



ADDENDUM TO CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT for the 2011 General Plan Update [CFEIR State Clearinghouse #2009011031] FOR NEW ZONING ORDINANCE

June 22, 2017

This addendum to the certified Final Environmental Impact Report (FEIR) for the 2011 General Plan documents environmental analysis for proposed New Zoning Ordinance (NZO) amendments to the Santa Barbara Municipal Code under applicable provisions of the California Environmental Quality Act (CEQA). Potential minor changes to physical impacts associated with the proposed zoning ordinance changes implement General Plan policies, are within the range of policy options, growth scenarios, and impacts studied in the General Plan Program FEIR, and do not raise new environmental issues.

In accordance with State CEQA Guidelines Section 15164, an addendum to a prior EIR identifies minor changes to the EIR that make the EIR adequate for the current project decision. This may include changes to reflect project refinements, mitigation already implemented, changes to environmental conditions on the ground, current criteria used in environmental impact analysis, and minor changes to project impacts, impact significance, and mitigation measures. The addendum procedure is followed when changes do not involve new significant environmental impacts or a substantial increase in impacts previously identified in the EIR and prior addenda, per criteria specified in CEQA Guidelines Section 15162.

The CEQA Guidelines provide that an EIR addendum need not be circulated for a public review and comment period, but is attached to the EIR, and a separate public hearing is not required. This EIR addendum is provided to the public and decision-makers as part of project staff reports and receives concurrent public review prior to decision-maker hearings on the project. Public comment is also received at the hearings. The decision-making bodies consider the addendum together with the certified EIR when making decisions on the current project. The EIR and addendum inform CEQA environmental impact findings supporting decision-maker actions on the project.

PRIOR ENVIRONMENTAL DOCUMENT

The Program Environmental Impact Report (EIR) for the 2011 General Plan Update was certified by the City Council in December 2011.

The General Plan Program EIR evaluated citywide effects on the environment from estimated incremental growth to the year 2030 under General Plan policies and programs. General Plan policies contemplate growth by the year 2030 of up to 1.35 million square feet of net additional commercial and other non-residential development and up to 2,800 additional housing units.

Class 1 Impacts

The EIR analysis identified potential significant traffic and climate change impacts that could not be fully mitigated (Class 1 impacts) from citywide incremental growth to the year 2030 under General Plan policies. An increase from 13 to up to 20-26 roadway intersections at 77% or greater vehicle volume-to-roadway

capacity ratio during peak travel times was identified. Citywide greenhouse gas emissions were projected as increasing and potentially not meeting State emission reduction targets for 2020 and regional vehicle emission reduction targets.

The EIR also identified that these traffic and climate change impacts could potentially be substantially reduced with implementation of a robust expansion of transportation demand management measures including parking pricing. These mitigation measures were included in the General Plan for potential implementation in the period to 2030. City Council found that providing an upfront commitment as to the extent and method and timing of implementation was not feasible. As such, full mitigation credit was not given for the purpose of CEQA EIR impact significance conclusions. In adopting the General Plan, the City Council adopted findings of overriding consideration that the benefits of the plan outweighed these potential significant impacts, thereby finding these impacts to be acceptable.

An Addendum to the FEIR (6-18-12) for the 2012 City Climate Action Plan documented further analysis of climate change demonstrating that with Climate Plan implementation, citywide greenhouse gas reductions would meet State targets and impacts would be less than significant (Class 2).

Class 2 Impacts

The EIR analysis identified the following potentially significant impacts that could be mitigated to less than significant levels (Class 2 impacts): air quality (*diesel emissions*); biological resources (*upland and creek/riparian habitats and species*); geological conditions (*sea cliff retreat*); heritage resources (*effects of development on historic resources*); hydrology (*extended range sea level rise*); noise (*transportation noise*); open space (*loss or fragmentation of open space*); public utilities (*solid waste management*); and transportation (*intersections with roadway improvement mitigation; roadway corridor congestion*).

Identified mitigation measures associated with these impacts were incorporated into the General Plan as policies and programs.

Class 3 Impacts

The EIR analysis concluded that with policies, programs, and regulations already in place, the following other environmental impacts would be less than significant (Class 3 impacts): air quality (*consistency with Clean Air Plan for air quality standards; construction emissions*); biological resources (*grasslands; coastal resources; individual specimen trees*); geological conditions (*seismic, geologic, soil hazards*); hazards (*accident risks, wildfire; hazardous materials*); heritage resources (*archeological and paleontological resources*); hydrology and water quality (*development in floodplains and near creeks; storm water runoff; water quality of creeks, groundwater, coastal and marine water*); noise (*noise guidelines; mixed use nuisance noise; construction noise*); open space and visual resources (*scenic views; community character; lighting*); public services (*police; fire protection; parks and recreation; schools*); public utilities (*water supply, wastewater treatment*); transportation (*reduction in per capita vehicle commute trips – Class 4 beneficial*).

Additional Environmental Analysis

The EIR also included detailed analysis of impacts associated with energy, climate change (greenhouse gas emissions contributing to climate change, and the effects of climate change on the City), population and jobs/housing balance, and socioeconomic issues.

CURRENT PROJECT DESCRIPTION: NEW ZONING ORDINANCE

The New Zoning Ordinance (NZO) proposes updates and new formatting for the Zoning Ordinance. Currently the Zoning Ordinance is in Title 28 of the City's Municipal Code. The NZO, which would initially be effective in the non-Coastal portions of the City, is proposed to be Title 30 – Inland. Title 28 is proposed to remain as the Coastal Zoning Ordinance, pending amendments to the Local Coastal Plan. The Zoning Ordinance establishes the zone classifications, permitted uses in each zone, development standards and regulations, and the development review process for the City. Development standards related to growth, such as residential density, and amount of nonresidential growth allowed remain unchanged. The majority of the proposed changes consist of reformatting and modernizing language, and clarifying existing regulations; however, a number of changes to zoning regulations are also proposed, including, but not limited to:

- **Zone Designations and Districts:** Revising the names and designations of most zones in Title 30 and several in Title 29 (Airport) to be more descriptive of the allowed uses. Three existing commercial zones (C-P, C-L and C-1) are proposed to be combined into one zone (C-R). Area A of the Veronica Meadows Specific Plan is proposed to be rezoned to P-R (Parks and Recreation) with an Open Space designation.
- **Allowed Land Uses:** Narrowing the range of allowed uses in the M-1 (Light Manufacturing) zone, allowing neighborhood markets, updating home occupation standards, allowing mobile food vendors on private property, and expanding temporary use regulations.
- **Development Standards:** Changes to provisions for the number of stories in a building, building separation, setbacks, open yards, allowed encroachments into setbacks and open yard, size of accessory buildings/garages, fences and hedges, nonconforming buildings and uses, and other aspects of property use and configuration.
- **Parking:** Standardizing nonresidential parking requirements, including food service uses, parking for change of use, parking for expansions, bike parking, and parking reduction for small residential units.

Other proposed changes to the Santa Barbara Municipal Code and other regulatory documents related to the NZO updates include:

- Specific Plan 9 (SP9) Veronica Meadows, rezone of Area A to Park and Recreation Zone (PR) and classify as Open Space;
- Chapter 9.16, Noise, to reflect the new land use classifications and to replace the noise standard for mechanized equipment, currently using averaged noise level over 24 hours with Community Noise Equivalent Level (CNEL) with the noise level when the noise is occurring using A-weighted decibels (dBA);
- Chapter 22.22 Historic Structures, Chapter 22.68 Architectural Board of Review, and Chapter 22.69 Single Family Design Board, to reflect new design review body authorities;
- Chapter 27.07 Tentative Maps, extending initial approval duration from 24 months to three years;
- Title 29 Airport Zoning, C-R Commercial Recreation Zone name and designation change to A-C-R Airport Commercial Recreation Zone and update references to new Coastal Overlay Zone designation CZ; and
- Update of references to Title 30 in other Titles within the Santa Barbara Municipal Code.
- Local Coastal Program Amendments required to implement the NZO in the Coastal Zone.
- Minor amendments to Specific Plans and guideline documents required for consistency with the NZO.

The New Zoning Ordinance includes substantial organizational and formatting changes, with other changes to development standards to achieve the following City goals for the New Zoning Ordinance: 1) Restructured and easier to understand; 2) Modern and current as far as lists of allowed uses, practices,

standards, definitions, graphics, etc.; 3) Clear in decision-making protocols, including some decision-making flexibility for staff and decision makers for minor items, and 4) Responsive to nonconforming situations created in the past.

The nature of proposed changes range from the following:

- No change to content; just wording, formatting or location within the Ordinance;
- Content change for ease of use, while maintaining the intent;
- Codifications of existing policies or administrative procedures; and
- New or changed content affecting development and procedures.

However, NZO does not propose any changes to the standards that control growth in the City: residential density, nonresidential growth limits, or building height.

A summary list of major proposed changes to the Zoning Ordinance is provided in Exhibit A.

CHANGES IN ENVIRONMENTAL CIRCUMSTANCES

The following discusses environmental circumstances since the 2008 baseline conditions used for the 2011 General Plan Update and associated Program EIR impact analysis.

