



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** March 4, 2008  
**TO:** Ordinance Committee  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Proposed Title 28 Zoning Ordinance Amendments

### RECOMMENDATION:

That the Ordinance Committee review, discuss, and give direction to Staff on the proposed amendments to the Municipal Code.

### EXECUTIVE SUMMARY:

Staff proposes a number of Municipal Code amendments that range in complexity from simple numbering corrections to more complicated clarifications and revisions of Municipal Code provisions. Staff presented the entire package of Zoning Ordinance Amendments to the Ordinance Committee on September 11, 2007. Given the scope of the proposed amendments, they were divided into smaller groups to facilitate review and discussion of the amendments.

The first group of amendments was discussed by the Ordinance Committee on October 2, 2007. Topics that were discussed at that workshop pertained to open yards in the single-family and R-2 zones, new and revised definitions, and setbacks along alleys and private streets.

The second group of amendments was discussed by the Ordinance Committee on January 15, 2008. Topics that were discussed at that meeting included yard encroachments, renting of rooms in single family zones, and nonconforming fences/walls/screens.

Topics for discussion at today's workshop include: revisions to the Multi-Family and Multi-Family/Hotel/Motel Zones (R-3/R-4) yard requirements; revisions to allow Churches, Convents, Monasteries and Educational Institutions, branch banks and businesses specializing in sick room supplies, and birth centers without the requirement

---

REVIEWED BY: \_\_\_\_\_ Finance \_\_\_\_\_ Attorney \_\_\_\_\_ Name of Additional Department(s) That Need to Review CAR

---

Agenda Item No. \_\_\_\_\_

for a Conditional Use Permit (CUP) in certain non-residential zones; Temporary Seasonal Uses; revisions to the parking standards/requirements; reasonable accommodations; changes to allowed uses in certain zones; the definition of family day care; storage on residentially zoned property; and, a clarification on required minimum distance between buildings.

Please refer to the Ordinance Committee Report dated January 15, 2008 for the written discussion of the proposed revisions to the parking standards/requirements; reasonable accommodations, the definition of family day care; storage on residentially zoned property; and, a clarification on required minimum distance between buildings. This written report can be viewed on the City's website at [http://www.santabarbaraca.gov/CAP/MG65279/AS65280/AS65281/AI68874/DO68875/DO\\_68875.pdf](http://www.santabarbaraca.gov/CAP/MG65279/AS65280/AS65281/AI68874/DO68875/DO_68875.pdf). All other topics are included in this written staff report.

## **DISCUSSION:**

### **Proposed Changes**

#### *Multi-Family and Multi-Family/Hotel/Motel Zones (R-3/R-4)*

The proposed changes to the R-3/R-4 yard requirements are:

- ◆ **Outdoor Living Space.** Currently, development in the R-3/R-4 zones must provide either private outdoor living space or common open yard area per §28.21.081, Outdoor Living Space, of the Santa Barbara Municipal Code (SBMC). A new requirement is proposed for an additional 15'x15' common open area when using the private outdoor living space alternative. This open area can be provided on the ground floor, upper floors, or on a roof deck. This change would result in providing common areas for children to play or for other uses by residents. The Planning Commission has requested this type of open area during recent project reviews.
- ◆ **Outdoor Living Space.** An amendment is also proposed to clarify that if a residential unit occupies multiple floors, the private outdoor living space could be provided on either floor as long as it meets the minimum size and dimension specified for the floor on which it is proposed to be located. This amendment codifies long-standing City policy.
- ◆ **Open Space.** The 10% open space regulations for multi-family residential developments are proposed to be clarified, and moved from the Lot Area section to the Outdoor Living Space section. Properties zoned R-3 or R-4 will continue to require the 10% open space.
- ◆ **Interior and Rear Setbacks.** The current interior and rear setback for garages, carports and uncovered parking in the R-3/R-4 zones is six feet. An amendment is proposed to reduce this setback to three feet. This new setback is consistent with the most recent amendment in the R-2 Zone and amendments to the single family zones as part of the recently completed Neighborhood Preservation Ordinance

