



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 13, 2014

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Municipal Code Amendments For Implementation Of Senate Bill 2 Related To Emergency Shelter Zoning

RECOMMENDATION:

That the Ordinance Committee consider proposed amendments to the Municipal Code to satisfy the requirements of Senate Bill 2 (SB2) regarding emergency shelter zoning, and forward the ordinance amendments to the Planning Commission for further review and subsequently to City Council for introduction and adoption.

EXECUTIVE SUMMARY:

State Housing Element law (SB2) requires municipalities to provide zoning that encourages and facilitates emergency shelters, and limits the ability of a city or county to deny land use permits necessary to open an emergency shelter or a transitional and supportive housing. To comply with SB2, the City Council directed Staff to prepare ordinance amendments allowing emergency shelters with minimal services by right in R-4 (Hotel-Motel Multiple Residence) zone and most commercial zones where overnight accommodations are currently allowed.

DISCUSSION:

SB2 was enacted in 2007, requiring all cities and counties in California to provide at least one zoning district which allows emergency shelters without a conditional use permit or other discretionary approval. The Housing Element must identify the zoning district and demonstrate that there is sufficient land capacity to accommodate the locality's need for emergency shelters and at least one year-round emergency shelter facility. SB2 also prohibits denial of emergency shelter, transitional housing, or supportive housing proposals if this type of housing is needed and consistent with local zoning and development standards.

To comply with this mandate, the 2011 Housing Element included Implementation Action H4.1 to amend the Commercial Manufacturing (C-M) zoning district to allow emergency shelters without a conditional use permit or other discretionary action within one year of

adoption of the Housing Element (the one year timeline is mandated by SB2). However upon further review and consultation with the City Attorney, it was determined that the City already complies with SB2 as it provides multiple zones where overnight accommodations for the homeless can be developed without a conditional use permit.

On November 12, 2013, Staff presented two options for Council to consider: 1) permit emergency shelters with minimal supportive services by right in existing zones where overnight accommodations are currently allowed, or 2) limit the development of emergency shelters with minimal supportive services by right to specific zones (see Attachment 1). The City Council directed Staff to proceed with option 1 and prepare municipal code amendments permitting emergency shelters with minimal supportive services by right in zones that currently allow overnight accommodations. Council also directed that the ordinance amendments be reviewed and refined by the Ordinance Committee and Planning Commission before returning to the City Council for final approval (see Attachment 2).

Permitted Zones

Existing zones that allow overnight accommodations (i.e. hotels) include the R-4 (Hotel-Motel Multiple Residence), HRC1 (Hotel and Related Commerce), HRC2 (Hotel and Related Commerce), R-H (Resort-Residential Hotel), C-P (Restricted Commercial), C-L (Limited Commercial), C-1 (Limited Commercial), C-2 (Commercial), C-M (Commercial Manufacturing), OC (Ocean-Oriented Commercial), M-1 (Light Manufacturing), and OM-1 (Ocean-Oriented Light Manufacturing). Council directed Staff to prepare ordinance amendments that would allow emergency shelters by right in these zones (see Attachment 3). Staff recommends that the R-H (Resort-Residential Hotel), OC (Ocean-Oriented Commercial), and OM-1 (Ocean-Oriented Light Manufacturing) zones be eliminated from the ordinance amendments. The R-H zone is specific to the El Encanto Hotel and therefore sufficient parcels zoned R-H are not available to accommodate an emergency shelter. The OC and OM-1 zones currently allow hotels with a conditional use permit. Because these zones do not allow hotels by right, they would not be appropriate to satisfy the requirements of SB2.

Development and Management Standards

SB2 allows the application of certain development and management standards for the operation of emergency shelters (e.g., number of beds, length of stay, parking, lighting, etc.). However, the law is clear that these standards as well as any permit processing procedure must be designed to encourage and facilitate the development of an emergency shelter and not unduly impede the operation.

Staff researched emergency shelters in the City to help inform the development of reasonable and objective standards as permitted by SB 2 (see Attachment 4). The standards described below are incorporated into the allowed uses section of each zone where emergency shelters would be an allowed use:

- **Capacity** – Based on the homeless need identified in the Housing Element, as well as the number of beds currently provided by existing facilities, Staff proposes that shelters developed in the R-4 zone be limited to a maximum of 50 beds and shelters located in the identified commercial zones would be limited to a maximum of 100 beds.
- **Length of Stay** – According to State law (Health and Safety Code Section 50801(e)) occupancy in an emergency shelter is limited to six months or less.
- **Intake/Waiting Area** – Most if not all emergency shelter facilities provide intake and waiting areas. Adequate interior intake and waiting areas are necessary to reduce queuing outside or loitering in adjacent properties. Based on other jurisdictions, approximately 10 square feet of space per bed is needed to provide sufficient intake and waiting areas. The proposed ordinance specifies that 10 square feet per bed must be provided within the building to accommodate intake and waiting areas.
- **Outdoor Area/Activity** – Most emergency shelter facilities provide outdoor gathering areas for their residents. The proposed ordinance amendments require outdoor areas that are used for gathering and activities to be screened from the public right of way and adjacent properties. Policies related to outdoor activities would be addressed in the facility's management plan.
- **Parking** – Off-street parking based on demonstrated need would be required for this use. However, SB2 mandates that the standard may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. Consistent with other City shelter facilities, the proposed ordinance amendment would require that sufficient parking be provided based on demonstrated need identified by a parking study. Based on the parking demand of existing emergency shelters (Rescue Mission, Transition House, Casa Esperanza), Staff believes that parking new shelters based on their demand would comply with SB2 as it would likely be less than that required by other residential or commercial uses in zones where emergency shelters would be allowed.
- **Lighting** – The proposed ordinance amendments require that lighting be provided in compliance with the City's Lighting Ordinance. In addition, the emergency shelter would be required to provide adequate on-site external lighting to ensure a safe and secure environment.
- **Concentration of Uses** – SB2 allows local governments to regulate the proximity of emergency shelters to other shelters provided that they are not required to be more than 300 feet apart. The proposed ordinance directs that no more than one shelter shall be within 300 feet from another shelter.

- **On-Site Management** – An on-site management plan would be required to address certain operational and management aspects of the shelter. The management plan addresses operational procedures and policies related to shelter uses and amenities, such as hours of operation, on-site management and security, cooking/dining facilities, laundry facilities, and outdoor gathering and activity policies. The shelter’s management plan must be submitted for review with the master application and subject to approval by the Community Development Director.

Conditional Use Permits

SB2 defines Emergency Shelter as *“housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”*

Proposed Section 28.04.273 defines an emergency shelter with minimal supportive services, including administrative office, intake and waiting areas, kitchen/dining facilities, and laundry facilities that are directly related to and for the exclusive use of the residents. Emergency shelters with supportive services beyond those listed in Section 28.04.273 must obtain a conditional use permit pursuant to Section 28.94.030.W. of the municipal code. This section is proposed to be amended to include emergency shelters with expanded supportive services and programs as a permitted use allowed upon the granting of a conditional use permit.

BUDGET/FINANCIAL INFORMATION:

The Zoning Ordinance Amendments related to emergency shelter zoning pursuant to SB2 do not require allocation of funds. The amendments can be prepared and implemented with existing staff resources.

- ATTACHMENT(S):**
1. Council Agenda Report including Attachments, dated November 12, 2013
 2. Council Minutes, dated November 12, 2013 (Excerpt)
 3. Draft Ordinance Amendments
 4. Emergency Shelter Development/Management Standards Table

PREPARED BY: Irma Unzueta, Project Planner

SUBMITTED BY: Bettie Weiss, Acting Community Development Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 12, 2013

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Emergency Shelter Zoning Discussion

RECOMMENDATION:

That Council provide direction to Community Development staff related to the implementation of Senate Bill 2 (SB2) (as enacted in 2007 as Government Code § 65583) requiring that every municipality identify zoning intended to encourage and facilitate "emergency shelters."

EXECUTIVE SUMMARY:

In 2007, the State Legislature enacted SB2 in an effort to strengthen the State Housing Element Law to require municipal zoning that encourages and facilitates emergency shelters, and limits the ability of a city or county to deny land use permits necessary to open an emergency shelter or a transitional and supportive housing project (see Attachment 1). To comply with this mandate, the City's 2011 Housing Element includes an Implementation Action that the Council consider amending the City's Commercial Manufacturing (C-M) zoning district to allow emergency shelters without a conditional use permit within one year of adoption of the Housing Element.

After reviewing the requirements of SB2 in more detail with the City Attorney's office, Community Development Staff believes that the City's Zoning Ordinance complies with SB2 because it provides multiple hotel zones where overnight shelter (with no or minimal "supportive services") for the homeless could be developed without the need for a conditional use permit. As a result, Staff believes two options are available to the City Council:

1. Confirm to the State Housing and Community Development staff that emergency shelters (with minimal supportive services) can be developed by right within existing City hotel zones where overnight accommodations are currently allowed; or
2. Enact a new City ordinance to limit the development of emergency shelters (with minimal supportive services) by right to a specific zone or zones of the City.

DISCUSSION:

SB2 (Govt. Code § 65583) was enacted in 2007, requiring all cities and counties in California to provide for at least one zoning district where emergency shelters are allowed by right, i.e., without a conditional use permit or other discretionary land use approval required. The jurisdiction's housing element must identify the zoning district and demonstrate that there is sufficient land capacity to accommodate the locality's need for emergency shelters and to allow for at least one year-round emergency shelter facility. SB2 also prohibits denial of emergency shelter, transitional housing, or supportive housing proposals if this type of housing is needed and consistent with local zoning and development standards.

SB2 defines Emergency Shelter as *"housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."*

To carry out the SB2 requirement of providing a zone for possible emergency shelters by right, SB2 allows cities and counties the following options:

- Amend an existing zoning district;
- Create a new zoning district;
- Establish an overlay zone for existing districts; or
- Explain how an existing zoning ordinance allows for the development of an emergency shelter without the need to obtain any discretionary land use permit.

Regardless of which option is selected, the zoning district must have sufficient opportunities for emergency shelters, and be compatible and suitable for that use. As such, consideration should be given to other uses that are permitted within the zone, and whether the zone is suitable for residential or emergency shelters. Once a zoning district is created with sufficient capacity to encourage and facilitate emergency shelters, local municipalities may then identify additional zones for the development of emergency shelters which require a conditional use permit.

Development and management standards for the operation of emergency shelters, (such as the number of beds, length of stay, parking, lighting, etc.), may be applied by such an ordinance; however, it must also be demonstrated that these standards (as well as any related permit processing procedure) facilitate the possible creation of emergency shelters. In other words, these standards must be designed to encourage and facilitate the development of emergency shelters, and not unduly impede shelter development or shelter operations.

- Development standards must be objective and must encourage and facilitate the approval of emergency shelters.
- The same development standards which apply to residential or commercial uses in the identified zone must also be applied to emergency shelters.

- Development standards must not render emergency shelters infeasible, and shall only address the use as an emergency shelter, not the perceived characteristics of potential occupants of the shelter.