Citywide Developed Area: The City of Santa Barbara is a largely built-out City, and much of its development activity involves redevelopment of already developed sites, with some net increases. The 2011 General Plan growth management policies and assumptions for the Program EIR analysis identified a small increment of net growth to the year 2030, and provided a representative distribution citywide for purposes of impact analysis. The 2008 citywide baseline conditions used for the 2011 General Plan and Program EIR analysis identified 36,094 residential units and 16.4 million square feet of non-residential area in the City. In the period since 2008, the net increase in development citywide has been 814 residential units and 121,709 square feet of non-residential area, most of it infill development within urbanized areas. This averages about 90 residential units per year and 13,523 square feet non-residential area over the nine years since 2008, which is consistent with City General Plan Land use and density designations and growth management policies. This is also less than and within the forecasted rate and amount of growth and within the representative distribution citywide used as assumptions for the Program EIR impact analysis. Attachment B provides a diagram depicting the distribution of net growth citywide since 2008. The developed area has not substantially changed since the 2011 General Plan EIR.

Changes to Physical Environmental Conditions, Regulations, and Review Criteria. The small net increase in development citywide since 2008 has been subject to applicable environmental review, regulations, ordinance provisions, and standard permitting requirements that address potential project-specific environmental impacts as part of individual project permits. Together, this also addresses impacts cumulatively in the City, as contemplated by the 2011 General Plan Program EIR. A few environmental review criteria and regulations have changed since 2008, which involved strengthening environmental protections. Physical environmental conditions in the City have changed only incrementally and do not reflect a substantial change in baseline conditions identified in the Program EIR for purposes of assessing citywide impacts of General Plan build-out to 2030 and General Plan implementing actions. A summary of changes to environmental conditions, regulations, and review criteria by topic is included in Attachment C.

No substantial changes in environmental circumstances have occurred since the December 2011 General Plan adoption and EIR certification.

PROJECT IMPACTS AND MITIGATIONS

The New Zoning Ordinance amendments would be consistent with and implement General Plan policies. Environmental impacts of future growth in the City under the proposed New Zoning Ordinance amendments to the Santa Barbara Municipal Code and associated maps would be similar to impacts identified in the FEIR and Addenda for the 2011 General Plan. No changes from impact significance classifications identified in the FEIR (i.e., Class 1, 2, or 3 impacts) would result from the amendments.

Most of the mitigation measures identified in the FEIR to reduce potentially significant impacts were incorporated into the final General Plan policies and programs. These measures address traffic congestion; greenhouse gas generation; highway diesel exhaust; upland, creek/riparian, and coastal habitats and species; coastal bluff retreat; hazardous materials collection facility capacity; historic resources; sea level rise; highway noise; open space; solid waste management facility capacity, and jobs/housing balance. The General Plan includes the slate of measures identified in FEIR Mitigation Measure Trans-2 for Transportation Demand Management (TDM), alternative travel modes, and parking pricing, but does not direct an up-front robust expansion of these programs.

Transportation – The NZO changes do not change the underlying standards regarding residential units or density, or the amount of nonresidential floor area that can be built. Under the NZO, those standards would remain consistent with the current Zoning Ordinance and the approved General Plan. Areas classified on the General Plan for nonresidential land use and/or Low Density Residential, Medium Density Residential, Medium High Density Residential and High Density Residential will remain unchanged by the proposed zoning amendments. As such, the NZO changes would not result in substantial changes to potential peak-hour traffic impacts identified for net citywide buildout to the year 2030 as identified in the Program EIR for the 2011 General Plan. Proposed NZO amendments with the potential for minor changes to the traffic effects of individual development projects include the following:

Minor changes to land use provisions would not involve substantial increases in traffic generation or changes in citywide traffic effects identified in the General Plan Program EIR.

- Establishing a Live-Work land use category for home occupations would provide more specific definitions that limit the type of nonresidential uses allowed and the number of non-resident employees, and specify parking and open yard requirements. Beneficial: fewer peak-hour home-work vehicle trips.
- Manufacturing-Industrial Zone land uses range would be narrowed toward preserving the M-I Zone for manufacturing and industrial uses, along with limitations on the size of accessory use areas, and allowance for retail food and beverage uses. Beneficial: industrial uses generally have fewer peak-hour and overall vehicle trips than office or commercial uses.
- Neighborhood Markets would be allowed in residential and other zones either with a conditional use or performance standard permit. Beneficial in reducing trips lengths and the number of vehicle trips through larger intersections.
- Mobile Food Vendors would be allowed in non-residential zones as a temporary land use. This is a limited use that would not be expected to have substantial traffic effects.
- Automobile Service Stations and vehicle washing facilities would be allowed with a performance standard permit. This amendment would only change permit process, and would not affect the potential number or location of stations or associated peak-hour vehicle traffic effects.
- Community Gardens would be allowed in all zones, and Market Gardens would be allowed in most non-residential zones by right and in residential zones with a conditional use or performance standard permit. The specific numbers and locations of this use is not known, but associated peak-hour traffic

generation of the use would not be expected to be substantial or substantially change the General Plan Program EIR traffic analysis for citywide build-out to 2030.

- Seafood Processing would be prohibited in the Manufacturing/Commercial (C-M) Zone and still allowed in other industrial and commercial zones with a performance standard permit. This amendment would only reduce allowed zones and change permit process, and would not affect the potential number or location of this use or associated peak-hour vehicle traffic effects.

Parking standard changes would not involve substantial increase in traffic generation or traffic effects. This includes changes associated with food service uses; change of use (industrial uses in manufacturing-industrial zones, and other uses in other zones); nonconforming uses; eating and drinking establishments; shopping centers; off-site parking for residential development; accessible parking; small residential units; tandem parking; valet parking; bicycle parking; specific zones; guest parking; and carsharing.

The traffic impact for citywide development to the year 2030 under the NZO map and development standard amendments would remain within the range studied in the Program EIR for the 2011 General Plan (up to 20-26 impacted intersections by the year 2030). The identified traffic congestion impact of citywide buildout to 2030 under the General Plan and NZO would remain significant (Class 1) for peak-hour intersection traffic levels if identified mitigation measures for roadway and intersection improvements and transportation demand management are determined infeasible or otherwise not implemented through the period to the year 2030.

Climate Change – The minor NZO changes do not change the amount of future development in the City, create the potential for increased greenhouse gases, or conflict with or affect City policies for reducing greenhouse gas emissions or adapting to future climate change effects. City climate change policies and programs would remain as identified in the General Plan, Climate Action Plan, and other City policies and programs. In addition, a number of additional State actions taken in recent years may act to further reduce statewide greenhouse gas generation, including the forecasts for Santa Barbara.

Estimated future greenhouse gas generation citywide and associated with future development with the proposed NZO changes would not change from impacts identified in the 2012 Climate Action Plan Addendum to the 2011 General Plan Program EIR. Impacts would be less than significant with implementation of the Climate Action Plan (Class 2).

Water Supply – The minor NZO changes do not change the potential amount of future development in the City or future long-term water demand or supply. The City water supply is diversified and per the City Long Term Water Supply Plan, it relies variously year to year on a combination of reservoir supplies, groundwater, State Water Project transfers, water purchases, recycled water, and desalination, along with efficiency improvements and user conservation efforts. Drought conditions occur cyclically in California, and the State has been experiencing a severe multi-year drought, which has affected surface water supplies and resulted in adjustments to City water supply sources toward greater use of groundwater, water purchases, conservation, and reactivation of the City desalination plant. The NZO amendments would not change environmental impacts associated with long-term water supply and demand to the year 2030 identified in the 2011 General Plan Program EIR as less than significant (Class 3).

Noise – The Noise Ordinance governs operational noise associated with property use. NZO proposes to change the Noise Ordinance noise limitation for nuisance noise from mechanical equipment from 60 dBA using the Community Noise Equivalency Level (CNEL) to 53 dBA. CNEL is a measure of average noise level over a 24-hour period, and is most appropriate for use in evaluating overall ambient noise, such as from vehicle traffic, rather than from a specific point source. The new criteria in dBA is a measure of noise level occurring at the time the noise is generated, and is more appropriate for a point source. Noise generated at a level of 53 dBA for a 24 hours period converts to 60 dBA CNEL, so there is no functional change or

reduction of the standard because of the proposed change. In addition, information regarding equipment noise levels generated may in some instances be more easily obtained from manufacturer specifications or a single measurement rather than 24-hour monitoring.

No changes are proposed that have the potential for changing the highway-related noise impacts identified in the General Plan Program FEIR. Mitigation Measure Noise-1 would remain regarding monitoring of highway noise changes and future implementing measures as needed such as building retrofits, vegetation, and barriers.

Remaining in place are General Plan ambient noise policies for siting new land uses, and Noise Ordinance provisions governing construction noise and operational noise associated with property use, along with environmental and project review and permitting processes providing for noise mitigations and permit conditions as needed for individual development projects.

Noise impacts associated with future development with the NZO amendments would not substantially change from those identified in the 2011 General Plan Program FEIR and would be less than significant with mitigation (Class 2).

Heritage Resources – The NZO proposes several changes that could potentially result in individual development project effects on historic resources: 1) allowing uncovered parking with Design Review body approval; and 2) allowing a request for Modification approval (discretionary) in order to preserve historic resources. Projects requesting such approvals would undergo environmental review prior to action being taken on such projects. Extensive Federal, State, and City policies and regulations remain in place for protecting historic resources as a part of development review and permitting. These include City development design review approval by the Historic Landmarks Commission for projects within historic design districts and historic structures, General Plan Historic Element policies, Master Environmental Assessment Guidelines, and Design Review Guidelines. The 2011 General Plan Program EIR found impacts of future development citywide under the General Plan to be less than significant with policy protections for historic resources and reduced areas with the higher density incentive designations. The NZO would not result in substantial changes to development impacts identified in the Program EIR as less than significant (Class 2).

