

**Ordinance for Introduction
DRAFT
12/9/14
Showing Changes from Current Code**

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SANTA BARBARA AMENDING SECTION
28.22.030 OF CHAPTER 28.22 OF TITLE 28 OF THE
SANTA BARBARA MUNICIPAL CODE.

WHEREAS, the HRC-2 (Hotel and Related Commerce - 2) Zone was adopted by the City Council in 1983 allowing residential uses within the area bounded by Helena Avenue on the west, the existing railroad right-of-way on the south, the Garden Street extension on the east and Highway 101 on the north.

WHEREAS, in 2005 the City Council adopted Ordinance No. 5343 rezoning a portion of the HRC-2 Zone to the OC (Ocean Commercial) Zone.

WHEREAS, Ordinance No. 5343 was not intended to affect the real property within the Cabrillo Plaza Specific Plan (SP-2).

WHEREAS, Ordinance No. 5343 unintentionally deleted a provision from Section 28.22.030 of the Municipal Code which allowed residential uses within a portion of the HRC-2 Zone that is located within Area A of the Cabrillo Plaza Specific Plan.

WHEREAS, the City Council wishes to correct the unintended deletion of the residential use allowance within Area A of the Cabrillo Plaza Specific Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305. The City's adopted list of projects that are consistent with this exemption class include:

- Creation of minor new, and minor amendments to existing land use plans, ordinances, guidelines, regulations and/or development standards which do not result in any changes in land use density and which have no potential for significant environmental effects.
- Minor Zoning Ordinance amendments that do not significantly change plan uses in an area.

The Ordinance Amendment is limited to re-instituting residential use as an allowed use on property located within Area A of the Cabrillo Plaza Specific Plan. The Ordinance Amendment would not affect or change adopted land use designations or densities identified in the General Plan or Local Coastal Plan, or the Cabrillo Plaza Specific Plan. Therefore, it would not result in significant environmental effects because these potential effects have already been considered as part of prior land use decisions.

SECTION 2. Section 28.22.030 of Chapter 28.22 of Title 28 of the Santa Barbara Municipal Code is hereby 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:

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.

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 [following areas](#):

[a. 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.

[b. The area identified as Area A of the Cabrillo Plaza Specific Plan as specified in Resolution No. 83-155.](#)

Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained ~~in this Chapter~~ [therein](#).

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.

- b. Front Setback. There shall be a front setback of not less than:
 - i. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
 - ii. one hundred (100) feet for the second-story portion of any building that exceeds fifteen (15) feet in height.

- c. Building Height. Three-story buildings and buildings in excess of thirty (30) feet in height shall be prohibited.