(NPO) update (§28.18.060.B and §28.90.100.G.1.b respectively). Roof projections (eaves, cornices, etc.) could only extend 12 inches further into the setback, per the International Building Code. This change would apply to residential development in applicable non-residential zones as well. When the Planning Commission reviewed this proposal, they stated that uncovered parking and carports should not be allowed in any part of the front yard area. Therefore, it is proposed that the three foot setback only apply outside of the front yard area.

- ◆ **Regulations for Non-residential Buildings, Structures and Uses.** Currently, non-residential uses in the R-4 Zone require double setbacks, and maximum lot area coverage of 25% (SBMC §28.21.085). Due to a quirk in the language, wholesale conversions of residential units to hotels etc. are exempt from the double setback and coverage rules, but remodels of existing hotels, motels and bed & breakfast (B&Bs) facilities are not exempt. Therefore, the double setback and maximum lot area coverage regulations in the R-4 for non-residential uses are proposed to be changed to allow remodels of existing hotels, motels, B&Bs and other non-residential uses specifically allowed in the R-4 Zone without triggering those requirements.
- ◆ **Three-Story Building Front Setback.** The current front setback in the R-3/R-4 zone is 10 feet for one- and two-story buildings and 15 feet for three-story buildings provided, however, that if one-half or less of the ground floor area of a proposed building is three stories and said third story is constructed no closer to a front yard than one-third the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two-story building for the front yard shall apply (Attachment 1). This provision is quite confusing to most property owners and applicants. An amendment is proposed to simplify the front setback to be a set distance from the front property line.

For one- and two-story buildings the setback would continue to be ten feet. For three story buildings, the general rule would be a setback 15 feet for all three floors. An exception to the general rule would be allowed if the net floor area of the third floor is less than fifty percent (50%) of the first floor building footprint. In cases where the net floor area of the third floor is less than fifty percent (50%) of the first floor building footprint, the first and second floors would have a setback of ten feet (10') and the third floor would have a setback of twenty feet (20'). (See, Attachment 2). This change is also proposed for the R-O, Restricted Office, and C-O, Medical Office Zones.

#### Conditional Use Permits (CUPs)

Currently, churches, convents, monasteries and educational institutions require CUPs in all zones, except where another section of the Zoning Ordinance specifically allows the use in the zone. In those instances, a CUP is not required (SBMC §28.94.030). The proposed change would allow these uses in most non-residential zones without a CUP.

This amendment is proposed because these uses are similar to other allowed uses in the commercial zones, in terms of intensity of use.

#### *Churches*

The C-2 Zone allows "Church (temporary revival)" as a permitted use. Based on this, Staff practice has been to allow churches in the C-2, C-M, and M-1 zones without a CUP. An amendment is proposed to codify this practice. The Planning Commission concurred that a CUP should not be required for churches in the C-2 and C-M zones. However, they do not support allowing a church in the M-1 zone without a CUP. They felt the need to protect the allowed uses in the M-1 zone due to the limited amount of land available for uses currently allowed in the M-1 zone. Staff concurs with the Planning Commission's recommendation regarding churches.

#### *Monasteries and Convents*

An amendment is also proposed to include monasteries and convents as an allowed use in the R-O, C-O, C-P, C-L, C-1, C-2, and C-M zones. The Planning Commission concurred that monasteries and convents should be an allowed use in these zones. However, they stated that monasteries and convents should not be included as an allowed use in the M-1 zone given the prohibition of residential uses in the M-1 zone. Staff concurs with the Planning Commission's recommendation regarding convents and monasteries.