Open Space and Visual Resources – The NZO proposes a number of minor changes to development standards that may affect the visual and open space aspects of development to a small degree, including: 1) keeping the existing height limitation but eliminating the specified number of stories within a building; 2) clarifying the way that building height is calculated to exclude areas that are underground; 3) eliminating variable width of structure setbacks from property lines in commercial zones that are adjacent to residential zones, and replacing them with fixed setbacks that are equivalent; 4) allowing increases in building height up to 42” in setbacks with a Minor Zoning Exception, 5) allowing residential lots larger than one acre in size to build larger accessory buildings (up to 250 s.f. additional for lots between 1-3 acres, and up to 500 s.f. additional for lots greater than three acres), 6) changing the standards for open yard so that it is required by unit type rather than by zone; 7) changing the open yard standards for multi-unit residential development, 7) eliminating the distance between buildings requirements.

Strong policies remain in place for protection of visual and open space resources both citywide and in specified areas as part of development review and permitting, including through project design review approval by the Architectural Board of Review, Historic Landmarks Commission, and Single Family Design Board, and policies in the California Coastal Act and City Local Coastal Plan, Waterfront Area Aesthetic Criteria, General Plan Environmental Resources Element, Neighborhood Preservation Ordinance, Slope Density Ordinance, Outdoor Lighting and Streetlight Design Ordinance, Urban Forest and Street Tree

Master Plans, Tree Protection and Landscaping Requirements, Sign Regulations, View Dispute Resolution Process, Historic Resources Guidelines, Urban Design Guidelines, El Pueblo Viejo Design Guidelines, Chapala Street Guidelines, Haley-Milpas Design Guidelines, and Upper State Street Guidelines, along with Park and Recreation Department programs.

In addition, the proposed Rezoning and Specific Plan Amendment for the currently undeveloped Area A of the Veronica Meadows Specific Plan (14 acres) from SP-9 (allowing a number of single-unit residential and related uses, open space and recreational areas) to Park and Recreation (PR) Zone and classified as Open Space (allowing open space and passive recreation use) would benefit open space and visual resources.

The visual and open space impacts of future development with these minor changes to development standards and zoning classifications would not change substantially from those identified in the Program EIR for the 2011 General Plan as less than significant (Class 3).

Other Impacts – Other environmental impacts of future development in the City with the NZO changes would be similar to those identified in the FEIR for air quality, biological resources, geological conditions, hazards, hydrology and water quality, public utilities, public services, energy, population growth and jobs/housing balance, and socioeconomic issues. No changes from impact significance classifications identified in the FEIR (i.e., Class 1, 2, or 3 impacts) would result from refinements to the maps or development standards.

Most of the mitigation measures identified in the FEIR and Addenda to reduce potentially significant impacts were incorporated into the final General Plan Update policies and programs. These measures address traffic congestion; greenhouse gas generation; highway diesel exhaust; upland, creek/riparian, and coastal habitats and species; coastal bluff retreat; hazardous materials collection facility capacity; historic resources; sea level rise; highway noise; open space; solid waste management facility capacity, and jobs/housing balance.

CEQA FINDING

The proposed NZO changes are consistent with and implement policies of the 2011 General Plan and are within the scope of analysis for the 2011 General Plan Program EIR.

Based on this Addendum review of the 2017 New Zoning Ordinance project, in accordance with State CEQA Guidelines Section 15612, no Subsequent Negative Declaration or Environmental Impact Report is required for the NZO because minor changes to existing environmental circumstances and the project minor changes to development standards and zoning maps do not involve new significant impacts or a substantial increase in the severity of impacts previously identified in the final 2011 General Plan Program EIR and do not raise the the need for additional mitigation.

The certified Program EIR (SCH#2009011031) together with this addendum constitutes adequate environmental documentation in compliance with CEQA for the 2017 New Zoning Ordinance project.



Barbara R. Shelton, Environmental Analyst

Date: June 22, 2017

References:

Certified Final EIR for 2011 General Plan (September 2010) and FEIR Addendum (December 2011).

Addendum to Program Environmental Impact Report for the 2011 General Plan for City of Santa Barbara Climate Action Plan (June 18, 2012).

Addendum Exhibits

Exhibit A. Summary of New Zoning Ordinance Amendments

Exhibit B. Map: Growth by Neighborhood, August 2008 to November 2016

Exhibit C. Summary of Changes to Environmental Conditions

EXHIBIT A

PROJECT DESCRIPTION: NEW ZONING ORDINANCE SUMMARY OF MAJOR TOPICS

OVERALL CHANGES PROPOSED BY THE NEW ZONING ORDINANCE PROJECT

The New Zoning Ordinance includes substantial organizational and formatting changes, with other changes to development standards to achieve the following City goals for the New Zoning Ordinance: 1) Restructured and easier to understand; 2) Modern and current as far as lists of allowed uses, practices, standards, definitions, graphics, etc.; 3) Clear in decision-making protocols, including some decision-making flexibility for staff and decision makers for minor items, and 4) Responsive to nonconforming situations created in the past.

The nature of proposed changes range from the following:

- No change to content; just wording, formatting or location within the Ordinance;
- Content change for ease of use, while maintaining the intent;
- Codifications of existing policies or administrative procedures; and
- New or changed content affecting development and procedures.

However, NZO does not propose any changes to the standards that control growth in the City: residential density, nonresidential growth limits, or building height.

A. ORGANIZATION

Format

The current Zoning Ordinance is primarily text-based. NZO organizes major zoning and parking requirements in tables, which is helpful for understanding and quick reference. NZO also includes a number of illustrations to guide readers on complicated provisions, unlike the current Zoning Ordinance. The text of the Zoning Ordinance would supersede the illustration, if they were found to be inconsistent.

Zone Name Changes

NZO proposes to change the designation of most zone districts to better reflect the intent of the zone. For instance, all residential zones begin with the letter, “R,” commercial zones begin with the letter “C,” coastal related zones begin with the letters “CO”, and all manufacturing zones start with the letter, “M.” Specific Plan designations are proposed to be expanded to give the reader an indication of the name of the Specific Plan. For example, the SP-4 Specific Plan becomes the SP4-RA (Rancho Arroyo) Specific Plan.

Zone Mergers and Minor Map Amendments

For purposes of simplification, NZO proposes to combine three zones that presently have very similar allowed land uses and development standards into a single zone as shown in the table below:

Current Zoning Ordinance	NZO	Number of Affected Lots
C-P Restricted Commercial Zone	C-R, Commercial Restricted Zone	186
C-L Limited Commercial Zone		3 (2 split zoned C-L/C-P)
C-1 Limited Commercial Zone		165 (Coast Village Road and Foothill Triangle)

There were minor differences between the lists of allowed uses within the three zones, but the overall change to the use classifications retains the intent of those three zones as neighborhood serving. The uses listed in the C-P, C-L and C-1 zones are proposed to be allowed uses in the C-R Zone, with one exception. . The C-1 Zone allows a club or lodge by right, and NZO proposes to consolidate clubs and lodges into a use classification entitled, “Community Assembly,” which includes community centers, religious assembly facilities, private auditoriums, etc. These uses would require a Conditional Use Permit in the C-R Zone

The California Coastal Commission (CCC) has made minor changes to the northern boundary of the coastal zone. In response, NZO proposes to align the northern boundary of the CZ (currently SD-3) zone with the new northern boundary of the coastal zone.

B. MAJOR ZONING PROVISIONS

Fence and Hedge – Minor Zoning Exception

Currently, fence and hedge height can be increased by 4 feet with a Minor Zoning Exception granted by the Community Development Director. In most cases, design review is also required for these proposals. Because the issues surrounding fences and hedges are primarily related to aesthetics and neighborhood compatibility, NZO proposes to transfer the authority to allow increased fence and hedge height to the design review bodies. Approval findings and neighbor approval is required, but a notice is not currently required, and is not proposed. Due to public input, changes were considered to expand the neighborhood notification for MZE’s involving flag lots. However, since the original intent of the requirement for neighbor approval was for the benefit of the neighbor directly adjacent to the higher fence or hedge, it did not seem appropriate to expand this requirement beyond its original purpose.

Setbacks and Lot Coverage for Nonresidential Uses in Residential Zones

Currently, the Zoning Ordinance requires 25% lot coverage limitations, and double front and interior setbacks for nonresidential uses in residential zones. NZO proposes to eliminate the lot coverage restriction and the double front setback requirement, because in most cases, either a Conditional Use Permit (CUP) is required which evaluates the adequacy of the setbacks and

development proposed, or the project involves the conversion of existing residential development that was previously built under residential standards. Double front setbacks would also not necessarily make a nonresidential use more harmonious with the neighborhood character. The Planning Commission will still retain the ability to determine whether setbacks for a particular use are adequate during their review of the CUP. Double interior setbacks would still be required for any new construction of nonresidential uses.