Cities and counties without an existing zone which permits at least one year-round emergency shelter must include a program in their housing element to identify a zone or zones and amend their zoning code to allow emergency shelters as a permitted use and do so within one year of adoption of the jurisdiction's housing element. The only exceptions to this requirement are where it can be demonstrated that the homeless shelter needs (based on the housing element analysis) can be accommodated in existing shelters; or where the jurisdiction meets all of its shelter needs through a multi-jurisdictional emergency shelter agreement.

It should be noted that, if an adopted housing element included a program to address the requirements of SB2 for emergency shelters, and the required timeframe (one year from adoption of the housing element) has lapsed, the Department of Housing and Community Development (HCD) will not find future housing elements in compliance with the State Planning and Zoning Law until the required rezoning is complete and the element is duly amended to reflect that rezoning.

Multi-Jurisdictional Agreements:

SB2 allows jurisdictions to satisfy all or some of their homeless shelter needs by entering into an agreement with up to two other adjacent communities. The multi-jurisdictional agreement must obligate the participating jurisdictions to construct at least one year-round shelter within two years of the beginning of the planning period. The agreement must allocate a portion of the new shelter capacity to each jurisdiction as a credit toward their identified emergency shelter need of that community. Additionally, the housing element for each participating jurisdiction must describe the following:

- How the capacity of the emergency shelter was allocated;
- How the joint emergency shelter facility will address the jurisdiction's need;
- The contribution for both the development and operation and management of the shelter;
- The amount and source of funding to be contributed to the shelter; and
- How the aggregate capacity claimed by each participating jurisdiction in their housing element does not exceed the actual capacity of the shelter.

If a local government can demonstrate that their emergency shelter needs are being met through existing facilities, the jurisdiction is allowed to comply with SB2 by identifying a zone(s) where new emergency shelters are permitted with the granting of a conditional use permit.

Other Jurisdictions:

As indicated above, cities and counties are allowed to pursue the following options: 1) amend an existing zoning district, 2) create a new zoning district, 3) establish an overlay zone for existing districts, or 4) enter into a multi-jurisdictional agreement in order to comply with the requirements of SB2. Staff research of other South Coast jurisdictions indicates that the majority of these localities propose to amend an existing zone or zones to comply with SB2. This includes the cities of Buellton, Carpinteria, Guadalupe, Santa Maria, and Solvang. The city of Lompoc will apply an overlay zone to several existing zones. The city of Goleta and county of Santa Barbara currently allow emergency shelters by right in at least one zone. None of the above listed cities elected to enter into a multi-jurisdictional agreement (see Attachment 2)

City's Existing Compliance with SB2:

As required by State law, the City's 2011 Housing Element includes an analysis regarding the City's emergency shelter need for the homeless. The analysis concluded that, while the City currently has 1,050 shelter beds/rooms/units available during the months of December-March and 950 beds/rooms/units during April-November, this number does not completely meet the City's need for homeless shelter, which is estimated to be approximately 1,355 homeless individuals (see Attachment 3).

To comply with state Housing Element Law, the City's 2011 Housing Element identified the C-M zone as a potentially suitable zoning district to allow emergency shelters as an expressly permitted use without the need for a conditional use permit or other discretionary City action. Implementation Action H4.1 was included indicating that the Council would consider amending the C-M zone to allow emergency shelters as a permitted use within one year of adoption of the housing element (see Attachment 4).

The C-M zone was determined by City Staff to have sufficient capacity to support the development of at least one additional year-round emergency shelter within Santa Barbara. Approximately 123 vacant or underutilized parcels totaling 30 acres of available land zoned C-M were identified as part of the "Available Land Inventory Summary" of the Housing Element. The C-M zone allows the development of residential uses, including mixed use development and other related uses that encourage emergency shelters, making this zone potentially suitable and appropriate to meet the City's identified unmet need for emergency shelter beds.

However, under the City Zoning Ordinance, facilities that provide overnight shelter to the homeless are also considered short-term, transitional accommodations similar to a hotel use. As a result, staff, in consultation with the City Attorney's office, has determined that the City currently appears to meet the requirements of SB2 because multiple zones exist which allow the development of hotels that are, in effect, "overnight accommodation" uses similar to overnight emergency shelter for the homeless. In fact, a number of emergency shelter facilities are presently operating in City Hotel zones

without having obtained a conditional use permit. These facilities provide beds for individuals in need of shelter, including families with children.

The two primary emergency shelters in the City are Casa Esperanza Homeless Shelter (zoned M-1/C-2/S-D-3) and the Santa Barbara Rescue Mission (zoned OM-1/S-D-3). These facilities are currently permitted with a conditional use permit and located in the Coastal Zone. Because these shelters also provide multi-faceted programs and "supportive services" they are considered "quasi-public facilities", therefore a conditional use permit was required pursuant to Municipal Code Section 28.94.030(W). It is staff's position that Casa Esperanza and the Rescue Mission must continue to operate under a conditional use permit based on the broad scope of services and programs being offered in combination with their emergency shelter beds. In addition, while their respective zones allow the development of overnight shelter, the M-1 and OM-1 zones discourage residential uses and therefore could be considered inconsistent with the use absent the requirement of a CUP.

Staff recommends that the City Council consider the following options to satisfy the requirements of SB2 related to emergency shelter zoning:

Option 1: Advise the State Department of Housing and Community Development that emergency shelters (which only have minimal supportive services) are allowed within the City without a conditional use permit or other discretionary land use in all zones that currently permit overnight accommodations. Essentially, this would be a status quo option. These zones include the R-4 (Hotel-Motel-Multiple Residential), and commercial zones where hotel use is allowed, including HRC1 & HRC-2 (Hotel and Related Commerce), R-H (Resort-Residential Hotel), C-P (Restricted Commercial), C-L (Limited Commercial Zone), C-1 (Limited Commercial), C-2 (Commercial), C-M (Commercial Manufacturing), OC (Ocean-Oriented Commercial), M-1 (Light Manufacturing) and OM-1 (Ocean-Oriented Light Manufacturing) zones.

Option 2: Advise the State Department of Housing and Community Development that the City will consider a City zoning ordinance to limit the development of emergency shelters with minimal supportive services to one specific zone of the City. Staff believes that the C-M zone, which allows residential uses and has sufficient land capacity to accommodate the City's need for emergency shelters including at least one year-round emergency shelter, is an appropriate and suitable zone if this option is pursued.

Regardless of which option Council determines is the most appropriate to carry out SB2, it may be advisable for the Zoning Ordinance to be amended to include the definition of "Emergency Shelters" as defined by the Health and Safety Code, as well as to clarify that emergency shelters with extended supportive services will not meet the City's definition of an "overnight accommodation" or "hotel" type use. The Health and Safety Code Section 50801(e) defines emergency shelters as housing with minimal supportive services for the homeless.

Next Steps:

Following Council's direction regarding compliance with SB2, amendments to the Municipal Code will be prepared and presented to the Ordinance Committee for review and refinement. A subsequent public hearing at the Planning Commission for review of the zoning amendments and recommendations to Council will follow and, ultimately, the ordinance amendments will be forwarded to the City Council for possible introduction and adoption.

BUDGET/FINANCIAL INFORMATION:

The Zoning Ordinance Amendments to the Commercial Manufacturing (C-M) Zone identifying emergency shelters as a permitted use do not require allocation of funds.

- ATTACHMENT(S):**
1. HCD Briefing Paper Regarding SB2 (Excerpt)
 2. Compliance with SB 2-South Coast Jurisdictions Table
 3. Housing Element Regarding Homeless Need (Excerpt)
 4. Housing Element Implementation Action H4.1 (Excerpt)

PREPARED BY: Irma Unzueta, Project Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development Director

APPROVED BY: City Administrator's Office

Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State's total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California's homeless – 108,000 – are so-called "chronic" homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.¹

California's homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California's homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a "Housing First" strategy to provide homeless persons with housing immediately and then providing services as needed.

¹ *Governor's Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003.* Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

Section 1

Planning

(Government Code Section 65583)

Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

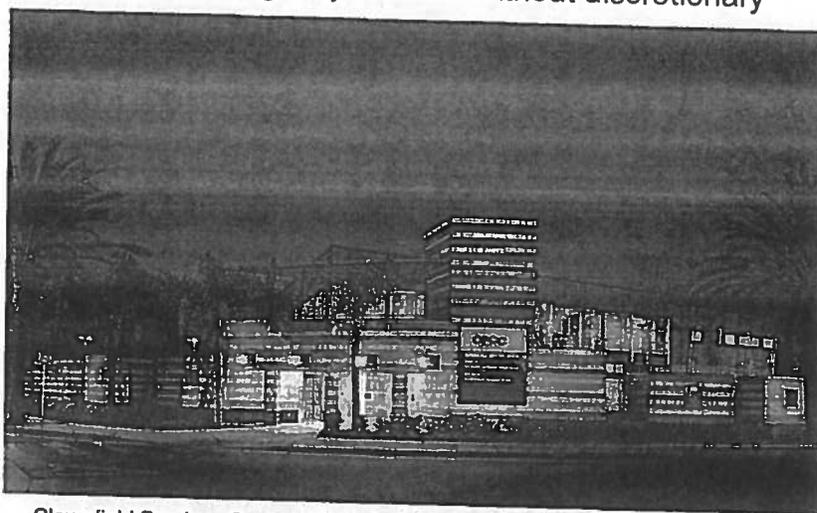
Resources to identify and analyze homeless needs, include:

- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)

- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Cloverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

Development Standards to Encourage and Facilitate Emergency Shelters

SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

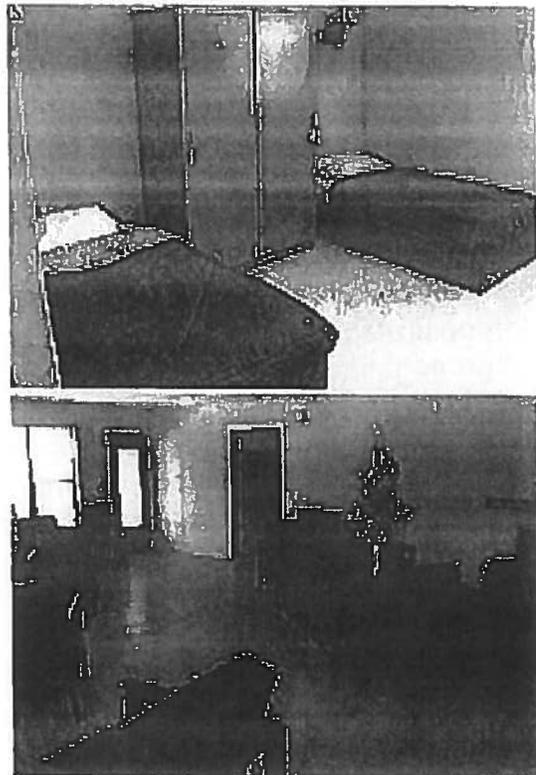
To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.

