



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** September 23, 2008

**TO:** Ordinance Committee

**FROM:** Planning Division, Community Development Department

**SUBJECT:** *PlanSB* Interim Zoning And Design Ordinance

### RECOMMENDATION:

That the Ordinance Committee begin discussions and provide initial direction to staff on issues and standards addressed in a possible interim ordinance applicable to new buildings in the commercial zones with a 60-foot height limit and where residential uses are allowed.

### DISCUSSION:

#### Background

On April 29, 2008, the Council instructed staff and the Ordinance Committee to consider an interim ordinance to address the issue of reduced building height limits and including provisions for setbacks, open space, and variable density availability, and return to Council. The motion included a possible sunset upon adoption of the General Plan Update recommendations and implementing ordinances.

Through the *PlanSB* process, the community in general has expressed the importance of community character, and there is clearly divided opinion on the building height issue. Due to community concerns about the height of buildings being approved, the Save El Pueblo Viejo group began to gather signatures earlier this year to place an initiative on the ballot to lower the maximum building heights. In response to the initiative drive, individuals from various community organizations drafted an Interim Building Regulation Ordinance that was brought to Council on April 29, 2008.

Many in the community believe that adjustments to specific development standards for commercial and mixed use type buildings could achieve desired building forms or heights without a standard height reduction. While *PlanSB* includes many policies relevant to standards for mixed use and commercial buildings, it will be a few years before all of the recommended policies are formally adopted, relevant zoning amendments codified and

implemented. There are a number of larger mixed-use projects in the pipeline, thus the possible need for an interim ordinance to establish some new building design standards based on the recommended policies.

### **Interim Ordinance Provisions**

The motion by council included a number of provisions to be considered for an interim ordinance.

Because the City is seeing a trend of mixed-use developments with more and larger condominium units and taller building heights, staff believes it is advisable to develop an interim ordinance that is more comprehensive with regard to community design issues beyond just building height. A broader interim ordinance could begin the framework for new building design regulations that will be further developed as the Plan SB process continues and detailed development standards are adequately evaluated and implemented.

The attachment shows the existing and recommended standards for commercial zones that currently allow 60 feet and residential uses. The table shows both the *PlanSB* recommended policies as well as possible *PlanSB* Interim Ordinance provisions. These are draft and meant to begin the discussions for developing a possible interim ordinance.

Staff recommends the Ordinance Committee consider the following issues for inclusion in an interim ordinance: height; front yard setbacks; maximum building floor areas; and building maximum unit sizes. We believe this “package” of provisions can successfully address the design, size, bulk and scale issues of pending projects that could go forward over the next couple of years.

While it is understood that these would be interim standards to hold the City over while the *PlanSB* process proceeds to work out implementation details for recommended policies, some other provisions may not be feasible for incorporating into an interim ordinance on a quick time frame. Some of the more complicated and challenging issues may include such issues as density, affordability, and inclusionary requirements. The appropriate range or changes to the method for calculating residential density will be an implementation of recommended general plan policies that will be worked out in the future. Some of the recommended *PlanSB* policies include efforts to encourage more affordable housing; however, those are also implementation measure that will need to be worked out in the future. Some changes to the city’s Inclusionary Housing Ordinance e.g., in lieu fees for projects of 2-9 units, are already being processed through Council, and a more comprehensive look at the inclusionary ordinance would be an implementation of recommended general plan policies. Finally, Community design policies like Form Based Codes in commercial areas throughout the City will not be officially adopted nor implementing ordinances codified in the Municipal Code before 2010.

### **Process for Interim Ordinance**

The full process and schedule to develop and consider a *PlanSB* Interim Zoning and Design Ordinance has not yet been developed by staff. However, at this time we believe the following steps and considerations will be included in the process:

1. Initial Discussions with Ordinance Committee
2. Appointment of PC, ABR, & HLC representatives to follow and participate in the Ordinance Committee reviews
3. Joint Meeting Discussion with Planning Commission and Council tentative scheduled for October 8, 2008
4. Return to Council for further direction
5. Work session or design workshop to consider new standards with drawings, perspectives and other tools
6. Environmental Review
7. Hearings and Action

**ATTACHMENT:** Table With Standards For Commercial Zones

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**SUBMITTED BY:** Paul Casey, Community Development Director