It should be noted that currently, the lot coverage limitations and double setbacks only apply to new construction, not the conversion of existing residential development to a nonresidential use. At this time, the only nonresidential use allowed by right in residential zones are hotels in the R-MH Residential Multi-Unit and Hotel (formerly R-4) Zone.

Setbacks for Mixed Use Buildings vs. Mixed Use Development

Currently, the Zoning Ordinance differentiates between mixed use buildings (buildings containing both residential and nonresidential uses) and mixed use developments (developments containing both residential and nonresidential uses, but perhaps in separate buildings). Mixed use buildings are required to comply with the setbacks for nonresidential buildings, which are generally less restrictive than residential setbacks. Purely residential buildings, whether stand-alone or part of a mixed use development, are required to comply with the setbacks for residential buildings, except projects developed under the Average Unit Density (AUD) program, which contains an incentive to allow purely residential AUD projects to comply with nonresidential setbacks in nonresidential zones. NZO proposes to extend the existing AUD incentive to further promote mixed use development.

Live-Work

The General Plan Land Use Element contains the following direction:

Policy LG10. **Live-Work.** Provide viable live-work opportunities throughout the City.

Possible Implementation Actions to be Considered

- LG10.1 Live Work. Create a live-work land use category, zoning designation, or standards to enable viable live work opportunities including standards for home occupations in residential zones that are consistent with building codes.
- LG10.2 Establish Criteria. Establish criteria and standards for Artists' live-work space in the OC or C-M zones of the City.

NZO proposes standards for Live-Work opportunities, including limitations on the size of the unit, the types of nonresidential uses allowed, and the number of non-resident employees; reduced parking and open yard requirements; and requirements that ensure that the residential portion cannot be occupied separately from the nonresidential portion. These standards are aimed at clearly defining the intent of a Live-Work unit.

Front Setback for Multi-Story Buildings in the RS-6 (currently R-1) and R-2 Zones

Currently, the front setback for the first story of a building in the R-1 and R-2 zones is 15 feet, and the setback for upper story portions is 20 feet. This can pose difficulties for properties that

are on hillsides, where the front of a building is one story, but the back is two stories because the land slopes down from the street. In those cases, the building is considered a two-story building, and the two-story setback would apply to the front of the building, even though it appears to be a one-story building from the street. NZO proposes to change the basis of front setbacks from stories to discrete heights, so that in the RS-6 and R-2 Zones, the front setback for portions of a structure that are 15 feet or less in height would be 15 feet, and the front setback of portions of a structure that are greater than 15 feet in height would be 20 feet. This would alleviate the difficulty described above. This change could result in existing one-story buildings taller than 15 feet in height to become nonconforming to the front setback.

Veronica Meadows Specific Plan

As part of a joint partnership with the Trust for Public Lands, Area A of the Veronica Meadows Specific Plan is now under the City's stewardship. NZO proposes to rezone Area A to P-R, and to categorize it as Open Space. The list of allowed uses in Area A of the VM Specific Plan includes common open space and passive recreation areas, so an amendment to the Specific Plan text is not required; however, to ensure clarity for readers, NZO proposes to amend the list of allowed uses to include all those uses allowed in the Open Space designation of the P-R Zone. The rezone and park category remain consistent with the original designation of Area A.

Airport Zoning Ordinance (Title 29)

As discussed above, NZO proposes to combine the existing C-P, C-L and C-1 Zones into the new C-R (Commercial Restricted) Zone. The Airport Zoning Ordinance (Title 29) already contains C-R (Commercial Recreation) Zone. NZO proposes to change the name of the Airport C-R Zone to A-C-R (Airport Commercial Recreation) Zone. NZO also proposes to change the names of two zones in Title 28 that also appear in Title 29: S-D-3 (Coastal Overlay Zone) is proposed to become CZ (Coastal Zone), and SP-6 (Airport Industrial Area Specific Plan) is proposed to become SP6 - AIA (Airport Industrial Area Specific Plan). Staff is simultaneously processing an amendment to Title 29 to change these zone names. No zoning provisions are proposed to be changed in the A-C-R and the SP6-AIA zones. The Planning Commission supported the organization, formatting and wording of the CZ zone in Modules 2 and 3.

Narrow the Range of Allowed Uses in the M-I Manufacturing Industrial (currently M-1) Zone

NZO proposes to reduce the types of non-manufacturing/industrial uses in the M-1 Zone, in order to preserve the M-I Zone for manufacturing and industrial uses. Additionally, NZO proposes limitations on the size of the area occupied by accessory uses, with the possibility of a Performance Standard Permit for larger sizes. Additionally, the retail portion of a Food Preparation use, Food and Beverage Sales, and Eating and Drinking Establishments is proposed to be allowed as Accessory Use. The Planning Commission agreed with these proposed provisions.

NZO proposes to use parking as another tool to preserve industrial uses. This is discussed further in the discussion below entitled, "Parking – Change of Use: Industrial Uses in the Manufacturing Industrial Zone."

Neighborhood Markets

In order to enable and ease establishment of limited neighborhood-serving commercial in residential zones (Possible General Plan Implementation Action to be Considered LG4.4), NZO proposes to allow neighborhood markets in residential zones with either a Conditional Use Permit (Residential Single Unit Zones) or with a Performance Standard Permit (all other residential, office and commercial zones), with specific standards. The Planning Commissioners were split on whether to allow neighborhood markets in the Residential Single Unit Zones. The allowance remains in NZO because there may be appropriate locations for neighborhood markets, and the CUP process would determine whether a proposed location is appropriate.

Home Occupation Standards

The current Zoning Ordinance allows home occupations (home businesses). In order to create standards to enable viable live work opportunities including standards for home occupation in residential zones, (Possible General Plan Implementation Action to be Considered LG10.1), NZO proposes to clarify the operational and performance standards required for a home occupation, and to include a new process requiring a Zoning Affidavit to conduct a home occupation, in order to ensure that the resident(s) are informed for the limitations on home occupations. Planning Commission agreed with the proposed provisions. In response to a public comment, a proposal to allow one hair cutting chair as an allowed home occupation was removed.

Mobile Food Vendors

Currently, food vendors on private property are prohibited as they are classified as peddlers, and are regulated under the City's Peddlers Ordinance SBMC Chapter 5.32. Recognizing that mobile food trucks can create a gathering place or synergy with an existing business, NZO proposes new allowances under the Temporary Uses Chapter for mobile food vendors on nonresidential lots in nonresidential zones. Limitations to the operations include number of days on a lot within a 12-month period, hours per day and number of trucks per day. A Performance Standard Permit may be requested for events that exceed the limitations of a Zoning Clearance. The City Attorney's Office is leading the ordinance revision effort for mobile vending on public streets. Where possible, aspects of the ordinances for private property and public streets have been made similar. The majority of the Planning Commission agreed with the proposed provisions. One Commissioner felt that the provisions were too restrictive.

Temporary Use Regulations

NZO proposes new provisions for temporary uses, including three levels of review (Zoning Clearance, Performance Standard Permit and Conditional Use Permit), as well as exemptions from review requirements for certain uses. Mobile Food Vendors, discussed above, are included in the Temporary Uses Chapter. The majority of the Planning Commission supported the proposed provisions. As mentioned in the Mobile Food Vender discussion above, one Commissioner felt that the limitations on Mobile Food Vendors were too strict.

Automobile Service Stations

NZO proposes to allow automobile fueling stations including mini-markets, and automobile/vehicle washing facilities with a Performance Standard Permit (PSP) in the C-R

(currently C-L, C-P and C-1) C-G (currently C-2) and M-C (currently C-M) Zones. An automobile fueling station would be allowed by right in the M-I (currently M-1) Zone, but an automobile/vehicle washing facility would require a PSP in the M-I Zone.

Community and Market Gardens

In order to encourage voluntary private development of community gardens (Possible General Plan Implementation Action to be Considered LG11.4) and market gardens, NZO proposes two new land use classifications: Community Gardens would be allowed in all zones by right, and Market Gardens would be allowed in most non-residential zones by right, and allowed in residential zones with either a Conditional Use Permit or a Performance Standard Permit, with restrictions. The Planning Commission agreed with proposed provisions.

MODULE 2 Discussion Topics

Residential Unit, Building Attachment, Detached Guestrooms

NZO proposes a number of items under this subject: 1) to reduce the minimum unit size for studios to 220 square feet, consistent with the building code; 2) to revise the standards for building attachment to address current ambiguities; 3) to codify existing policy that specifies that detached guestroom would not be allowed to include indoor bathing facilities, more than one sink or cooking facilities, and that allows applicants to request more amenities with a Performance Standard Permit. Some of the Planning Commissioners felt that a 220 square foot studio was very small, and requested that staff check with the Housing Authority staff regarding the minimum unit size. Housing Authority staff confirmed that 220 square feet was adequate space for a studio unit. The Planning Commission was supportive of the proposed provisions.

Accessory Buildings and Garages, Floor Area Size

NZO proposes two changes to Accessory Building:

- Increase the accessory building and covered parking (garage and carport) floor area allowed for lots greater than 1 acre (underlined in table below); and
- Change the way that the floor area can be used, with restrictions. Currently, the square footage allowed for covered parking may only be used for covered parking (not accessory buildings), and the square footage allowed for accessory buildings may only be used for accessory buildings (not covered parking). Therefore, if a lot less than 20,000 s.f. in size is only required to provide one covered parking space (250 s.f.), the remaining 250 s.f. in the covered parking allowance cannot be used for additional accessory space (i.e. a 250 s.f. garage and a 750 s.f. accessory building is not allowed). Conversely, if the lot has a two-car garage (500 s.f.), a 500 s.f. accessory building with a garage door and vehicular access would not be allowed because it is covered parking. NZO proposes to combine the two allowances into a single allowance that can be used for covered parking, detached accessory space or a combination of both. Both of the examples described above would be allowed.