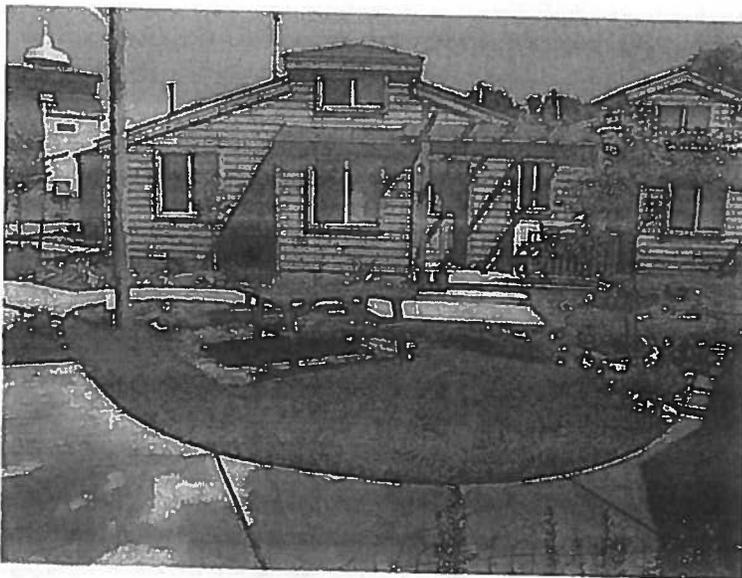


Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.

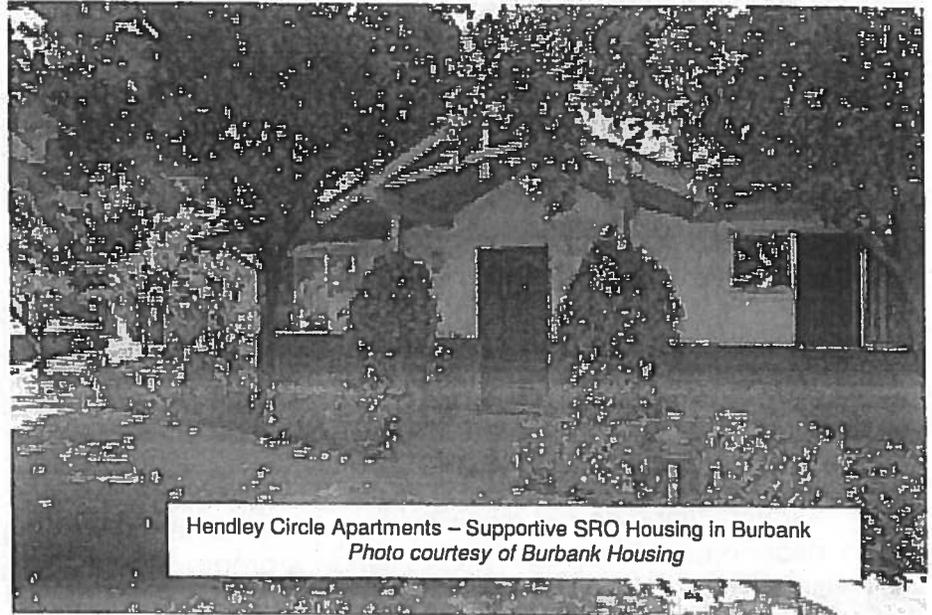


Quinn Cottages, Transitional Housing in Sacramento, CA
Photo courtesy of Cottage Housing, Inc.

Existing Ordinances and Existing Shelters that Accommodate Need

Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with requirements of SB 2, no further action will be required to identify zones available



for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.

Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

Transitional and Supportive Housing

Transitional housing is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms,

such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same zone.

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

Housing Element Policies and Programs

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to



Gish Apartments – Supportive Housing, San Jose, CA
Photo courtesy of First Community Housing and Bernard Andre

permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

******* UPDATED*******

Please be aware, if the adopted housing element from the previous cycle (4th cycle) included a program to address the requirements of SB 2 for emergency shelters, and the required timeframe has lapsed, the Department will not be able to find future housing elements in compliance until the required rezoning is complete and the element is amended to reflect that rezoning.

Timing: When SB 2 Applies

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.

Section 2

Local Approval

(Government Code Section 65589.5)

The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

Attachment 2

Definitions

Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2)(h)

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive Housing (Health and Safety Code 50675.14(b))

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population Definition per HSC 53260(d)

(d) "Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Compliance with SB2 – Emergency Shelter Zoning

Jurisdiction	Existing Zone	New Zone	Amend Zone	Overlay Zone	Multi-Jurisdictional
City of Buellton			Amend CR Zone		
City of Carpinteria			Amend M-RP Zone		
City of Goleta	Allowed in C-3, M-1 & M-RP Zones				
City of Guadalupe			Amend R-3 Zone		
City of Lompoc				Apply Overlay Zone to C-2, C-O or C-C Zones	
City of Santa Maria			Amend CPO Zone		
City of Solvang			Amend DR-20 Zone		
County of Santa Barbara	Allowed in C-3 Zone				

The 1990 Census identified approximately 2,038 individuals living in the City who were employed in the agriculture, forestry, fishing and mining industries. The 2000 Census reported only 282 employed in these industries, a drop of over 1,700 jobs. Recent information reported by the 2006-2008 American Community Survey estimates that individuals employed in these industries declined further to 168. Because Santa Barbara has a working harbor, those employed in the fishing industry are estimated to comprise a major portion of those employed in this category.

For Santa Barbara County as a whole, the number of people reporting jobs in the fishing, forestry, farming occupations dropped from 11,394 in 1990 to 8,818 in 2000, a loss of 2,576 jobs, of these 1,756 were people who lived in the City of Santa Barbara. The 2006-2008 American Community Survey reports 9,652 jobs in the farming, fishing and forestry industries in the County, an increase of 834 jobs since 2000.

Homeless

In recent years, homelessness has become increasingly prevalent in all parts of the nation, including Santa Barbara. In 1990 the U.S. Census attempted to quantify the homeless population. Although the results of the Census survey cannot be described as definitive, the fact that the Census Bureau tried to count the homeless indicates that homelessness has become a problem nationwide.

Census Bureau Homeless Counts (1990, 2000)

In Santa Barbara, the 1990 Census counted 312 homeless people in emergency shelters for the homeless and 46 homeless people visible in street locations. Providers of shelter and assistance for the homeless population have stated that the Census figures were understated and that numbers alone do not reflect the extent of the problem.

In 2000 the Census Bureau again counted the homeless, but due to political reasons the Census Bureau refused to release the numbers. Instead the Census Bureau released a special report that surveyed emergency and transition shelter populations. In this report, populations in metropolitan areas in the Country with 100 or more people in emergency and transitional shelters were counted by the Census Bureau, including Santa Barbara County.

The total population enumerated in emergency and transitional shelters in Santa Barbara County was estimated at 608 people. However, the special report cautions that the information provided should not be used as a count of the population experiencing homeless due to limitations with the data. For instance, shelters may not have been operating at capacity on the day of the count, shelter beds vary from season to season and weather conditions, the count included only emergency and transitions shelters that were open on March 27, 2000 and therefore does not reflect shelter usage over time, some shelters open on March 27 were not counted, etc.

Local Agency Survey (2003)

Updated estimates based on a 2003 survey conducted with local homeless social service agencies indicate that the number of homeless living in Santa Barbara at any one time is approximately 1,000 to 1,300. The total number of homeless including those staying a few days and passing through the City is approximately 2,000. The survey estimated that Santa Barbara's homeless population is 28 percent female and 72 percent male; 60 percent are 18-45 years of age; 66 percent Non-Hispanic White; 21 percent Hispanic and 13 percent other.

National statistics indicate that 30 percent of the homeless are families; 30-50 percent are substance abusers; 30 percent are mentally ill; and 20 percent are the working poor. Other homeless are seniors, veterans and youth. These groups are often overlooked because little information is available. As the numbers reflect, the

HOUSING ELEMENT

homeless population consists of people of all ages and races. With the high cost of housing in Santa Barbara and the recent economic downturn, homeless service providers confirmed many families are becoming homeless.

National Coalition for the Homeless

The National Coalition for the Homeless projects that approximately 3.5 million people experience homelessness during any one year. In California, over 400,000 people are homeless at any one time in the course of the year. Based on the national estimate for homeless (an average of 1.5 percent of the 2009 population estimate of 90,308), the City of Santa Barbara would have approximately 1,355 homeless people.

Point-In-Time Count (2009)

The most recent point-in-time count was undertaken on January 27, 2009. The count included individuals sleeping outside and in emergency shelters/transitional housing units. Approximately 992 homeless persons were counted in the South Coast area of Santa Barbara County (primarily in the City of Santa Barbara and some in Isla Vista). However, it must be recognized that this one day count only includes homeless individuals in shelters on that given day. Therefore, it is assumed that the number of homeless persons is significantly higher than the point-in-time count.

Homeless Need

Given the difficulty in estimating the number of homeless individuals living in Santa Barbara, the estimate (1,355) provided by the National Coalition for the Homeless will be used to plan for the City's homeless need. Currently, the City provides 934 total beds/rooms/units during December-March and 834 total beds/rooms/units during April-November (Table H-31). Based on this, the unmet homeless need would range between 421 in the winter months and 521 the remaining months of the year.

**Table H-31: Homeless Facilities/Housing
City of Santa Barbara (2009)**

Facility Type	Current Capacity December-March	Current Capacity April-November
Emergency Shelter	385 Beds	185 Beds
Transitional Housing		
Transitional Units/Rooms	98 Units/Rooms	98 Units/Rooms
Transitional Beds	167 Beds	267 Beds
Emergency RV Parking	42 Spaces	42 Spaces
Permanent Units/Rooms/Beds	242 Units/Rooms/Spaces	242 Units/Rooms/Spaces
Total Capacity	934 Beds/Rooms/Units	834 Beds/Rooms/Units
Total Need*	1,355 Beds/Rooms/Units	1,355 Beds/Rooms/Units
Total Unmet Need	421 Beds/Rooms/Units	521 Beds/Rooms/Units
<i>Source: City of Santa Barbara 2009</i>		
<i>*Based on National Coalition for the Homeless average of 1.5% of population</i>		

In 1998, in response to the growing problem of homeless people on State Street, meetings with the homeless and homeless service providers have been held to determine the most pressing needs facing the homeless. The need for a homeless day center with a full array of services was identified as a high priority. Through a broad based community effort a facility was purchased and remodeled into a comprehensive homeless day center.

Other needs identified included: a continuing need for emergency, transitional and permanent housing for the homeless; funds to help people get into housing; more Section 8 certificates; job training and child care facilities for homeless, additional Single Room Occupancy hotels. Also identified due to the high cost of housing, are places where the working poor who are homeless can go to live and save money in order to be able to pay the rent and security deposit fees.