#### *Educational Facilities*

Currently, trade schools, art schools, dance schools, language schools, and other types of vocational, music, and arts-related schools are allowed in most non-residential zones without a CUP. Educational institutions, such as private schools that provide education for students in grades K-12 (like Anacapa School), and private colleges (Antioch, Brooks), or private schools of advanced learning (Santa Barbara College of Law, Fielding Institute), require a CUP in any zone.

Staff believes that the intensity of use of an educational institution is equivalent to uses already allowed in most non-residential zones (retail, office, commercial, and restaurant). In addition, the CUP findings for educational facilities are currently covered by statutory requirements and Design Review. Therefore, Staff is proposing that educational institutions be an allowed use within the M-1, C-M, C-2, C-1, C-P, C-L, C-O, and R-O Zones; thus removing the requirement for a CUP in those zones.

The Planning Commission did not agree with Staff that educational institutions should be allowed in most non-residential zones because of traffic, circulation, and planning issues. They stated that educational institutions should continue to require a CUP. They believe that the establishment of an educational institution in a commercial area begins the transition of that area away from commercial uses. They felt that educational

institutions that grant degrees are ever-expanding institutions with issues of campus management, scheduling of classes, etc. that impact their neighborhoods.

Staff disagrees with the Planning Commission on this issue and suggests the Ordinance Committee review and discuss this issue.

### *C-O Zone*

Two changes are proposed to the allowed uses in the C-O (Medical Office) Zone. The first is to allow branch banks without a CUP because they support the uses allowed in the C-O zone and are similar to the other allowed uses. The second change is to allow businesses specializing in sick room supplies without a CUP, as they are closely related to the Medical Office use of the C-O Zone.

### *Birth Centers*

Currently, birth centers require a CUP in the C-O, C-P, C-1, C-2, C-M and M-1 Zones. The proposed change would allow birth centers in these zones without a CUP, because it is similar to other allowed uses in these zones, in terms of intensity of use. Additionally, the birthing center use is similar to outpatient surgery centers, which do not need CUPs.

### Temporary Seasonal Uses

Currently, the Zoning Ordinance does not have any provisions for temporary seasonal uses, such as Christmas tree lots and pumpkin patches. The Planning Division's administrative practice has been to allow these temporary uses in the C-P, C-2, C-M, M-1, and P-D zones. The proposed amendment would codify which land use zones the temporary seasonal use would be allowed in, the time period (maximum of six weeks) that the use is allowed to remain, and establish a process that is required for review and approval of the temporary seasonal use. Any seasonal event would have to obtain an over-the-counter Temporary Seasonal Use Permit and comply with all requirements of the City's Building and Safety Division, Fire Department, Police Department, business license section and other agencies, including Architectural Board of Review or the Sign Committee as needed.

### Allowed Uses – Additions and Revisions

A wholesale updating of the permitted uses in various land use zones will take place in a future Zoning Ordinance amendment. However, a few changes are proposed at this time.

### *C-P and C-L Zones*

- ◆ Add child care centers (allowed by policy, but not specifically listed).

- ◆ Add “other businesses and occupations similar to the uses enumerated above, upon approval of the Planning Commission.”

#### *C-1 Zone*

Add child care centers (allowed by policy, but not specifically listed).

#### *C-2 Zone*

Add health club/spa/gym.

#### *C-M Zone*

- ◆ Add Car Wash (a new definition is also proposed).
- ◆ Add Automobile Paint Shop.

#### Minor and Miscellaneous Revisions and Clean-Up

Minor changes consisting of the deletion of language that is either redundant, no longer used, or language that was supposed to be changed in previous Zoning Ordinance amendments, but was missed, are also proposed. Other minor changes include the addition of definitions for terms that relate to the proposed amendments above and reformatting existing development standards from paragraph to tabular form for clarity.

#### **NEXT STEPS**

Following the conclusion of today’s workshop, the City Attorney’s Office will draft the ordinance text amendments and the draft ordinance will return to the Ordinance Committee for a recommendation on Introduction and Adoption to the City Council.