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

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

The proposed restrictions are:

1. The maximum detached livable floor area per lot would be limited to 500 square feet;
2. Consistent with the current Zoning Ordinance, the maximum size of a single accessory structure would be limited to 1,250 square feet; and
3. The minimum number of required covered parking spaces must be provided.
4. Design review body approval would be required for covered parking/accessory structures over 500 square feet and on for covered parking structures resulting in three or more parking spaces, to address aesthetic concerns about larger accessory buildings.

Nonconforming Buildings and Uses

NZO proposes a number of clarifications and changes to the provisions regarding nonconforming buildings and uses, as described below.

1. Alterations to Nonconforming Buildings

NZO proposes to clarify and specify the types of alterations that are of concern while allowing most alterations that are proposed at least five feet (5') from an interior property line on the ground floor to be permitted. For example, window and door changes in the front setback will be allowed, but window and door changes on the second story in an interior setback will not be allowed.

Module 2 proposed allowing increases in building height up to 42' in the setbacks, and restrictions on buildings constructed closer than five feet (5') to an interior lot line, such as: no conversions from garages or carports to any other use, no conversions from residential to nonresidential and vice versa, no new residential units in the setback, no new or relocated windows or doors closer than five feet (5') in the interior setback. The Planning Commission was supportive of those proposed provisions. NZO now proposes that increases in building height up to 42' in the setbacks, and changes to windows within 5 feet of the interior lot line or on an upper floor be allowed with a Minor Zoning Exception by the Design Review bodies.

2. Additions to Nonconforming Structures in Setbacks

NZO proposes to allow small first floor additions to nonconforming buildings along the same wall plane as the existing building, but no closer than five feet (5') to an interior lot line. This would provide relief for buildings that were legally constructed prior to the 1975 down-zone, five foot (5') setback. Currently, proposals for additions must either jog inward by one foot, an awkward design result, or a zoning modification must be requested, which is usually supported by staff. A 20 linear foot limit and a total amount of new encroachment less than or equal to the amount of the current encroachment is proposed as a means of regulating the size or portion of the addition *within the setback*. The Planning Commission was supportive of the proposed provisions.

3. Nonconforming Garages and Carports Expansion

NZO proposes to allow “undersized” garages and carports that are nonconforming to the setbacks or open yard to be expanded, or demolished and rebuilt to meet the current interior size standards, provided that the number of parking spaces is not increased and that they do not exceed 250 square feet per parking space provided. The Planning Commission was supportive of the proposed provisions.

4. Nonconforming Residential Density – 250 sq. ft. Allowance

NZO proposes minor relief through an allowance of up to 250 square feet of new floor area for use in either a community area such as laundry room or, in multiple areas provided that no more than 50 additional square feet may be added to any one residential unit. This would allow for the enlargement of a room, but not enough to create an additional bedroom or increase residential density. The Planning Commission was supportive of the proposed provisions.

5. Nonconforming Open Yard

NZO proposes a provision that would allow the Community Development Director to both designate an area on a lot as the Nonconforming Open Yard, and to approve limited additions and alterations to sites that are nonconforming to the open yard requirements without the need for a zoning Modification. The Planning Commission agreed with this proposed provision.

6. Substitution of Nonconforming Uses

The current Zoning Ordinance allows nonconforming uses to be replaced with other nonconforming uses of the same or more restrictive classification provided that the intensity of use is not increased. This provision can be difficult to administer because there are many conflicting ways to measure intensity of use. For example, a change of use from manufacturing to office could be seen as a de-intensification of use due to a reduction of odor/noise/dust/hazardous materials, but could also be seen as an intensification of use when looking at traffic generation or off-street parking requirements.

NZO proposes a new concept of *compatibility* for addressing nonconforming uses and the buildings that contain them without consideration of associated traffic or parking. Nonconforming uses would only be allowed to be replaced with conforming or compatible uses. The Community Development Director would make a determination of whether the existing or proposed use is compatible or incompatible with the zone, based on a list of factors such as: other uses allowed in the zone, noise, odors, hazardous materials, and other detrimental effects. The Planning Commission was supportive of the proposed provisions.

7. Buildings Containing Nonconforming Uses

NZO proposes that buildings containing *compatible* nonconforming uses would be allowed to be structurally altered or remodeled. Buildings containing incompatible uses would not be allowed to be structurally altered or remodeled; they would only be allowed to be repaired and maintained. The Planning Commission was supportive of the proposed provisions.

8. New Definition of Demolition

NZO proposes a new definition of demolition in order to address instances in which almost an entire nonconforming building has been removed with only “one wall standing,” and is rebuilt to perpetuate either a nonconforming use or other nonconforming aspect of site development. Enforcement is difficult under the current ordinance. The proposed new definition would deem a structure to be demolished when two out of three structural elements (roof, walls and foundation) are more than fifty percent (50%) removed. In Module 2, NZO proposed that no additions would be allowed in conjunction with the demolition and reconstruction of a nonconforming building. The Planning Commission was supportive of the proposed provisions.

9. Replacement and Reconstruction of Nonconforming Nonresidential Buildings

The existing Zoning Ordinance allows planned or *voluntary* replacement of one hundred percent (100%) of any nonconforming building if the basic exterior characteristics are unchanged, the replacement complies with building height and a nonconforming use is not perpetuated. In contrast, the existing Zoning Ordinance limits nonconforming, nonresidential buildings damaged by a natural calamity (considered *involuntary*) to be restored only if the loss does not exceed seventy-five percent (75%) of the market value. If damage exceeds seventy-five percent (75%), no repairs or reconstruction may occur unless every portion of the building conforms to current regulations. Although these are different circumstances, the overall concepts are in conflict.

NZO proposes to remove the seventy-five percent (75%) market value limitation from the provisions for “involuntary” demolition. This would allow the reconstruction of damaged nonresidential buildings that are nonconforming to all standards including height and use. This change would also reconcile and align the voluntary and involuntary reconstruction provisions for nonconforming nonresidential buildings. Currently, damaged or destroyed *residential* buildings may be reconstructed with no parameter for percent of damage. The Planning Commission was supportive of the proposed provisions.

Allowed Encroachments into Setbacks and Open Yards

NZO proposes a number of clarifications and changes to the provisions regarding allowed encroachments into setbacks and open yards, as described below.

1. Porches

NZO proposes porches up to 16 feet wide and 6 feet deep to encroach into the front setback.

2. Residential Front Yard Amenities

NZO proposes to allow such items in the required front setback only up to a maximum of 50 square feet or one percent (1%) of the required front setback, whichever is greater. The Planning Commission was supportive of the proposed provisions.

3. Other Elements

NZO proposes additional allowed encroachments including: attached mechanical equipment such as tankless water heaters and meters, detached mechanical equipment for utilities such as transformers and backflow devices, electric vehicle supply equipment, rain barrels, planter beds, small arbors/trellises, trash enclosures, and restaurant furniture in commercial setbacks. The Planning Commission was supportive of the proposed provisions.

Open Yard and Outdoor Living Space, including AUD Projects

Open Yard requirements are currently addressed by zone designation. NZO proposes to address open yard by number of units on the lot, and to simplify the open yard for multi-unit residential development. Based on input from one of the Planning Commissioners, NZO now proposes that the required 10'x10' dimension for Alternative Open Yard can be reduced or waived by the Review authority. As a result of the proposed changes to the open yard standards, the incentives for Average Unit Density (AUD) projects are affected. NZO proposes to change the AUD open yard incentives so that the open yard provided is the same as the status quo.

Distance Between Residential Buildings on the Same Lot

The current Zoning Ordinance requires a minimum distance between main buildings and a minimum distance between main and accessory buildings in residential zones and on nonresidential zoned lots developed exclusively with residential uses. Distance separation standards vary from five feet (5') to twenty feet (20') depending on building type, zone and number of stories.

The requirement for a minimum distance between buildings was a common early form of zoning intended to provide light and air between buildings. It also served as a method of fire safety for buildings although today, the required fire-rated construction performs that task. Over time, additional zoning standards have been instituted such as required open yard, the solar access ordinance, and additional setbacks on upper stories, which serve much of the same purpose. In addition, design review boards review and approve all nonresidential development, mixed-use buildings and multi-unit development to address aesthetic concerns (mass, bulk, scale) and review the functionality of the site layout. NZO proposes removal of the various distance between building standards from the Zoning Ordinance to allow the more sophisticated standards to regulate the desire for adequate light and air between buildings. The Planning Commission was supportive of the proposed provisions.

Elimination of Building Story Maximum

NZO proposes to eliminate the maximum number of stories in multi-unit residential zones and nonresidential zones. The measured height limit is not proposed to change. The Planning Commission was supportive of the proposed provisions.