Unfortunately, only a limited amount of these identified needs may be addressed through a Housing Element. Needs that may be addressed are those of providing opportunities for, and encouraging, emergency shelters and transitional housing; reviewing the rules and regulation affecting affordable housing to make it easier and cost effective for developers to provide affordable housing; providing flexibility in development standards to encourage the broad range of housing opportunities needed; and providing education and public outreach to address concerns of neighbors in areas where these facilities may be located.

Although the County is the public entity responsible for attending to the homeless, the City is deeply involved in helping the homeless. The City implements an effective multi-pronged effort to provide adequate housing and social services to this population. The City has crafted a continuum of care that provides prevention programs, emergency shelter, transitional programs and permanent supportive housing.

On January 13, 2006, Santa Barbara City Council agreed to participate in the development of the Ten-Year Plan to End Chronic Homelessness throughout Santa Barbara County. The primary goal of the Ten-Year Plan is to focus on getting chronically homeless persons into "permanent supportive housing", which consists of comprehensive, integrated, individualized case management to help them achieve residential stability, increase their skill levels and/or incomes, and obtain greater self-determination (i.e., more influence over decisions that affect their lives). The plan was approved by jurisdictions countywide in October 2006.

The City's major contribution to the Ten-Year Plan is the development of permanent supportive housing units. Since the approval of the Plan, five projects have been completed consisting of 177 units, including the three supportive housing projects listed in Table H-32. These projects provide an additional 116 units. Of these, 44-62 units serve the chronic homeless. With these projects, the City now has available a maximum 1050 beds/rooms/units during December-March and 950 beds/rooms/units during April-November. Despite these additional units, the City still does not meet the needs of the homeless population (1,355) estimated by the National Coalition for the Homeless average of 1.5 percent of the population. The City's unmet need ranges between 305 - 405 beds/rooms/units.

**Table H-32: Supportive Housing Projects
City of Santa Barbara (2010)**

Project Applicant	Facility Type	Number of Units
Transition House/Housing Authority (Mom's Property)	Permanent Supportive Housing	8 new units for the chronic homeless
Artisan Court/Housing Authority (Haagan Property)	Permanent Supportive Housing	55 new units 1/3-1/2 for the chronic homeless or youth aging out of foster care
Housing Authority (Bradley Property)	Permanent Supportive Housing	53 new units 1/3-1/2 for the chronic homeless
Total Proposed Units		116 units (44-62 for the chronic homeless)

Source: City of Santa Barbara 2010

Effective 2008, State Senate Bill 2 (SB2) considerably strengthened the requirements on zoning for emergency shelters. This new legislation requires that jurisdictions address the housing needs of the homeless, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without discretionary review.

Regardless of the homeless housing need, SB2 requires that jurisdictions have a zone in place to permit at least one year-round emergency shelter without a Conditional Use Permit (CUP) or any discretionary permit requirements. This can be accomplished by amending an existing zone district, establishing a new zone district, or creating an overlay zone for an existing zone district(s) to allow emergency shelters as a permitted use. In addition, the identified zone(s) must have sufficient land capacity to encourage emergency shelters consistent with SB2.

Facilities that provide overnight shelter to the homeless are considered short-term, transitional housing, similar to hotel use. Existing zones that allow overnight shelter include R-4 (Hotel-Motel-Multiple Residence), C-P (Restricted Commercial), C-L/C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial Manufacturing), M-1 (Light Manufacturing) and HRC-1/HRC-2 (Hotel and Related Commerce) zone districts.

The two major emergency shelter facilities, Casa Esperanza Homeless Shelter zoned M-1/C-2/S-D-3 and Santa Barbara Rescue Mission zoned OM-1/S-D-3, are currently permitted with a CUP and are both located in the Coastal Zone. Amending their respective zones to allow these facilities by right would comply with SB2. However, the M-1 and OM-1 zones discourage residential uses and therefore could be considered incompatible with the use. Additionally, the Coastal Commission has opposed residential uses in certain areas of the Coastal Zone due to concerns that residential uses may become the dominant use in these areas.

To satisfy the requirements of SB2, the C-M zoning district will be amended to allow emergency shelters as a permitted use. Implementation Action H4.1 directs that the C-M zone district be amended within one-year of adoption of the Housing Element to allow emergency shelters as a permitted use. The C-M zone allows the development of residential uses, including mixed-use development and other related uses that encourage emergency shelters.

Identified opportunity sites in the C-M zone district demonstrate sufficient capacity to support the development of an emergency shelter. The City's Available Land Inventory Summary (Appendix G) lists approximately 123 vacant or underutilized C-M zoned properties ranging in size from .08 acres to 1.56 acres. In total, the C-M zoned properties make up 30 acres of available land. These parcels either separately (larger parcels) or in combination (smaller parcels) could accommodate the development of an emergency shelter facility. The consolidation of smaller and underutilized parcels is supported by Implementation Action H11.19, which is intended to encourage the development of affordable residential units, including special needs housing.

Transitional and Supportive Housing

Transitional housing is intended to facilitate the transition of homeless individuals and families to permanent housing. This type of housing limits the length of stay and re-circulates the assisted unit to another eligible individual or family. Supportive housing is defined as permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing.

As reflected in Tables H-31 and H-32, the City continues its commitment to the production of transitional and supportive housing opportunities, with approximately 365 transitional units/rooms/beds, and 358 supportive units/rooms/beds currently available for eligible individuals and families.

As mandated by State law these housing units have been subjected to the same permitting processes as other residential development in the zone without undue special regulatory requirements. All the identified transitional and supportive units/room/beds are located on sites within City boundaries and are accessible to public services and facilities, including transit.

Housing Challenges

Overcrowding

A housing unit that is occupied by more than one person per room (excluding kitchens, bathrooms, hallways and porches) is defined by the Census as being overcrowded. A housing unit with more than 1.5 persons per room is considered severely overcrowded. Overcrowding can serve as an indicator that a community does not have an adequate supply of affordable housing and/or lacks housing units of adequate size to meet the need of large households. Overcrowding can also result when high housing costs relative to income force too many individuals or families to share housing. Overcrowding can accelerate deterioration of the housing stock and associated infrastructure.

Figure 6 shows how overcrowding has increased over time for both renter and owner occupied housing units in the City. In 2000, 4,346 housing units or 12.2 percent of all households in the City were considered overcrowded. This is an increase from 1990 when 3,646 households were reported overcrowded.

The most significant increase in overcrowding occurred in renter households, which were up from 3,041 in 1990 to 3,697 in 2000, an increase of 656 units. Overcrowding in owner occupied units increased by 44 units from 605 in 1990 to 649 in 2000.

Excerpted from 2011 Housing Element Goals, Policies and Implementation Chapter (pages 94 and 95)

H4. **Homeless Shelters and Services.** Support other agencies and nonprofit organizations in their efforts to provide shelter and services for the homeless.

Possible Implementation Actions to be Considered

- H4.1 **Year-Round Homeless Shelter.** Within one year of adoption of the 2011 Housing Element, the Municipal Code shall be amended to allow as a permitted use in the C-M zone, a year-round emergency shelter without any discretionary permit requirements. Development standards and permit procedures that apply to the use shall be established to include, but not be limited to, maximum number of beds, off-street parking requirements, hours of operation, length of stay, security, etc.
- H4.2 **Casa Esperanza.** Continue to fund and support Casa Esperanza Homeless Shelter or other suitable shelter facilities, and encourage a broad range of such services throughout the region including services with year round programming.
- H4.3 **Operational and Service Needs.** Support the operational and service needs (such as child care and job training) of homeless shelter and service providers. Provide financing when possible.

**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES
REGULAR MEETING
November 12, 2013**

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Emergency Shelter Zoning Discussion (640.09)

Recommendation: That Council provide direction to Community Development staff related to the implementation of Senate Bill 2 (SB2), (as enacted in 2007 as Government Code Section 65583), requiring that every municipality identify zoning intended to encourage and facilitate “emergency shelters”.

Documents:

- November 12, 2013, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and presented by Staff.

Speakers:

Staff: Project Planner Irma Unzueta; Principal Planner John Ledbetter.

Motion:

Councilmember House/Hotchkiss to direct staff to proceed in the direction of Option 1 as outlined in the Council Agenda Report, and bring the item back to the Ordinance Committee for review, submit it to Planning Commission, and then return to the City Council for final approval.

Vote:

Unanimous voice vote.

SB2 Emergency Shelter Development/Management Standards

Standard	Casa Esperanza	Rescue Mission	Transition House	SB2 Shelters
Maximum # of beds	100 beds: transitional 200 beds: emergency	94 beds: emergency 91 beds: transitional	70 beds	Up to 50 beds in R-4 zone Up to 100 beds in Commercial zones
Services	Emergency Shelter: -200 beds/winter months Year Round Shelter: -100 beds Meal Service: -for residents only	Emergency Shelter: -76 beds for men -18 beds for women Transitional Shelter: -30 beds (sober living) -61 beds (residential treatment) Meal Service: -Average 170 meals/day	Emergency Shelter -70 beds Meal Service: -210 meals/day	Emergency Shelter: -50 to 100 bed limit Meal Service: -for residents only Showers: -for residents only
Parking	33 parking spaces based on demand 60 bike parking	34 parking spaces based on demand	10 parking spaces based on demand	Parking based on demand, per parking study
Length of Stay	100 days/sobriety based program	10 nights/month max. Can extend on case-by-case basis.	120 days, with extensions for up to 180 days max.	No more than 30 days with extensions up to 180 days.
Hours of Operation	24/7	24/7: 6 am breakfast, 6 pm dinner 3:30 pm showers for women 6:15 pm showers for men	24/7: Monday – Friday: 5 pm to 8 am Saturday & Sunday: 24 hrs	24/7 <i>Address in Management Plan</i>
Intake Area	Interior intake area, including waiting room and 3 offices	Two standard offices for intake. Courtyard used for queuing during intake	Intake area off-site (425 E. Cota)	Provide Interior waiting and intake areas. No queuing outdoors.
Lighting	Exterior lighting per Lighting Ordinance. No flood lights.	Exterior lighting, low intensity directed toward ground. No flood lights.	Exterior lighting per Lighting Ordinance. No flood lights.	Exterior lighting per Lighting Ordinance. No flood lights.
Outdoor Activity	Outdoor patio/smoking area	None for emergency shelter	Playground for children, recreation room for teens	Hours regulated by noise ordinance <i>Address in Management Plan</i>
Concentration of Uses	N/A	N/A	N/A	300 ft.

AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ESTABLISHING ZONES IN
WHICH EMERGENCY HOMELESS SHELTERS MAY
BE ALLOWED WITHOUT THE NEED FOR A
CONDITIONAL USE PERMIT

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

SECTION 1. Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code is amended by adding Section 28.04.273 to read as follows:

28.04.273 Emergency Shelter.

Housing for homeless persons with minimal supportive services that is limited to a length of occupancy of not more than six months. Minimal supportive services shall mean administrative offices, intake and waiting areas, kitchen and dining facilities, and laundry facilities as long as the facilities are directly related to the operation of the emergency shelter and for the exclusive use of the residents of the emergency shelter. Homeless shelters providing more than minimal supportive services or supportive services to persons other than the residents of the shelter shall require a conditional use permit pursuant to Section 28.94.030.W of this Title.