- ATTACHMENTS:**
1. Diagram of Existing R-3/R-4/R-O/C-O Zone Third Floor Front Setback Requirement.
  2. Diagram of Proposed R-3/R-4/R-O/C-O Zone Third Floor Front Setback Requirement.
  3. Elevation of Proposed R-3/R-4/R-O/C-O Zone Third Floor Front Setback Requirement.
  4. Cited Santa Barbara Municipal Code Sections.

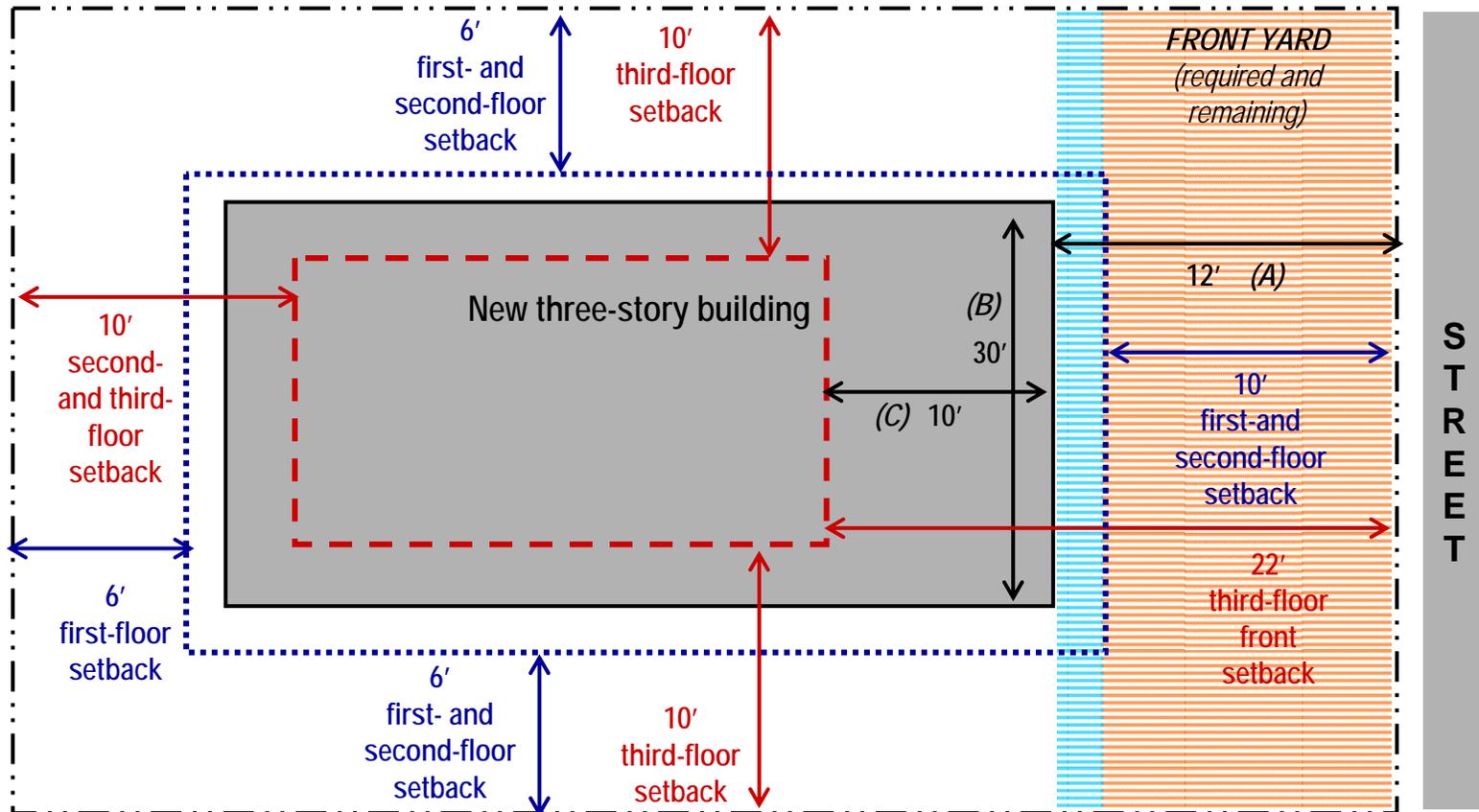
**PREPARED BY:** Susan Reardon, Senior Planner and Danny Kato, Senior Planner