Variability in Maximum Height, Setbacks, and Distance Between Buildings

In various Chapters, the current Zoning Ordinance requires variable calculations based on either building height, *combined* building height, or floor areas to determine the maximum height, setback, or distance between buildings. The result is that a modification is required in order to allow an otherwise *conforming* addition to a building simply because the existing building is already situated using a variable calculation. Generally, NZO proposes to eliminate the variable

standards and instead replace those with a discrete distance or height. The Planning Commission was supportive of the proposed provisions.

Multi-Unit Residential Zones: Parking Setback

NZO proposes to better align the parking setback standard by changing the six foot (6') setback to three feet (3') in the Multi-Unit residential zones *for smaller developments of up to a maximum of two residential units* which would be consistent with the allowance in the R-2 zone. The Planning Commission was supportive of the proposed provisions.

Multi-Unit Residential Zones: Rear Setback

NZO proposes removal of the “rear” setback standard and replacement with the “interior” setback standard in the Multi-Unit zones. The removal of this distinction would change the setback distance for the second story of a building from ten feet (10') to six feet (6'). Since no other zones specify a “rear” setback, removal would simplify the standards. The Planning Commission was supportive of the proposed provisions.

Seafood Processing

NZO proposes to prohibit seafood processing in the M-C Manufacturing-Commercial (currently C-M) Zone, while still allowing it in the M-I Manufacturing-Industrial (currently M-1) Zone, CO-MI (currently OM-1), CO-H (currently HC) and CO-CAR (currently OC) Zones pursuant to a Performance Standard Permit that would include the new requirement for an Odor Control Plan. Acknowledging the migrating nature of odors, the Odor Control Plan would also be required for all seafood operations, large and small-scale with accessory seafood uses. The Planning Commission agreed with the proposed provisions.

Central Business District – Boundary Expansion

In response to Circulation Element Implementation Action C7.2, NZO proposes to update the boundary of the Central Business District (CBD) through inclusion of additional area to the north, east and west. The expanded CBD would allow more lots to use the reduced parking rate of one parking space per 500 square feet of net floor area (1/500) for nonresidential uses. The reduced parking requirement is based on the availability of nearby public parking lots. As there is no new additional public parking, there would be no change to the Parking Zones of Benefit. The majority of the Planning Commission agreed with this proposed provision.

Parking

NZO proposes to standardize the parking requirements; however, as parking is no longer an environmental issue, these changes are not part of the project description.

1. Food Service Uses

NZO proposes to standardize the parking requirement for food service uses to either 1 space per 125 square feet, 1 space per 250 square feet or 1/100 s.f. for customer areas and 1/250 s.f. for employee areas. Parking is no longer an environmental review topic. This topic is discussed in the body of this staff report. The Module 3 Planning Commission hearing included a long discussion about possible options for standardizing the various parking requirements for a range of food services uses. The Commission did not reach consensus on the policy question of the appropriate parking requirement for food service uses (sit-down restaurants, fast-food restaurants,

espresso bars, sandwich shops, wine/beer/spirits tasting rooms, bars, bakeries that serve food for onsite consumption, delicatessens, etc.). The subject of parking for food service uses is discussed in the body of the staff report.

2. Change of Use: Industrial Uses in Manufacturing-Industrial Zones

Currently, when a building that is nonconforming to the required number of parking spaces changes use from a use with a lower parking requirement to a use with a higher parking requirement, the nonconforming parking “credit,” i.e. the number of parking spaces by which the previous use is deficient, is allowed to be carried forward, which eases the change of use. For industrial uses in the M-C (currently C-M), M-I (currently M-1), CO-MI (currently OM-1), and CO-CAR (currently OC) Zones, NZO proposes to eliminate this “credit,” and require that a building that is nonconforming to the required number of parking spaces that is proposing to change use from industrial to non-industrial use provide the total number of parking spaces required for the new use. This provision would further discourage the change of use from industrial uses to non-industrial uses in the M-C, M-I, CO-MI and CO-CAR Zones. The Planning Commission agreed with this proposal.

3. Change of Use: All Other Uses and Zones

NZO proposes to continue to allow a parking “credit” for all other uses and zones (i.e. industrial uses in zones not listed above, or any other use). The Planning Commission agreed with this proposed provision.

4. Nonconforming Parking: Limit on Additions

NZO proposes to eliminate an existing provision that requires that parking be brought up to code for any addition greater than 50% of that existing on July 15, 1980. The majority of the Planning Commission agreed with this proposed provision. One Commissioner felt that limiting the size of the addition for single-unit development to 80% of the required FAR was preferable.

5. Eating and Drinking Establishments, Outdoor Seating

Consistent with current policy, NZO proposes to require parking for outdoor seating area when it exceeds 50% of the indoor seating area. The parking ratio is proposed to be the same as that for food service seating area, which has yet to be finalized. The majority of the Planning Commission supported this proposed provision. One Commissioner felt that a larger outdoor seating area should be allowed before additional parking is triggered.

6. Bicycle Parking

NZO proposes long term and short term bicycle parking amounts, and would require conforming bicycle parking in specific situations. In a portion of the Central Business District, short term bicycle parking would not be required on private lots. NZO would also allow reductions to the required number of bicycle parking spaces through a Waiver by the Public Works Director. The Planning Commission supported this proposal.

7. Shopping Centers

NZO proposes new provisions for “shopping centers” by defining the term and allowing off-street parking spaces at a rate of one space per 250 square feet of floor area regardless of the proposed use. The proposed definition of Shopping Center is:

An integrated group of commercial establishments that are planned and managed as a unit with a minimum of five attached businesses and shared onsite parking. Shopping Centers can include a variety of uses including, but not limited to: retail, eating and drinking establishments, small offices, and banks.

The Planning Commission supported this proposal.

8. Off-Site Parking for Residential Development

NZO proposes to allow parking for residential developments in nonresidential zones to provide parking off-site. The Planning Commission supported this proposal.

9. Accessible Parking Provided in Addition to Residential Parking

For new, residential or mixed-use development where one parking space per residence is required, and signed, designated, accessible parking is also required, NZO proposes that the accessible parking be provided in addition to the one parking space per unit ratio to ensure that the minimum intended amount of parking is provided. The Planning Commission supported this proposed provision.

10. Small Residential Unit Parking Reduction

NZO proposes that residential units of 600 square feet or less of livable floor area, excluding covered parking, and with no more than one bedroom, would be required to provide one uncovered parking space per unit, rather than the minimum of 1.25 to 2 spaces currently required, depending on development type. The Planning Commission supported this proposed provision.

11. Tandem Parking

The Zoning Ordinance currently allows tandem parking for mixed-use developments when each set of tandem parking spaces is assigned to a single residential unit. NZO proposes to also allow this approach for *multi-unit residential* and *nonresidential uses* with some limitations. The provision implements Housing Element Policy 17, which encourages flexible parking standards for housing, and 1997 Circulation Element Policy 7.4 to optimize parking resources by incorporating innovative design standards. The Planning Commission supported this proposed provision.

12. Valet Parking

1997 Circulation Element Policy 7.4 also cites valet parking as an innovative design standard to optimize parking resources. NZO includes provisions that allow valet parking on private property, but prohibits the use of any street or City-owned parking facilities for the pick-up and drop-off activities. Any variations from the requirements must first be approved pursuant to a waiver by the Public Works Director. Ordinance provisions to allow valet parking in the public right of way are being considered separately by the Public Works Department. The Planning Commission supported this proposed provision.

13. Requirements for Specific Zones

NZO proposes to eliminate special parking requirements in the following specific zones and incorporate the uses into the Table of Required Off-Street Parking Spaces:

- Restricted Commercial (C-P)
- Research and Development and Administrative Office (C-X)

- Senior Housing (S-H)
- Upper State Street Area Special District (S-D-2)
- Hazardous Waste Management Facility Overlay (HWMF)
- Park and Recreation (PR)

The Planning Commission supported this proposed provision.

14. Elimination of Guest Parking Requirement in CBD

NZO proposes that all residential developments in the CBD shall not be required to provide guest parking. The Planning Commission agreed with this proposed provision.

15. Reduction for Carsharing

NZO proposed to allow the substitution of required parking spaces with designated carsharing vehicles on multi-unit residential (up to 5%), mixed-use (up to 5%) and nonresidential (up to 25%) development. The Planning Commission agreed with this proposal; however, in response to input by one of the Commissioners, NZO now proposes up to an allowance for the substitution of up to 10% of the required parking spaces for multi-unit residential and mixed-use development.

16. Electric Vehicle Supply Equipment

Staff considered electric vehicle supply equipment (EVSE) pre-wiring requirements as a component of NZO at the public's request. After considering the application of two differing rates of EVSE provisions between the Zoning Ordinance and Building Code, staff recommended that pre-wiring provisions remain as adopted by the City's Building Code and that local changes to the CalGreen standards, such as increased rates of EVSE provisions, be pursued through the City's building code adopting ordinance. No changes to NZO were proposed. The Planning Commission agreed with this approach.

Administration – General

As part of the overall organization change to the Zoning Ordinance, NZO proposes to consolidate zoning procedures into a single Division, in order to eliminate redundancy. The Planning Commission supported the proposed formatting, organization and text of Administrative Procedures.

Administration – Minor Zoning Exceptions for Errors in Zoning Information Reports

NZO proposes to retain Minor Zoning Exceptions for four types of improvements that are discovered as errors in Zoning Information Reports. The other MZEs are no longer necessary because the types of improvements are proposed to be allowed by right in NZO. The Planning Commission agreed with the proposed provisions.