SECTION 2. Section 28.21.030 of Chapter 28.21 of the Santa Barbara Municipal Code is amended to read as follows:

28.21.030 Uses Permitted.

A. R-3 ZONE.

1. Any use permitted in the R-2 Zone and subject to the restrictions and limitations contained therein, except that any use specifically mentioned hereafter shall be subject to the restrictions of the R-3 Zone.

2. One-, two-, and multiple-family dwellings.

3. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals subject to the provisions in Chapter 28.93.

B. R-4 ZONE.

1. Any use permitted in the R-3 Zone and subject to the restrictions and limitations contained therein, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the R-4 Zone.

2. Hotels and related recreational, conference center and other auxiliary uses primarily for use by hotel guests. Any hotels, when units are designed or constructed with cooking facilities shall, as to such units, be subject to the lot area per unit requirements of the R-4 Zone and to the parking requirements for multiple family units required in Subsection 28.90.100.G.3 of this Code. Such hotels when designed, constructed or used for either twenty-four (24) or more dwelling units, or fifty (50) guest rooms or more may include a business, except a restaurant, conducted therein for the convenience of the occupants and their guests; provided entrance to such places of business be from the inside of such buildings; that the floor area used for all the businesses in the facility shall not exceed thirty percent (30%) of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots; and provided further that no street frontage of any such building shall be used for such business. Any hotel, regardless of the number of units or rooms therein, may include a restaurant for use by the hotel occupants and their guests only, provided that such facility conforms to all other requirements imposed on any "business" by this paragraph. A restaurant not conforming to all other requirements imposed on any "business" by this paragraph or not for use solely by hotel occupants and their guests may be established only if a conditional use permit is obtained for operation of a restaurant under Chapter 28.94 of this Code.

3. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following development and management standards, in addition to all other development standards generally

applicable within this zone:

a. Capacity. An emergency shelter located in the R-4 zone may provide a maximum of 50 beds and shall serve no more than 50 homeless persons per night.

b. Length of Stay. Temporary shelter shall be available for not more than six months.

c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.

d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.

e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

i. Hours of operation

ii. On-site management and security procedures

iii. Neighborhood relations and communication

iv. Cooking and dining facilities (for residents only)

v. Shower and laundry facilities (for residents only)

vi. Smoking areas and policies

vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

SECTION 3. Section 28.22.030 of Chapter 28.22 of the Santa Barbara Municipal Code is amended to read as follows:

28.22.030 Land Uses Permitted.

The following land uses are allowed in the HRC zones indicated:

A. HRC-1 ZONE:

1. Hotels, motels and tourist courts, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests and as permitted in Section 28.21.030.B.2 of this code.

In addition, restaurants, including those with entertainment facilities used in conjunction with the restaurant, are allowed.

2. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following development and management standards, in addition to all other development standards generally applicable within this zone:

a. Capacity. An emergency shelter located in the HRC-1 zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.

b. Length of Stay. Temporary shelter shall be available for not more than six months.

c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake

and waiting space per bed. Intake and waiting areas shall be located within the building.

d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.

e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

- i. Hours of operation
- ii. On-site management and security procedures
- iii. Neighborhood relations and communication
- iv. Cooking and dining facilities (for residents only)
- v. Shower and laundry facilities (for residents only)
- vi. Smoking areas and policies
- vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

B. HRC-2 ZONE:

1. General. Any use permitted in the HRC-1 Zone and subject to the restrictions and limitations contained therein.

2. Specific. Any of the following uses which are primarily visitor-serving or of a commercial recreational nature specific to the Coastal Zone are allowed:

- a. Bicycle, roller skating, moped, dive gear and other recreational equipment rental stores.
- b. Stores which sell liquor, groceries and food, which do not exceed 2,500 sq. ft. in gross floor area.
- c. Specialty and gift shops.
- d. Art galleries.
- e. Bait and tackle shops, sales of boats, marine supplies and related equipment.
- f. Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission.

3. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:

- a. The use is compatible with visitor-serving uses;
- b. Visitor-serving uses remain the primary use of the building; and
- c. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

4. Restriction on Residential Use. Residential use is prohibited in the HRC-2 Zone except in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the

existing railroad right-of-way on the north. Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained in this Chapter.

5. Special Treatment Area. The following additional restrictions shall apply in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north, due to concerns about protection of the sensitive habitat character and aesthetics of the Andree Clark Bird Refuge:

a. High Intensity Uses. The following high-intensity uses shall be prohibited:

i. fast food restaurants

ii. stores which sell liquor, groceries and food, except that off-site sale of beer and wine and picnic items may be allowed only when incidental to and related to the primary use of the establishment.

iii. automobile service station.

SECTION 4. Section 28.54.030 of Chapter 28.54 of the Santa Barbara Municipal Code is amended to read as follows:

28.54.030 Uses Permitted in the C-P Zone.

A. Any use permitted in the R-4, R-O and C-O Zones and subject to the use restrictions and limitations contained in the respective zone and in Section 28.54.130.

B. Any of the following uses:

1. Art school.
2. Automobile parking areas.
3. Automobile service station or automobile service station/mini-market containing not more than six (6) pumps and limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service and repair with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.

4. Bakery employing not more than ten (10) persons.

5. Bank.

6. Barber shop.

7. Beauty shop.

8. Billiard parlor.

9. Bookstore.

10. Bowling alley.

11. Caterer.

12. Child care center.

13. Confectionery store.

14. Dancing school.

15. Dressmaking or millinery shop.

16. Drugstore.

17. Dry cleaning, pressing and laundry agency.

18. Dry goods or notion store.

19. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following development and management standards, in addition to all other development standards generally applicable within this zone:

a. Capacity. An emergency shelter located in the C-P zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.

b. Length of Stay. Temporary shelter shall be available for not more than six months.

c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.

d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.

e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

i. Hours of operation

ii. On-site management and security procedures

iii. Neighborhood relations and communication

iv. Cooking and dining facilities (for residents only)

v. Shower and laundry facilities (for residents only)

vi. Smoking areas and policies

vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an

inability to pay.

~~1920.~~ Florist shop.

~~2021.~~ Garden nursery.

~~2122.~~ Gift shop.

~~2223.~~ Grocery, fruit and vegetable store.

~~2324.~~ Hardware store.

~~2425.~~ Household appliance store and repair.

~~2526.~~ Ice storage house of not more than five (5) ton capacity.

~~2627.~~ Jewelry store.

~~2728.~~ Liquor store.

~~2829.~~ Meat market or delicatessen.

~~2930.~~ Music and vocal schools.

~~3031.~~ Pet shop.

~~3132.~~ Photographic shop.

~~3233.~~ Restaurant, bar, tearoom or cafe.

~~3334.~~ Self-service laundry or dry cleaning.

~~3435.~~ Shoe store or shoe repair shop.

~~3536.~~ Stationery store.

~~3637.~~ Tailor, clothing or wearing apparel shop.

~~3738.~~ Television, radio store and repair.

~~3839.~~ Veterinary hospital for small animals provided;

a. That no animals are to be boarded overnight except for medical reasons.

b. That the building shall be designed so as to prevent the escape of all obnoxious odors

and noises.

~~3940.~~ Wig shop.

~~4041.~~ Household hazardous waste collection facility, as defined in Section 28.04.405.

~~4142.~~ Accessory buildings and accessory uses, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

~~4243.~~ Automobile rental, restricted to passenger vehicles, not including trailers, campers, trucks, recreational vehicles, etc., with the specific location subject to approval by the Planning Commission.

~~4344.~~ Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. The above specified stores, shops or businesses, to the extent that they sell merchandise shall sell only at retail, shall sell only new merchandise, except for the resale of used merchandise acquired incidentally in the sale of new merchandise, and shall be permitted only under the following conditions:

1. Such store, shop or business, except automobile service station and nursery shall be conducted entirely within an enclosed building.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

SECTION 5. Section 28.57.030 of Chapter 28.57 of the Santa Barbara Municipal Code is amended to read as follows:

28.57.030 Uses Permitted in the C-L Zone.

A. Any use permitted in the R-O, C-O and R-4 Zones and subject to the use restrictions and limitations contained in the respective zone, except that any such use specifically mentioned hereafter shall be subject to the use restrictions of the C-L Zone.

B. Any of the following uses:

1. Antique shop.
2. Bank.
3. Barber, beauty shop, including hair stylist.
4. Candy, ice cream, pastry shop.
5. Caterer.
6. Child Care Center.
7. Delicatessen and specialty food store, including convenience grocery items.
8. Drug store and pharmacy, limited to stores carrying primarily drugs, personal care and health products.
9. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following

development and management standards, in addition to all other development standards generally applicable within this zone:

a. Capacity. An emergency shelter located in the C-L zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.

b. Length of Stay. Temporary shelter shall be available for not more than six months.

c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.

d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.

e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75),

adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

- i. Hours of operation
- ii. On-site management and security procedures
- iii. Neighborhood relations and communication
- iv. Cooking and dining facilities (for residents only)
- v. Shower and laundry facilities (for residents only)
- vi. Smoking areas and policies
- vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

- ~~10.~~ Florist shop.
- ~~1011.~~ Funeral parlor.
- ~~1112.~~ Gift shop.
- ~~1213.~~ Household hazardous waste collection facility, as defined in Section 28.04.405 of this

Title.

- ~~1314.~~ Interior decorating shop.
- ~~1415.~~ Jewelry store.
- ~~1516.~~ Liquor, wine store.
- ~~1617.~~ Photographic studio.
- ~~1718.~~ Restaurant.
- ~~1819.~~ Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. The above-specified stores, shops or businesses shall be permitted only under the following conditions:

1. Merchandise shall be sold only at retail;
2. Except for restaurants and child care centers, all activities shall be conducted entirely within an enclosed building;

3. Products made incidental to a permitted use shall be sold at retail on the premises.
- D. Accessory buildings and uses.

SECTION 6. Section 28.63.030 of Chapter 28.63 of the Santa Barbara Municipal Code is amended to read as follows:

28.63.030 Uses Permitted in the C-1 Zone.

- A. Any use permitted in the R-4, R-O and C-O Zones and subject to the use restrictions and limitations contained in the respective zone and in Section 28.63.130, except as otherwise provided in Subsection B. herein.
- B. When land classified in a C-1 Zone is also classified in another zone, as provided in Section 28.63.001, uses shall be limited to the following:
 1. Any use permitted in Subsection C. herein;
 2. Any use permitted in the other zone in which the land is classified and when so used subject to the restrictions and limitations contained therein.
- C. Any of the following uses:
 1. Antique shop.
 2. Automobile service station or automobile service station/mini-market, and accessory uses, limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service within the building not including auto body repair with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.
 3. Bakery employing not more than ten (10) persons.
 4. Bank.
 5. Barber shop.
 6. Beauty shop.
 7. Billiard parlor.
 8. Bookstore.
 9. Caterer.
 10. Child Care Center.
 11. Clothing store.
 12. Club or lodge.
 13. Confectionery store.
 14. Dressmaking or millinery shop.
 15. Drugstore.
 16. Dry cleaning, pressing and laundry agency.
 17. Dry goods or notion store.
 18. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following

development and management standards, in addition to all other development standards generally applicable within this zone:

- a. Capacity. An emergency shelter located in the C-1 zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.
- b. Length of Stay. Temporary shelter shall be available for not more than six months.
- c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.
- d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.

e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

i. Hours of operation

ii. On-site management and security procedures

iii. Neighborhood relations and communication

iv. Cooking and dining facilities (for residents only)

v. Shower and laundry facilities (for residents only)

vi. Smoking areas and policies

vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

~~1819.~~ Florist.
~~1920.~~ Garden nursery.