**SUBMITTED BY:** Dave Gustafson, Acting Community Development Director

**APPROVED BY:** City Administrator's Office

# R-3/R-4/R-O/C-O

## (E) Third Floor Setback Requirements



If the third floor is  $\frac{1}{2}$  the floor area of the ground floor:

(A) The Front Yard (12')

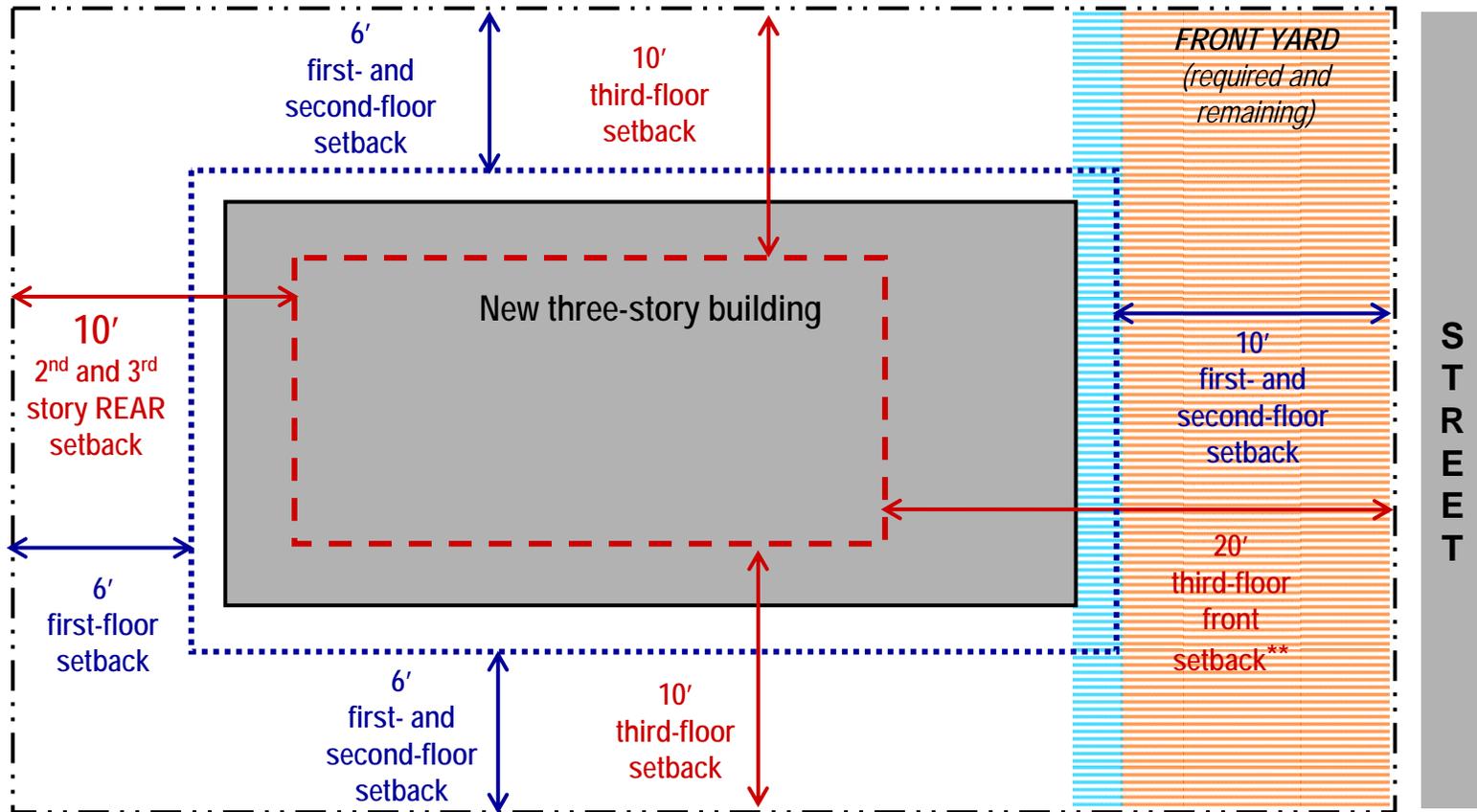
(B) The ground floor building dimension perpendicular to the FRONT YARD (30')  $\frac{1}{3} = 10'$