Rules of Measurement and Definitions

NZO proposes a new section that describe the rules of measurement, when measurement is required by the zoning provisions. Additionally, NZO proposes updated or new definitions. The Planning Commission agreed with the proposed rules of measurement and definitions.

Minor Changes

a. Demolition and Replacement of Potentially Hazardous Nonconforming Buildings which are Subject to the Seismic Safety Ordinance

This ordinance was adopted in 1996 to assist nonconforming buildings that were subject to the Seismic Safety Ordinance. It was designed to allow the replacement building to maintain the nonconformities of the original building, including the number of stories. It was used primarily by the Carrillo (now Canary) Hotel project, which consisted of the demolition and replacement of a five-story building, where only a four-story building was allowed. All buildings subject to the Seismic Safety Ordinance have been upgraded, and NZO proposes to eliminate the limitation on the number of stories in a building; therefore, NZO proposes to eliminate this provision.

b. Accessory Dwelling Units

On January 1, 2017, a new State law regarding Accessory Dwelling Units (formerly known as Secondary Dwelling Units, a.k.a. Granny Flats or In-law Units) went into effect, and nullified the City's former regulations, including those related to Accessory Dwelling Units in the R-2 Zone. The new State law outlines the extent that local jurisdictions may regulate Accessory Dwelling Units. Until the City adopts a new ordinance that complies with State law, Accessory Dwelling Units must be processed pursuant to State law. City staff will be drafting new Accessory Dwelling Unit regulations that comply with State law. These proposed new regulations may be processed on a faster track, and may become effective prior to NZO.

c. Demolition and Reconstruction of Nonconforming Buildings- Minor Additions

In Module 2, NZO proposed that no additions would be allowed in conjunction with the demolition and reconstruction of a nonconforming building. Upon review, this seemed overly restrictive. NZO now proposes that up to 100 square feet of floor area can be added in conjunction with the demolition and reconstruction of a nonconforming building. This is considered a minor allowance to provide some flexibility.

Changes to Other Titles of the Santa Barbara Municipal Code Resulting from NZO.

a. Subdivision Validity Periods

The Planning Commission supported the proposed NZO's Administration language, regarding review processes. Included in the Administration language was a change to the validity period for approvals that are currently two years (such as Modifications, Conditional Use Permit and Tentative Subdivision Maps) to three years. The validity period of Tentative Subdivision Maps is contained in Title 27 (Subdivision), rather than Title 28; therefore, NZO proposes an amendment to Title 27 to extend the validity period of Tentative Subdivision Maps to three years.

b. Design Review Regulations (22.22, 22.68, 22.69)

The changes proposed by NZO require minor changes to the regulations of the Historic Landmarks Commission, the Architectural Board of Review and the Single Family Design Board, which are contained in Title 22. The bulk of the changes are related to the changes to land use classifications. For example, the NZO land use classification of Single Unit Residential replaces previous land uses like Single Family Residential or Single Residential Unit. Several of the changes are new triggers for design review, already described in NZO: accessory buildings greater than 500 sq. ft. in size, applications that requiring Minor Zoning Exception by the Design Review bodies, porches, screening, alternative open yard designs, outdoor sales and display. NZO proposes to amend the relevant regulations in Title 22.

c. Noise (9.16)

Planning staff enforces the noise limitations on mechanical equipment (pool equipment, air conditioning units, etc.) during the building permit plan check process. The Noise Ordinance (SBMC §9.16.070.D. – [hyperlink here](#)) requires that noise from mechanical equipment not exceed sixty A-weighted decibels using the Community Noise Equivalent Level (60 dB(A) CNEL). The Community Noise Equivalent Level (CNEL) is not a good measure of sound of mechanical equipment. Its primary purpose is to evaluate exposure of people to more constant sources of noise, like transportation noise, including aircraft noise. Staff performed an analysis that determined that 53dB(A) is the equivalent to 60dB(A) CNEL (i.e. a constant noise level of 53dB(A) for 24 hours calculates to 60 dB(A)). NZO proposes to amend SBMC §9.16.070.D to change the maximum noise level of mechanical equipment from 60 dB(A) CNEL to 53dB(A).

d. References to the Title 28

In addition to the changes outlined in the staff report. References to Title 28 that exist in other titles of the Santa Barbara Municipal Code will be updated to reflect the new locations.

Changes to City Council Resolutions Resulting from the NZO

The introduction of the NZO as Title 30, as well as nomenclature changes (zone designations, land use classifications) require minor changes to numerous Council Resolutions, ranging from those adopting specific plans to those adopting administrative or design guidelines. The resolutions are listed below. Examples of the minor changes are as follows:

- “...If a Prior-Pending or Prior-Approved project is withdrawn or expires, any future project on the same real property requires a new allocation of square footage under SBMC Chapter 28.85 or 30.170....”
- “...Hotels and similar uses, ~~motel, or lodge...~~”
- “...The adequacy of such turning lanes shall be substantiated to the satisfaction of the ~~City Transportation Engineer~~ Public Works Director....”
- “...The land dedicated for park and recreation facilities ~~public open recreational use...~~”

- “...Area C shall be developed with the following number of multi-unit residences~~family dwellings~~:...”

List of Resolutions to be Amended:

1. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Specific Plan No. 1 (Park Plaza) to Incorporate Changes Resulting from the New Zoning Ordinance, and Rescinding Resolution Nos. 81-092 and 94-030;
2. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Specific Plan No. 2 (Cabrillo Plaza) to Incorporate Changes Resulting from the New Zoning Ordinance, and Rescinding Resolution No. 83-15;
3. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Specific Plan No. 4 (Rancho Arroyo) to Incorporate Changes Resulting from the New Zoning Ordinance, and Rescinding Resolution Nos. 84-177, 86-160, 95-084 and 16-025;
4. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Specific Plan No. 6 (Airport Industrial Area) to Incorporate Changes Resulting from the New Zoning Ordinance, and Rescinding Resolution Nos. 97-132 and 98-114;
5. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to the Administrative Procedures for the Implementation of the General Plan Growth Management Program and the City Traffic Management Strategy to Ensure Consistency with the New Zoning Ordinance, and Rescinding Resolution No. 13-010;
6. A Resolution of the Council of the City of Santa Barbara Establishing Categories of Parks and Recreation Facilities and Assigning Existing Parks and Recreation Facilities to those Categories and Rescinding Resolution No. 97-140;
7. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Rules and Regulations Pertaining to the Protection and Enhancement of Solar Access in the City of Santa Barbara, and Rescinding Resolution No. 16-166;
8. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Fence and Hedge Guidelines, and Rescinding Resolution No. 14-052;
9. A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to the Standards and Procedures to Implement Numerical Limits on the Conversion of Apartments to Condominiums, Community Apartments, and Stock Cooperatives to Ensure Consistency with the New Zoning Ordinance, and Rescinding Resolution No. 91-137;
10. A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Make Minor Text and Reference Changes to Design Guidelines to Ensure Consistency with the New Zoning Ordinance.