2021. Gift shop.
2122. Grocery, fruit and vegetable store.
2223. Hardware store.
2324. Hotel.
2425. Household appliance store and repair.
2526. Household hazardous waste collection facility, as defined in Section 28.04.405 of this

Title.

2627. Ice storage house of not more than five (5) ton capacity.
2728. Interior decorator.
2829. Jewelry store.
2930. Liquor store.
3031. Meat market or delicatessen store.
3132. Offices: general, administrative, business, professional, public.
3233. Pet store.
3334. Photographer.
3435. Photographic store.
3536. Research and development.
3637. Restaurant and bar.
3738. Self-service laundry and dry cleaning.
3839. Shoe store, shoe repair.
3940. Stationery store.
4041. Tailor.
4142. Television and radio store and repair.
4243. Veterinary hospital for small animals, provided:
 a. That no animals are to be boarded overnight except for medical reasons.
 b. The building shall be designed so as to prevent the escape of all obnoxious odors and

noises.

4344. Wig shop.
4445. Accessory buildings and accessory uses, including a storage garage for the exclusive use of the patrons of the above stores or businesses.
4546. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

D. The above-specified stores, shops or businesses shall be permitted only under the following conditions:

1. Such stores, shops or businesses, except automobile service stations, child care centers, and nurseries, shall be conducted entirely within an enclosed building.
2. Products made incidental to a permitted use shall be sold at retail on the premises.

SECTION 7. Section 28.66.030 of Chapter 28.66 of the Santa Barbara Municipal Code is amended to read as follows:

28.66.030 Uses Permitted.

A. Any use permitted in the C-P Zone and subject to the use restrictions and limitations contained in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the C-2 Zone.

B. Such use shall not be inimical to the public health, welfare, safety or morals by reason of the offering to distribute, or distributing or exhibition to members of the public of any obscene matter as defined in Section 311 of the Penal Code of the State of California.

C. Any of the following uses:

1. Retail, wholesale or service store or business provided that there shall be no manufacturing, assembly, processing or compounding or products other than such as are customarily incidental or essential to such establishments and provided further that there shall be not more than ten (10) persons engaged in any such manufacture, processing or treatment of products, and not more than fifty percent (50%) of the floor area of the building is used in the treatment, manufacture or processing of products, and that such operations are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes.

2. Advertising sign board or structure.

3. Automobile parking area.
4. Automobile super service station or automobile service station/mini-market including automobile laundry or car wash and auto steam cleaning establishment provided that all tire and tube repairing, battery, servicing and steam cleaning shall be conducted wholly within a building with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.
5. Bakery employing not more than twenty (20) persons on premises.
6. Bath, Turkish and the like.
7. Billiard or pool hall or bowling alley.
8. Blueprinting and photostating shop.
9. Church.
10. Cleaning and pressing establishment using non-inflammable and non-explosive cleaning fluid.
11. Conservatory of music.
12. Contractor - no outside storage or storage of heavy equipment.
13. Department store.
14. Educational facility.
15. Electric distributing substation.
16. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following

development and management standards, in addition to all other development standards generally applicable within this zone:

- a. Capacity. An emergency shelter located in the C-2 zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.
- b. Length of Stay. Temporary shelter shall be available for not more than six months.
- c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.
- d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.
- e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.
- f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.
- g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall

be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

i. Hours of operation

ii. On-site management and security procedures

iii. Neighborhood relations and communication

iv. Cooking and dining facilities (for residents only)

v. Shower and laundry facilities (for residents only)

vi. Smoking areas and policies

vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

17. Florist.

18. Funeral parlor.

1719. Furniture warehouse for storing personal household goods.

1820. Health club, spa, gymnasium.

1921. Hospital, clinic or skilled nursing facility.

2022. Interior decorating shop.

2423. Medical laboratory.

2224. Parking garage, public.

2325. Pest control.

2426. Plumbing shop.

2527. Printing, lithographing or publishing establishment.

2628. Public parking area.

2729. Radio and television store.

2830. Refrigerated locker.

2931. Restaurant, tea room or cafe.

3032. Skating rink.

3133. Storage garage, including repairing and servicing.

3234. Studio.

3335. Taxidermist.

3436. Telephone exchange.

3537. Theater or auditorium (except drive-in theater).

3638. Trade school, not objectionable due to noise, odor, dust, smoke, vibration or other

similar causes.

3739. Trailer and equipment sales and rental - non-industrial use.

- 3840. Upholstery shop.
 - 3941. Used car sales area, provided that no repair or reconditioning of automobiles shall be permitted, except when enclosed in a building.
 - 4042. Wedding chapel.
 - 4143. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.
- D. Accessory buildings and accessory uses.

SECTION 8. Section 28.69.030 of Chapter 28.69 of the Santa Barbara Municipal Code is amended to read as follows:

28.69.030 Uses Permitted.

A. Any use permitted in the C-2 Zone and subject to the use restrictions and limitations contained in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the C-M Zone.

B. Any of the following uses, provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose hazard to life or property:

1. Automobile body shop.
2. Automobile paint shop.
3. Bakery goods manufacturing.
4. Boat building and repairing and machine shop.
5. Building contractor and material storage.
6. Cabinet shop.
7. Canvas and canvas products manufacturing.
8. Car wash.
9. Cement products manufacturing.
10. Cleaning and dyeing.
11. Clothing products manufacturing.
12. Draying and truck yard or terminal.
13. Electronics products manufacturing.
14. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following

development and management standards, in addition to all other development standards generally applicable within this zone:

a. Capacity. An emergency shelter located in the C-M zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.

b. Length of Stay. Temporary shelter shall be available for not more than six months.

c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.

d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.

e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

i. Hours of operation

ii. On-site management and security procedures

iii. Neighborhood relations and communication

iv. Cooking and dining facilities (for residents only)

v. Shower and laundry facilities (for residents only)

vi. Smoking areas and policies

vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

15. Equipment and trailer rental and storage.

16. Food products manufacturing.

17. House moving.

- ~~17~~18. Laundry.
- ~~18~~19. Lumber yard.
- ~~19~~20. Machine shop.
- ~~20~~21. Plating works.
- ~~21~~22. Produce warehouse.
- ~~22~~23. Research and development establishment and related administrative operations.
- ~~23~~24. Rug cleaning.
- ~~24~~25. Sheet metal shop.
- ~~25~~26. Sign manufacturing.
- ~~26~~27. Storage warehouse.
- ~~27~~28. Tire retreading.
- ~~28~~29. Veterinary hospital.
- ~~29~~30. Other businesses and occupations that are substantially similar to the uses enumerated

above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

- C. Accessory buildings and accessory uses.

SECTION 9. Section 28.72.030 of Chapter 28.72 of the Santa Barbara Municipal Code is amended to read as follows:

28.72.030 Uses Permitted.

A. Any use permitted in the C-M Zone subject to the use restrictions and limitations contained in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the M-1 Zone. Furthermore, no building or any portion of a building shall be erected or used as a dwelling except for a caretaker or night watchperson's residence of no more than four hundred (400) square feet of net floor area.

B. Any of the following uses are permitted provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose a hazard to life or property:

1. Agricultural equipment rental.
2. Alcohol and alcoholic beverages manufacture.
3. Assembly plant.
4. Automobile body and fender works, painting and upholstery and automobile laundry.
5. Awning manufacturing.
6. Bag manufacturing.
7. Battery manufacturing and rebuilding.
8. Bedspring manufacturing.
9. Bookbinding.
10. Bottling plant.
11. Brewery.
12. Brush manufacturing.
13. Building materials, new and used.
14. Candle manufacturing.
15. Candy manufacturing.
16. Cannery (except fish and meat products).
17. Cellophane products manufacturing.
18. Cement products manufacturing.
19. Cesspool - pumping, draining, cleaning.
20. Church.
21. Cigar and cigarette manufacturing.
22. Cleaning and dyeing, wholesale.
23. Clock factory.
24. Clothing manufacturing.
25. Coffee roasting.
26. Cold storage plant.
27. Contractor, farming equipment.
28. Cork products manufacturing.
29. Cornice works.

- 30. Cosmetics manufacturing.
- 31. Cotton storage.
- 32. Covenant or monastery, subject to the issuance of a Conditional Use Permit issued under Chapter 28.94 of this Code.
- 33. Creamery.
- 34. Dextrine manufacturing.
- 35. Distribution plant.
- 36. Dog kennel, boarding, breeding or training.
- 37. Draying and truck yard or terminal.
- 38. Drug manufacturing.
- 39. Educational facility, subject to the issuance of a Conditional Use Permit issued under Chapter 28.94 of this Code.
- 40. Electrical appliance and equipment manufacturing.
- 41. Electric utility warehouse and service yard or electric transmission substation.
- 42. Electronic instruments and devices manufacturing.
- 43. Emergency Shelters (as defined in SBMC Section 28.04.273), subject to the following

development and management standards, in addition to all other development standards generally applicable within this zone:

- a. Capacity. An emergency shelter located in the M-1 zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night.
- b. Length of Stay. Temporary shelter shall be available for not more than six months.
- c. Intake/Waiting Area. Emergency shelters shall provide 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.
- d. Outdoor Area/Activity. Outdoor gathering areas shall be screened from the public right of way and adjacent properties. Queuing on the public right of way or parking areas is not permitted.
- e. Parking. Sufficient parking based on demonstrated need shall be provided for the emergency shelter. A parking study shall be submitted to the Public Works Transportation Planning Division to determine the number of parking spaces, including bicycle parking needed for the use. The required parking for the emergency shelter shall not be more than that which is required for similar residential or commercial uses within the zone.
- f. Lighting. Subject to compliance with the Lighting Ordinance (SBMC Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.
- g. Concentration of Uses. No emergency shelter or homeless shelter shall be permitted within 300 feet of another emergency shelter or homeless shelter. The distance between shelters shall

be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

h. Onsite Management. On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the emergency shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

i. Hours of operation

ii. On-site management and security procedures

iii. Neighborhood relations and communication

iv. Cooking and dining facilities (for residents only)

v. Shower and laundry facilities (for residents only)

vi. Smoking areas and policies

vii. Outdoor gathering areas and policies

i. Ability to Pay. No individual or household may be denied emergency shelter due to an inability to pay.