(C) The THIRD FLOOR ONLY must be setback from the FRONT YARD (the first wall of the building) by an additional 10'.

NOT TO SCALE

# R-3/R-4/R-O/C-O

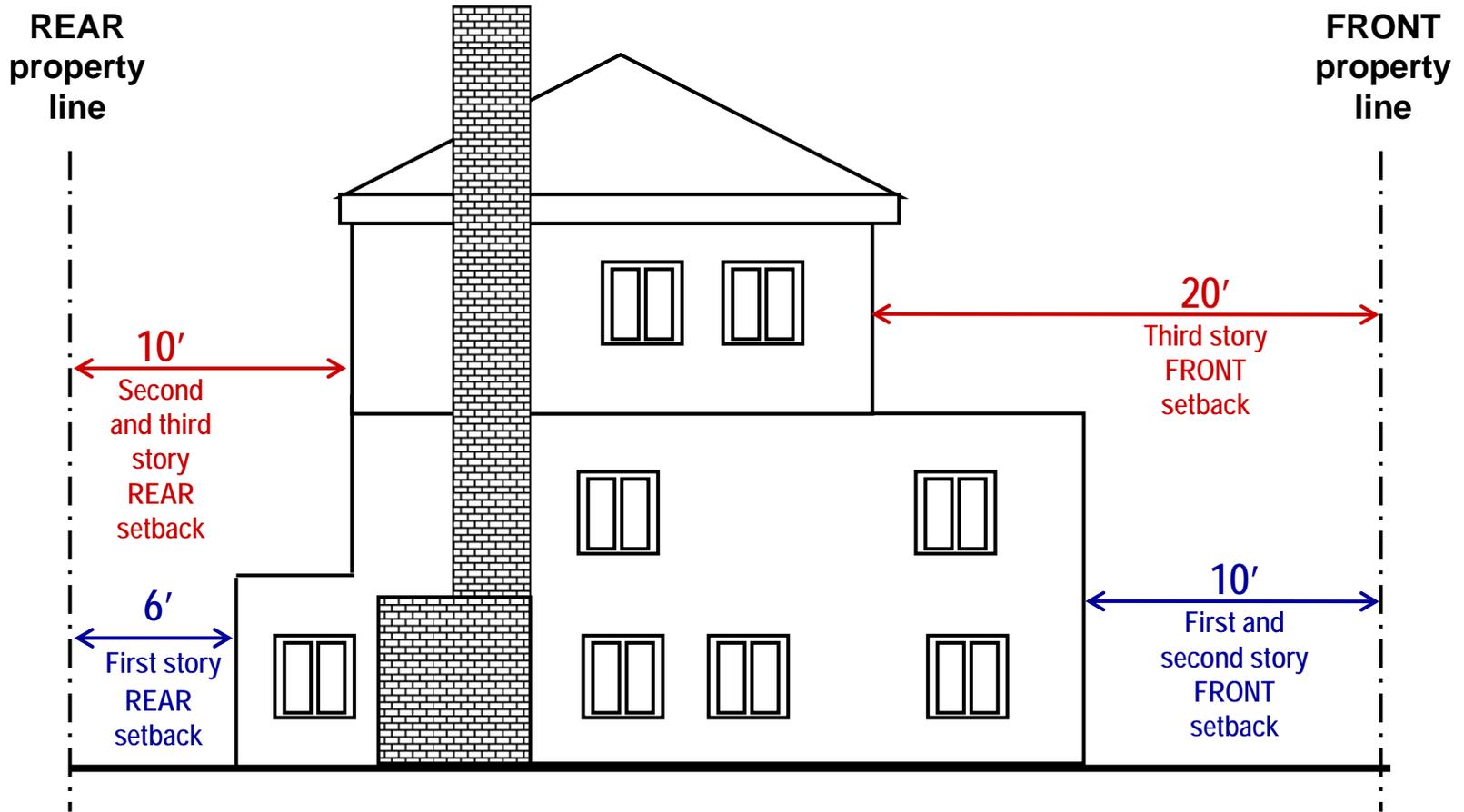
## (P) Third Floor Setback Requirement



NOT TO SCALE

\*\*If the third floor is ½ the floor area of the ground floor then the 20' front setback only applies to the third floor. Otherwise the entire building must be setback 15' from front property line.

# R-3/R-4/R-O/C-O (P) Third Story Setbacks



NOT TO SCALE

## Santa Barbara Municipal Code Sections

### R-2, Two-Family Residence Zone

#### 28.18.060 Yard Requirements.

A. **FRONT YARD.** .....

B. **INTERIOR YARD.** There shall be interior yards of not less than six feet (6') provided, however, that a building constructed and used exclusively for parking purposes and uncovered permitted parking spaces may be constructed within three (3) feet of an interior property line.

### R-3 Limited Multiple-Family Residence and R-4 Hotel-Motel-Multiple Residence Zones

#### 28.21.060 Yards.

1. **FRONT YARD.** There shall be a front yard of not less than ten feet (10') for one- and two-story buildings and fifteen feet (15') for three-story buildings provided, however, that if one-half (1/2) or less of the ground floor area of a proposed building is three (3) stories and said third story is constructed no closer to a front yard than one-third (1/3) the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two-story building for the front yard shall apply.