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

**STANDARDS FOR COMMERCIAL ZONES THAT ALLOW RESIDENTIAL USES**

	<b>Existing Zoning Ordinance Regulations</b>	<b>Save El Pueblo Viejo Initiative</b>	<b>Plan SB Recommended Policies</b>	<b>Possible PlanSB Interim Ordinance<sup>1</sup></b>
<b>Building Height - In C-2 and C-M Commercial Zones That Currently Allow 60 Feet</b>	4 stories / 60' <sup>2</sup> <i>Charter is 60 feet for industrial, manufacturing and commercial zones</i>	40' in El Pueblo Viejo and 45 feet in all other commercial zones	60' w/reduction next to historic structures and residential zones	60' height limit and study a buffer where increased setbacks would apply when adjacent to residential zones and listed historic resources.
<b>Front Yard Setbacks – 100% Residential in Commercial Zones</b>	10' – 20'		-Variable, both average setback and varying setbacks across zones. -Setback for landscaping consistent w/ Pedestrian Master Plan & to accommodate planting of significant trees -Form Based Codes	No change from existing
<b>Front Yard Setbacks – Commercial &amp; Mixed Use in Commercial Zones</b>	10' – 20' C-2, C-M – None		-Variable -Setback for landscaping consistent w/ Pedestrian Master Plan & to accommodate planting of significant trees -Form Based Codes	In C-2, C-M Zones Only: 5' average setback along building frontage with exception of street frontage on State Street and the first blocks East and West of State Street between Montecito and Victoria Streets.  All other commercial zones to remain the same
<b>Interior &amp; Rear Yard Setbacks – 100% Residential in Commercial Zones</b>	6' – 10' or ½ the building height if adjacent to residentially zoned property		No changes proposed, could be part of Form Based Codes	No change from existing
<b>Interior &amp; Rear Yard Setbacks – Commercial &amp; Mixed Use in Commercial Zones</b>	R-O, C-O – 6' - 10' or ½ the building height if adjacent to residentially zoned property  Other commercial zones - None, unless adjacent to residential zoned property then 10' or ½ the building height		No changes proposed, could be part of Form Based Codes	No change from existing

<sup>1</sup> These possible standards are for purposes of discussion only and need design work and community, decision maker input before any formal recommendation is made.

<sup>2</sup> Building height immediately adjacent to residential zones shall not exceed that allowed in the most restrictive adjacent residential zone for that part of the structure constructed within a distance of 30 feet or ½ the height of the proposed structure, whichever is less. Note, multi-family height is 45 feet, and single-family and R-2 are 30 feet.

## STANDARDS FOR COMMERCIAL ZONES THAT ALLOW RESIDENTIAL USES

	Existing Zoning Ordinance Regulations	Save El Pueblo Viejo Initiative	Plan SB Recommended Policies	Possible PlanSB Interim Ordinance <sup>1</sup>
<b>Building Maximum Floor Area in C-2 and C-M Zones</b>	None		To be determined	100% - 1 <sup>st</sup> & 2 <sup>nd</sup> story 60% - 70% - 3 <sup>rd</sup> story 40% - 4 <sup>th</sup> story (Note likely 3 <sup>rd</sup> and 4 <sup>th</sup> story would be percent of building area on 1 <sup>st</sup> floor)
<b>Open Space – 100% Residential in Commercial Zones</b>	Private – 60’ – 160’ and 10% on grade common area (w/15’ X15’ area, flexible location); Or Common – 15% of total lot area (on grade)		-To be determined in recommended multi-family design guidelines -Within ½ mile radius, on site, or fee contribution toward future parks	No change from existing
<b>Open Space – Commercial and Mixed Use in Commercial Zones</b>	<u>Commercial</u> – none <u>Mixed Use</u> – Private – 60’ – 160’ and 10% on grade common area (w/15’ X15’ area, flexible location); Or Common 15% of total lot area (on grade)		-Need new open space standards -Common useable open space on site for mixed use residents (flexible where provided)	No change when 100% commercial use, but allow flexibility in location of common open space if using the 15% option for mixed use projects.
<b>Unit Size</b>	400 sq. ft. minimum size 150 sq. ft. for SRO (low income)		-Smaller -Establish standards for average unit sizes -Maximum unit sizes -2 tier maximum unit size related to density	This would apply in <u>all</u> zones where residential use is allowed with exception of R-2, Two Family and One-Family Zones:  Maximum Unit Sizes Studio – 1,100 1 Bdrm – 1,300 2 Bdrm – 1,650 3 Bdrm – 1,950  Sizes, based on approximately 70% of variable lot area required, rounded.