- 44. Feather products, manufacturing or renovation.
- 4445. Felt products manufacturing.
- 4546. Fiber products manufacturing.
- 4647. Fixture manufacturing, gas, electric.
- 4748. Fumigating contractor.
- 4849. Furniture manufacturing.
- 4950. Hay barn.
- 5051. Horn products manufacturing.
- 5152. Ice manufacturing and storage.
- 5253. Ink manufacturing.
- 5354. Insecticides manufacturing.
- 5455. Iron works, ornamental (no casting).
- 5556. Knitting mill.
- 5657. Laboratory for research, testing and experimental purposes.
- 5758. Leather products manufacturing (no tanning).
- 5859. Machinery, farm and repair.
- 5960. Malt products manufacturing.
- 6061. Medicine manufacturing.
- 6162. Metal spinning.
- 6263. Milk pasteurization.
- 6364. Millinery manufacturing.
- 6465. Novelty manufacturing.
- 6566. Packing plant, fruit and vegetables.
- 6667. Paint mixing (no boiling).
- 6768. Paper products manufacturing.
- 6869. Perfume manufacturing.

- 6970. Phonograph manufacturing.
- 7071. Plastic products manufacturing.
- 7172. Plating.
- 7273. Pottery and statuary manufacturing.
- 7374. Produce yard or terminal.
- 7475. Pumping plant.
- 7576. Refrigerating plant.
- 7677. Rope plant.
- 7778. Rubber products manufacturing.
- 7879. Rug manufacturing.
- 7980. Sandpaper manufacturing.
- 8081. Sea shell products manufacturing.
- 8182. Sheet metal products.
- 8283. Starch mixing and bottling.
- 8384. Stone grinding, cutting and dressing.
- 8485. Tool manufacturing (no drop hammer or punch presses).
- 8586. Toy manufacturing.
- 8687. Venetian blind manufacturing.
- 8788. Wood products manufacturing.
- 8889. Other businesses and occupations that are substantially similar to the uses enumerated

above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. Accessory buildings and accessory uses.

SECTION 9. Section 28.94.030 of Chapter 28.94 of the Santa Barbara Municipal Code is amended to read as follows:

28.94.030 Uses Permitted in Specific Zones.

The following uses may be permitted in the zones herein indicated upon the granting of a Conditional Use Permit, except that where another section of this Title specifically allows such use in a zone in conflict with this section, the provision of such other section shall apply and a Conditional Use Permit shall not be required.

A. Church in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H-C, HRC-1, HRC-2, OM-1 and OC zones.

B. Convent and monastery in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.

C. Educational institution in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.

D. Golf course or driving range (but excluding miniature golf) in any zone.

E. Outdoor tennis club and lawn bowling club in the A, E and R Zones. Normal clubhouse facilities such as pro shop, coffee shop, administrative offices, lounge, etc. may be allowed in connection with a private club only, provided that such uses shall be clearly shown to be incidental and accessory to the outdoor recreational use of the premises, and that the clubhouse facilities shall be available only to the club members and their guests.

It is hereby declared that in addition to being special uses as set forth in Sections 28.94.001 and 28.94.005, the uses permitted under this subsection are of such a nature that it is impractical to establish in advance of development the minimum requirements for parking, site area, setbacks, hours or manner of operation, lighting, landscaping, or other standards usually applied to classes or types of use, and that distinct and different performance and development standards must be applied to each individual facility proposed to be established under these provisions.

This declaration is based on the fact that the type of club permitted by these provisions will usually be within the City area, unique in terms of the facilities provided, activities conducted, method and intensity of operation, relationship to topography and impact on surrounding urban development and potential, and that meaningful minimum standards can only be established in relation to the particular features of each individual development.

In lieu of prescribing herein minimum performance and development standards, the Planning Commission shall, as a part of any Conditional Use Permit issued to permit the establishment of outdoor tennis or lawn bowling clubs under this subsection, make the following findings and impose conditions necessary to secure and perpetuate the bases for such findings:

1. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

2. That the prescribed hours and days of operation of the various facilities of the club are such that the character of the area is not altered or disturbed.

3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.

4. That adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

5. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

F. Planned unit development in A, E and R-1 Zones in accordance with the provisions of Chapter 28.36 of this Title.

G. Planned residence development in the A, E and R-1 Zones, subject to provisions of Chapter 28.33 of this Title.

H. Child care centers in the A, E, R-1, R-2, R-3, R-4, R-O, C-O and C-X zones, subject to the following conditions, standards and limitations:

1. Location of play areas. Outdoor play areas shall be located in a manner that is compatible with the character of the surrounding area, that minimizes significant detrimental noise impacts to adjacent properties, and that complies with the minimum standards of State Law.

2. Passenger loading. Facilities shall be provided for loading and unloading passengers, and shall be subject to the review and approval of the Planning Commission taking into consideration the recommendation of the Transportation Engineer.

I. Driveways and parking areas for nonresidential uses in residential zones.

J. Boarding house in the R-2, R-3 and R-4 Zones.

K. Club and lodge in the R-3, R-4 and R-O Zones.

L. Garden apartments in the R-2 Zone, subject to the provisions of Chapter 28.30 of this Title.

M. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, in the R-4, C-O, C-P, C-1, C-2 and C-M Zones.

N. Restaurant in the R-4 Zone, provided there is a minimum of one hundred (100) established hotel-motel guest rooms within five hundred feet (500') from the boundary of the proposed restaurant site. The one hundred (100) established hotel-motel guest rooms within five hundred feet (500') may be used to support any number of restaurants within the affected area.

O. Establishment or enterprises which involve large assemblages of people on more than four occasions per year, including, but not limited to, any open air theater, Certified Farmers Market, street market, trade fair, trade exchange, recreational or sport center, in the C Zones.

P. Automobile wrecking in the C-M and M-1 Zones.

Q. Car wash, auto polishing, auto steam cleaning establishment in the C-1, C-P and C-2 Zones, provided that such installation shall be subject to the noise restrictions established in Chapter 28.60 of this Title.

R. State-licensed residential care facilities for the elderly, community care facilities and hospices serving more than 12 individuals in the A, E, R, and C Zones.

1. STANDARDS.

a. If a new residential care facility for the elderly, community care facility or hospice which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may include modular cooking units without being counted as residential units.

b. If an existing residential care facility for the elderly, community care facility or hospice as of the effective date of this Ordinance, which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may be converted to include modular cooking units without being counted as residential units under the provisions of a new Conditional Use Permit.

c. If a new or existing residential care facility for the elderly, community care facility or hospice as of the effective date of this Ordinance, which is subject to a Conditional Use Permit does not include a congregate dining facility, but does include kitchens in its living units, living units shall be counted as residential units.

d. Recreational facilities and skilled nursing facilities intended primarily for the residents may be allowed in connection with residential care facilities for the elderly, community care facilities or hospices provided that such uses are incidental and accessory thereto. The use of the facilities by persons other than residents and staff may be limited.

2. FINDINGS:

a. For new State licensed residential care facilities for the elderly, community care facility or hospice, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

(1) The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.

(2) The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.

(3) The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

b. For existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this Ordinance requesting an alteration or modification, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

(1) The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official.

(2) The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.

(3) The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

S. Facilities and equipment, not to include offices, used by public utilities or quasi-public utilities, e.g., cable television, to provide services to the general public in any zone, except for Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas and any facilities or equipment expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this Code.

T. Medical equipment and supply stores of more than 3,000 square feet of net floor area in the C-O Zone, subject to the following special provisions:

The Planning Commission shall find that the use is supportive and directly related to the providing of medical and related services. The Commission may permit a portion of the space to be used for non-medically related sales and/or a percentage of dollar volume of business for non-medically related sales, provided that said amount of non-medically related use is set forth in the Conditional Use Permit.

U. Banks of more than 1,000 square feet of net floor area in the C-O Zone, subject to the following:

The intent is to allow branch banks as a convenience to the medical community and neighborhood, so that there will be less traffic into the commercial areas for deposits, and as a cash source for patients in the area. It is not the intent to establish a banking community in the area. As a result, the limitations set forth below shall apply.

Prior to issuance, the Planning Commission shall find the following:

1. No similar facility is located on adjacent property or on a parcel within three hundred (300) feet of the subject property.

2. There shall not be more than one thousand (1,000) square feet of space accessible to customers for services.

3. There shall be no drive-up window, but a walk-up window may be permitted.

4. The signing of the operation is in a manner as to identify but not advertise, and to blend in with the neighborhood.

5. Services are limited to deposits, check cashing, cashier and travelers checks, acceptance of loan applications, and night deposits. The following services are excluded: loan applications processing and safety deposit boxes.

6. The permitted number of employees is consistent with the above.

V. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. Conditions. Specific conditions may be imposed to carry out the purposes of this Code.

2. Lot Area. The minimum area of the parcel or lot shall not be less than eight thousand (8,000) square feet.

3. Street Frontage. Each lot shall have a minimum frontage of not less than one hundred (100) feet on one abutting street.

4. Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.

5. Driveways.

a. New Service Stations. For service stations constructed after the effective date of this Subsection, driveway entrances to the service station shall not be within twenty (20) feet of the curb return (beginning of curve) on corner lots.

b. Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this Subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.

6. Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.

7. Parking. Parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five (5) parking spaces shall be provided or one (1) parking space for each two hundred fifty (250) square feet of gross floor area used for mini-market use and one (1) space for each employee shall be provided; whichever is greater.

8. Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.

9. Landscaping. All landscaped areas shall be as follows:

a. A planter shall be provided along all street-side property lines except for driveway openings.

b. On corner lots, a minimum of one hundred fifty (150) square feet of planter area shall be provided on the property adjacent to the corner intersection.

c. At least ten percent (10%) of the area not covered by buildings on the parcel shall be landscaped.

10. Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen.

11. Fencing. A decorative fence six (6) feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.

12. Operations and Storage.

a. Repair of vehicles is only permitted within an enclosed building.

b. All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.

c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.

d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.

e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six (6) feet. Trash shall not be stored or piled above the height of the fence.

13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations.

W. Public or quasi-public facility, including homeless shelters providing services and programs beyond the definition of minimal supportive services specified in Section 28.04.273 (subject to a separation of at least 300 feet from another emergency shelter or homeless shelter), in any zone, except those expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this Code, and Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas.

X. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section 28.94.020.

Y. General office uses in the HRC-2 Zone as permitted by Subsection 28.22.030.2.c, and subject to the findings required in Subsection 28.22.030.2.c and Section 28.94.020.

Z. Secondary Dwelling Units in any A, E or R-1 Zone, subject to the following provisions:

1. The minimum lot size for any parcel containing a Secondary Dwelling Unit shall be seven thousand (7,000) square feet.

2. There shall be no more than one (1) existing single-family dwelling, hereinafter referred to as the primary dwelling, on the parcel.