2. **INTERIOR YARDS.** There shall be interior yards of not less than six feet (6') for one- and two-story buildings, and ten feet (10') for three-story buildings; provided, however, that if one-half (1/2) or less of the ground floor area of a proposed building is three (3) stories, the ten foot (10') setback shall apply only to said three-story portion of the building.

3. **REAR YARDS.** There shall be rear yards of not less than six feet (6') for one-story buildings or the first floor of a building which is more than one-story and ten feet (10') for the second story and above for floors above the first floor.

For purposes of this section, a rear yard shall be that yard area at the property line opposite the front lot line. In the event of two or more front lot lines, the rear yard area shall be opposite either of the front lot lines.

#### 28.21.081 Outdoor Living Space.

Outdoor living space shall be provided in either of the following methods:

a. Private outdoor living space as follows:

(1) Private outdoor living space shall be provided for each dwelling unit as follows:

A. Ground Floor Units:

- (1) Studio unit-100 square feet
- (2) 1 bedroom unit-120 square feet
- (3) 2 bedroom unit-140 square feet
- (4) 3 bedroom unit-160 square feet

B. Second Floor Units and above:

- (1) Studio unit-60 square feet
- (2) 1 bedroom unit-72 square feet
- (3) 2 bedroom unit-84 square feet
- (4) 3 bedroom unit-96 square feet

(2) Private outdoor living space areas shall have a minimum dimension in any direction as follows:

A. Ground floor units-10 feet

B. Second floor units and above-6 feet

(3) Private outdoor living space may include planter areas of less than fifty (50) square feet, patio areas, balconies, and decks, and shall not include stairs, entrance decks, and/or landings.

