

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 standards¹. 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 occupation², 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 5.32³. 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 zones⁴. 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).

¹ See Division III, Section 28.49.370 – Retail Sales, Neighborhood Market

² See Division III, Section 28.49.200 – Home Occupation

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

⁴ 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 restrictions⁵. 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

⁵ See Division III, Section 28.49.130 – Community and Market Gardens

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- 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 code⁶; 2) to revise the standards for building attachment to address current ambiguities⁷; 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.⁸ 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.

⁶ See Division III, Section 28.40.160 – Residential Unit

⁷ See Division III, Section 28.40.030 – Building Attachment

⁸ See Division III, Section 28.40.160 – Residential Unit

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

Accessory Buildings and Covered Parking				
	<20,000 s.f.	20,000 s.f. up to 1 ac.	1 ac. - 3 ac.	3 ac. or larger
Covered Parking				
Existing	500 s.f.	750 s.f.	750 s.f.	750 s.f.
Accessory Building				
Existing	500 s.f.	500 s.f.	500 s.f.	500 s.f.
Max Total Covered Parking + Accessory On-Site				
Existing	1,000 s.f.	1,250 s.f.	1,250 s.f.	1,250 s.f.
<i>NZO Proposed</i>	<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 are⁹:

1. The maximum detached livable floor¹⁰ 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.

⁹ See Division III, Section 28.40.020 Accessory Buildings

¹⁰ 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 uses¹¹, 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 feet per parking space provided. The Planning Commission was supportive of the proposed provisions.

¹¹ See Division III, Chapter 28.45 – Nonconforming Structures, Site Development and Uses.

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.

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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 zones¹². 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 height¹³. 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.

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 zone¹⁴. The Planning Commission was supportive of the proposed provisions.

Multi-Unit Residential Zones: Rear Setback

¹² See Division II, Development Standard Tables for all zones, Maximum Height

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

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

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 standards¹⁵. 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 uses¹⁶. 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
 - 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*)

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

¹⁶ See Division III, Section 28.49.380 – Seafood Odor Control

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

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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.

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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.

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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:

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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.

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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.