3. The Secondary Dwelling Unit shall be attached to the primary dwelling by a common wall, floor or ceiling and not simply by an attached breeze-way or porch. Said unit shall involve no more than a ten percent (10%) increase in the square footage of the primary dwelling nor shall it constitute more than forty percent (40%) of the combined floor area of the primary dwelling and Secondary Dwelling Unit, exclusive of the garage or carport.

4. The maximum floor area of the Secondary Dwelling Unit shall not exceed six hundred (600) square feet.

5. Setbacks and height limitations for the Secondary Dwelling Unit shall be the same as for the primary dwelling.

6. One (1) off-street parking space, covered or uncovered, shall be required for a Secondary Dwelling Unit. In addition, if the primary dwelling does not provide parking as required by Subsection 28.90.100.G.1 of this Title, such parking shall be provided. The garage or carport for the primary dwelling shall not be converted to provide a Secondary Dwelling Unit.

7. There shall be no more than four (4) separate rooms in a Secondary Dwelling Unit, one of which shall be a kitchen and one a bathroom. The total number of rooms on the parcel shall not be increased by more than two (2), including the bathroom and kitchen for the Secondary Dwelling Unit. The Secondary Dwelling Unit shall also provide a separate entrance.

8. Both the primary dwelling and the Secondary Dwelling Unit shall comply with all requirements of the housing code in effect on the date of issuance of the building permit for the Secondary Dwelling Unit. Any alteration or addition shall comply with all requirements of the California Building Code as adopted and amended by the City.

9. A separate water meter shall be provided for the Secondary Dwelling Unit. The primary dwelling shall be retrofitted with water-conserving devices to the same extent as if the dwelling were being built under the California Building Code as adopted and amended by the City.

10. Before obtaining a building permit for a Secondary Dwelling Unit, the property owner shall file with the County Recorder, upon approval by the City Attorney as to form and content, a covenant containing a reference to the deed under which the property was acquired by the present owner and stating that:

a. The Secondary Dwelling Unit shall not be sold separately from the primary dwelling.

b. The Secondary Dwelling Unit is restricted to the approved size.

c. The conditional use permit for the Secondary Dwelling Unit shall be in effect only so long as either the primary dwelling or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The conditional use permit shall remain valid if disability or infirmity require the institutionalization of the owner.

d. The Secondary Dwelling Unit shall be rented at a rate that is affordable to low and moderate income families or to immediate family members as required under Subsection 28.94.030.Z.12 of this Title.

e. The conditional use permit, and any conditions imposed by said permit, shall lapse upon removal of the Secondary Dwelling Unit.

f. There shall be no more than two (2) inhabitants in any Secondary Dwelling Unit.

g. The above declarations are binding upon any successors in ownership of the property; any lack of compliance shall revoke the conditional use permit.

11. Secondary Dwelling Units shall be prohibited in High Fire Hazard Areas (as defined in the Fire Master Plan.)

12. The Secondary Dwelling Unit, or the primary dwelling if the owner chooses to live in the Secondary Dwelling Unit, shall be leased or rented to a person or persons falling within one or more of the following categories:

a. A household whose head is a member of the owner's immediate family. For purposes of this Section, "immediate family" shall be defined as parents, grandparents, children, grandchildren, sisters, brothers, and equivalent in-laws.

b. Low income households (incomes less than 80 percent of the median income for the City), as determined by the United States Department of Housing and Urban Development (HUD). The rent level will be no more than the Fair Market Rent levels for the City as determined and adjusted from time to time by HUD, and the owner shall give priority for occupancy to households referred by the Santa Barbara Housing Authority. If the unit is rented or leased to households not referred by the Housing Authority, the income level of the renter selected must be certified by the Housing Authority as to eligibility and this certification must be submitted to the Community Development Director. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. The rent level for such low-income renters shall not exceed one twelfth (1/12) of thirty percent (30%) of the certified income of the renter. In addition, the owner must submit annually to the

Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and the name and income level of the lessee/renter.

c. Moderate income households (incomes between 81 and 120 percent of the median income of the City), if the owner chooses not to rent to a family member and a sworn declaration supported by written documentation, such as loan documents, setting forth the financial reasons why the unit will not be rented to a low-income household is submitted to the City. Generally, the only acceptable financial reason would be that higher rent is required in order to meet the carrying costs of new construction. The rent levels will be not more than one-twelfth (1/12) of thirty percent (30%) of the median income for a family of four in the City adjusted for household/unit size according to the following factors:

Unit Size	Factor
Studio	.70
One-Bedroom	.80
Two-Bedroom	.95
Three-Bedroom	1.065

Prior to the rental or leasing of the unit, the income level of the household shall be certified by the Housing Authority. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and name and income of the lessee/renter.

13. Approved Secondary Dwelling Units shall be subtracted from the Density Reserve established by Policy 5-1.0 of the City's Housing Element, as adopted by the City of Santa Barbara on June 8, 1982. When there are no units available in the Density Reserve, no conditional use permits shall be granted for Secondary Dwelling Units.

14. Secondary Dwelling Units shall be prohibited if there is an accessory building containing additional dwelling space, an additional dwelling unit approved under Section 28.93.030.E, caretaker's residence or similar use on the parcel. Furthermore, no accessory building intended to provide additional dwelling space, additional dwelling unit under Section 28.93.030.E, caretaker's residence or similar use shall be constructed on a lot where there is an approved Secondary Dwelling Unit.

15. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, shall review all Secondary Dwelling Units which require exterior change to the primary dwelling to assure that there is minimal evidence of occupancy of the parcel by more than one (1) family and that any changes or additions to the exterior of the primary dwelling necessary to establish the Secondary Dwelling Unit blend architecturally with the primary dwelling.

16. In order to encourage the development of housing opportunities for disabled and handicapped individuals, the Planning Commission may allow reasonable deviation from the stated physical requirements where necessary to install features that facilitate access and mobility for disabled persons. Otherwise, no modification of the requirements for a Secondary Dwelling Unit shall be allowed unless specifically stated in this Section.

17. In addition to the findings required under Section 28.94.020, the Planning Commission, or City Council on appeal, must find that:

a. The Secondary Dwelling Unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of such units sufficient to change the character of the single-family neighborhood in which it is located.

b. The Secondary Dwelling Unit does not detract from the privacy of the surrounding residents.

18. Modifications.

a. Parking. No modification of the required number of parking spaces shall be allowed. Modification of other parking-related requirements may be allowed subject to the provisions of Section 28.92.110 of this Code.

b. Setbacks and height limitations. Modification of these requirements may be allowed subject to the provisions of Section 28.92.110 of this Code.

AA. Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action. Such interim uses shall be limited in duration as specified by the Planning Commission, provided all such uses are discontinued within two (2) years of the completion of the governmental action. Any authorization granted by the conditional use permit shall terminate at that time.

The conditional use permit granted pursuant to this Subsection shall not be effective until the property owner has duly executed and recorded an instrument binding itself, its successors in interest

and any person holding thereunder, which contains (i) notice of the conditional use permit, (ii) notice of any conditions established thereunder, (iii) an agreement to comply with the terms and conditions of the conditional use permit, (iv) a waiver of any claim that a temporary use or any improvements on real property creates any vested right to continue a non-conforming use after completion of the governmental action, and (v) any other conditions as deemed necessary to comply with the purposes and intent of this Subsection. This instrument shall be subject to the review and approval of the City Attorney and the Community Development Director.

BB. Bed and Breakfast Inns in Designated Historic Structures.

1. R-O Zone

a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-O zone, in accordance with the provisions of Chapter 22.22 of this Title.

b. Bed and Breakfast Inns in a structure located on a lot in the R-O zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located.

2. R-3 Zone

a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-3 zone, in accordance with the provisions of Chapter 22.22 of this Title, subject to the following conditions.

(1) The owner or manager of the Bed and Breakfast Inn shall maintain his or her primary residence on the property that contains the Bed and Breakfast Inn.

(2) No meals shall be served to persons other than guests and residents of the Bed and Breakfast Inn.

(3) No conference or meeting rooms/facilities shall be provided.

(4) No outdoor swimming pool shall be provided; however, outdoor spas, hot tubs or similar facilities may be provided.

(5) Other conditions imposed by the Planning Commission in order to ensure compatibility with the surrounding neighborhood.

b. Bed and Breakfast Inns in a structure located on a lot in the R-3 zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located, subject to the conditions listed in §28.94.030.BB.2.a. above.

3. Review by the Historic Landmarks Commission. Plans for new structures or alterations to existing structures under 1 and 2 above shall be submitted to the Historic Landmarks Commission for review and action in accordance with the provisions of Chapter 22.22 of this Title.

CC. Offsite Hazardous Waste Management Facilities in the C-M, M-1, and OM-1 zones, subject to the provisions in Chapter 28.75, HWMF Overlay Zone.

DD. Television, Radio and Cellular Telephone Antennas in all zones, subject to the following provisions:

1. Exemptions. The following are exempt from the requirement of a Conditional Use Permit, and shall be considered a permitted use in all zones:

a. Repairs and maintenance of existing facilities, whether emergency or routine, or replacement of transmitters, antennas, or other components of existing permitted facilities, provided there is little or no change in the visual appearance or any increase in radio frequency emission levels.

b. Satellite Dish Antennas designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.

c. One or more cellular telephone antennas or paging antennas, provided that the Community Development Director finds as follows:

(1) **Height:** The height of the antenna and supporting structure does not exceed Municipal Code height limits set forth in Sec. 28.87.260, except where said antenna is being installed on an existing structure, in which event the height limit is measured from the highest point of the building and cannot exceed 15 feet above the building height.

(2) **Separation:** There is at least 100 feet between the base of the antenna support structure and the nearest dwelling unit.

(3) **Access Control:** The applicant establishes that the general public will be excluded from an area at least 50 feet in all directions from the antenna if antenna is not at least 10 feet off the ground. If the antenna is at least 10 feet above grade, this distance may be reduced to 30 feet.

(4) **No Resource Impacts:** The project will have no significant impact on any biological or archeological resources and will not generate additional traffic. The applicant may be required to provide information to the Community Development Director regarding these matters.

(5) **No Visual Impacts:** The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

d. A microcell, provided it has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property or a structure thereon is a designated City Landmark. The

Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

2. Conditional Use Permit by Planning Commission. A Radio or Television Antenna shall be permitted only upon issuance of a conditional use permit by the Planning Commission, and only if each of the following findings has been made:

a. Shared Use of Support Structure. The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

b. Site Size. The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

c. Visual Impact. The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action on the location of the antenna(s) on the site, color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors. The Planning Commission may grant a waiver from height limitations if it finds that no feasible alternative location or design would not require such a waiver.

d. Non-ionizing Electromagnetic Radiation (NIER) Emissions. Any new transmitters and/or antennas, when combined with existing sources of NIER emissions on or adjacent to the site and when operating as designed and licensed, shall not expose the general public to ambient radiation emissions which exceed American National Standards Institute (ANSI) C95.1-1992 standard (if the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply).

EE. Outdoor performance areas involving structures such as bandshells or amphitheaters in the PR Zone.