed and used in accordance with the plans, specifications and permits on which said approval was granted, provided construction is diligently pursued and the permits have not expired.

(Option). Any discretionary application that has been deemed complete, or any project for which a design review Project Design Approval or other discretionary land use approval has been granted, or any project for which a Building Permit has been issued, may be completed and used in accordance with the plans, specifications and permits on which said approval was granted, provided construction is diligently pursued and the permits have not expired.

**SECTION FORTY-EIGHT.** Uncodified. The Clerk of the City of Santa Barbara is authorized to make the following types of changes to the Santa Barbara Municipal Code: 1) changes to references from the other Titles of the Santa Barbara Municipal Code to the New Zoning Ordinance; and 2) corrections of grammatical or typographical errors.