(4) Private outdoor living space may encroach into required yards as follows:

A. Uncovered balconies may encroach 2 feet as specified in section 28.87.062.1 and 2.

B. Private outdoor living space on the ground floor may encroach into required side and rear yard up to the property line, provided there is no overhead structure of any type.

C. Private outdoor living space may encroach in the front yard up to 10 feet from the front property line but shall not include more than fifty (50) percent of the front yard area, excluding driveways, and subject to the following conditions:

(1) Said private outdoor living space shall be enclosed with a solid fence and landscaping having a minimum height of five (5) feet and a maximum height of six (6) feet. If there are substantial views from the respective unit and/or where the area does not abut a street, this condition may be waived 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.

(5) Private outdoor living space shall be contiguous to and accessible from the unit served.

b. Common open yard area subject to the following conditions:

(1) Ten percent (10%) open space as stated in section 28.21.080.6 is waived when using this option.

(2) Open yard areas shall consist of at least fifteen percent (15%) of the total lot area.

(3) At least one open yard area shall have a minimum dimension of twenty feet (20') in any direction.

(4) Open yard areas may include required side and rear yard setback areas, but not required front yard areas.

(Ord. 4851, 1994; Ord. 4018 §3, 1979.)

### **28.21.085 Regulations for Non-residential Buildings, Structures and Uses.**

1. YARDS. Yards for all buildings and structures used for non-residential purposes shall be double the yard requirements for a dwelling as required for the zone in which such building or structure is located. Conversions or remodels of existing residential structures to non-residential uses specifically allowed in Paragraph 28.21.030.B.2 shall be exempt from the double yard requirement.

2. LOT COVERAGE. Not more than twenty-five percent (25%) of the area of a lot may be covered by buildings used for non-residential purposes. Conversions of existing residential structures to non-residential uses specifically allowed in Paragraph 28.21.030.B.2 shall be exempt from the 25% coverage requirement.

3. ARCHITECTURAL APPROVAL. All buildings used for non-residential purposes shall be subject to the approval of 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. (Ord. 4946, 1996; Ord. 4851, 1994; Ord. 3710, 1974; Ord. 2585, 1957.)

## **Chapter 28.90, Automobile Parking Requirements**

### **28.90.100 Parking Requirements.**

G. RESIDENTIAL PARKING REQUIREMENTS. In any zone, for every residential unit or units, and every residential building or structure occupied or intended to be occupied as sleeping quarters or dwellings, all of the required parking spaces shall be made available for all occupants to use as parking spaces on an assigned or unassigned basis. There shall be provided on the same lot or parcel of land a minimum ratio of parking space for each unit or occupant as follows:

1. Single Residential Unit or Group Home.

a. General Rule. Two (2) required. Both of the required spaces shall be provided within a garage or carport located on the lot. If two or more single family dwellings legally exist, or are proposed on a single lot in any zone except the A, E, or R-1 zones, one covered space and one uncovered space may be provided for each single-family dwelling.

b. Exception. Any lot developed with less than 85% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in one covered space and one uncovered space under the following conditions:

(1) The uncovered space shall not be located in any front yard on the lot.

(2) The uncovered space may encroach into a required interior yard as close as three feet from the interior lot line if a landscaped buffer is provided between the uncovered space and the adjacent interior lot line.

(3) All other provisions of this Title shall apply to the required parking.

## **Chapter 28.94, Conditional Use Permits**

### **28.94.020 Findings.**

In keeping therewith, the Planning Commission may permit, by issuance of a conditional use permit, any of the uses specifically enumerated in Section 28.94.030 upon a finding that:

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan;
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;
3. 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.
4. Adequate access and off-street parking including parking for guests 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. 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. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.
6. Compliance with any additional specific requirements for a conditional use permit.

The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.