Growth by Neighborhood - August 2008 to November 2016

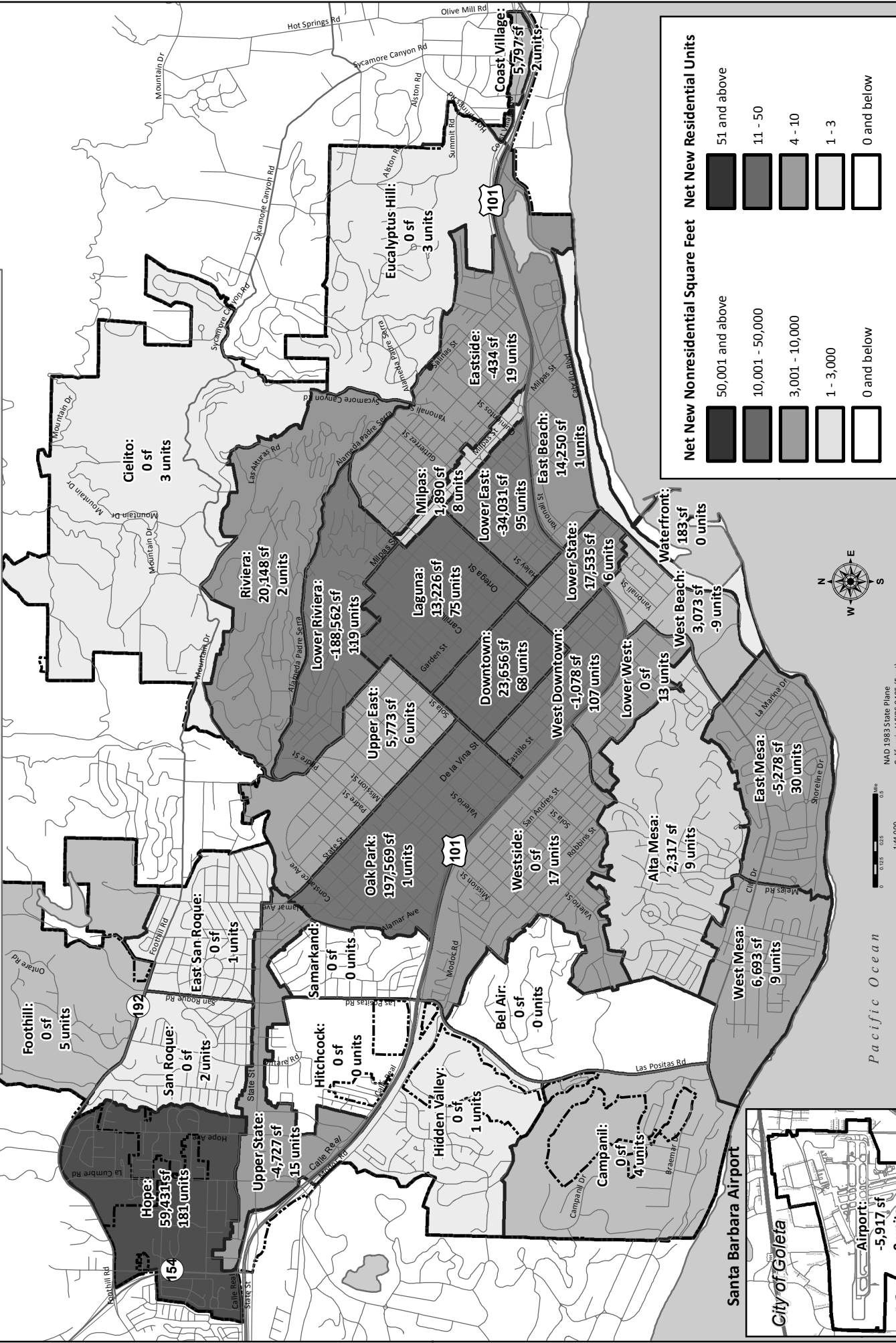


Exhibit B

EXHIBIT C

SUMMARY OF CHANGES TO ENVIRONMENTAL CONDITIONS

The following summarizes changes to citywide environmental conditions from 2008 baseline conditions identified in the 2011 certified final program environmental impact report for the General Plan update. These include changes to physical conditions on the ground, and changes to review criteria and regulations that may affect the evaluation of environmental impacts of development projects. No substantial changes to environmental conditions were identified that affect the program EIR analysis of environmental effects resulting from City development growth to the year 2030 under the policies of the 2011 General Plan.

- *Air Quality and Climate Change.* Due to strengthened State air quality regulations such as for vehicle pollutant emissions, air quality has improved statewide since 2008 (CARB). 2011 General Plan Program EIR mitigation for sensitive land uses sited near Highway 101 exhaust emissions was incorporated as City ordinance provisions (2014) and is applied as part of development permitting. Standard construction-related measures for reducing dust generation and equipment emissions as recommended by the Santa Barbara County Air Pollution Control District (APCD) are required under City Ordinance and applied to projects. APCD standards and permitting continues for controlling air emissions from specified land uses. No changes to criteria air pollutant significance thresholds have occurred. Global greenhouse gas levels have continued to accelerate and now exceed 400 ppm (Mauna Loa Observatory). A City Climate Action Plan adopted in 2012 identifies City programs to reduce greenhouse gas levels locally. State climate change planning legislation (2016) has codified additional greenhouse gas reduction targets established in earlier executive orders that were considered as part of the 2011 General Plan and Program EIR and Climate Action Plan. No change to regulations or City climate change review criteria have occurred. Individual development continues to be subject to regulations and standard conditions addressing air quality and climate change, consistent with the 2011 General Plan Program EIR analysis.
- *Biological Resources.* Drought conditions have resulted in stress and some loss of trees. Incremental changes to urban habitat resources have occurred in association with individual developments, with application of City policies for biological resource mitigation, tree preservation/replacement, and landscaping requirements, consistent with the General Plan Program EIR analysis. No substantial change has occurred since 2008 to citywide physical conditions of biological resources, protected resources designations, or biological resource regulations or review criteria.
- *Geology and Hazards.* No substantial changes have occurred since 2008 to on-the-ground geologic, seismic, and soil conditions, areas subject to wildfire hazards, or hazardous materials exposures, or to programs and in-place regulatory and review provisions addressing these issues as part of development permitting, consistent with City policies and the General Plan Program EIR analysis. City Fire Code provisions were updated in 2016. No change to review criteria have occurred. Drought and climate change are considered to be contributing to exacerbation of potential future wildfire hazards and coastal conditions. The 2011 General Plan Program EIR and City Climate Action Plan identify measures to address adaptation to future climate change.

- *Heritage Resources.* Individual developments have resulted in some incremental effects to subsurface archaeological resources and aboveground historic resources, addressed with extensive Federal, State, and City policies and regulations for avoiding and mitigating any substantial effects, consistent with the General Plan Program EIR analysis. State legislation and the State CEQA Guidelines have expanded provisions for conducting consultation with native tribes on native cultural resources as part of development review and permitting. No substantial changes to heritage resources or to regulatory or review criteria have occurred that affect the Program EIR impact analysis or ongoing application of City protective policies or individual project impact mitigation.
- *Hydrology and Water Quality.* No substantial changes to drainage patterns or areas subject to flooding have occurred. Review criteria and Federal, State, and local regulations addressing these issues as part of development have not substantially changed and continue to be applied as part of development permitting, consistent with the Program EIR analysis. City Creeks Division programs continue to improve water quality in surface water bodies. City storm water management ordinance provisions have been adopted and are applied to individual projects to address quantity and quality of runoff. Standard building permit provisions are applied to address water runoff and water quality during construction. No substantial changes have occurred to hydrology or water quality conditions that would change the Program EIR analysis.
- *Noise.* The primary source of ambient noise in the City is vehicle traffic noise. Traffic levels have not substantially changed since 2008. The incremental amount of in-fill development in the City since 2008 does not have the potential to substantially change ambient noise levels in the City. The 2011 General Plan changed the City ambient noise standard for residential development in multi-unit and mixed-use zones from 60 to 65 dBA CNEL or Ldn, consistent with most jurisdictions in the State. Noise ordinance provisions have continued to govern operational noise associated with property uses, and development permitting has continued to apply standard measures to address construction noise, consistent with the 2011 General Plan Program EIR. No substantial changes to noise levels or noise criteria have occurred that would change the Program EIR impact analysis.
- *Open Space and Visual Resources.* Development since 2008 has been subject to environmental review, design review approvals, and policy, ordinance, development standards, and design guidelines that address open space and visual resources, consistent with 2011 General Plan Program EIR analysis. This includes factors such as building heights, development setbacks from property lines, outdoor living space, landscaping, tree protection, and view corridors. The small amount of development citywide since 2008 has largely involved redevelopment and infill within already urbanized areas. The City has continued to maintain and expand City-owned parks and open space resources. Citywide open space and visual resource conditions have not substantially changed since 2008, nor have review criteria or regulatory provisions.
- *Public Services (Police, Fire, Parks, Schools).* Public services and facilities, including for police and fire protection, governmental and public facilities, and schools, have all been adequate to accommodate development since 2008 consistent with the General Plan Program EIR impact analysis. City Fire Code ordinance provisions were updated in 2016. No school districts have been designated as overcrowded per State law, and development continues to be subject to school fees. No substantial changes to review criteria or regulations have occurred that would change circumstances affecting the Program EIR impact analysis for citywide growth to the year 2030.

- *Public Utilities (Water, Wastewater, Solid Waste, Power/Communications).* The small amount of development since 2008 has been accommodated for long term water supply, wastewater collection and treatment, solid waste and recycling collection and disposal, and provision of electrical, natural gas and communications utilities. The City water supply is diversified and per the City Long Term Water Supply Plan, it relies variously year to year on a combination of reservoir supplies, groundwater, State Water Project transfers, water purchases, recycled water, and desalination, along with efficiency improvements and conservation efforts. Drought conditions are cyclical in California, and the State is currently experiencing a severe multi-year drought, which has affected surface water supplies, and resulted in adjustments to water supply sources toward greater use of groundwater, water purchases, conservation, and reactivation of the City desalination plant.

In 2016, the County of Santa Barbara in cooperation with cities approved the development of a Resource Recovery Facility for increasing recycling and diversion of waste disposal at the Tajiguas Landfill, which is expected to substantially extend the life of the landfill.

No changes to review criteria have occurred since 2008. There have not been changes in environmental circumstances that change the 2011 General Plan Program EIR impact analysis for citywide growth to the year 2030.

Transportation. Vehicle traffic levels vary over time and are influenced by a variety of factors, including land use and development, the economy and gas prices, regional growth and transportation corridors, technology changes, and individual driver decisions. Traffic within the City has decreased and increased at various points of time and areas of the City through the period since 2008, and is currently overall at about the same level as 2008 (City Transportation).

The net increase in development citywide since 2008 has contributed toward cumulative traffic impacts identified in the 2011 General Plan Program EIR for forecasted growth under General Plan policies to the year 2030. In 2014, the City traffic impact thresholds were updated to reflect intersections identified in the Program EIR as either already impacted by peak-hour traffic or anticipated to become impacted by 2030.

Continuing General Plan *land use policies* include measures that limit non-residential growth; encourage workforce housing to improve the jobs/housing balance; direct development to mixed-use Downtown areas with lower vehicle trip generation rates and diverse travel destinations; and provide for adequate commercial customer and residential parking. *Transportation policies* support mobility improvements for roadway, pedestrian, bikeway, and transit facilities; and support transportation demand management (TDM) measures that can reduce individual vehicle trips (e.g., car sharing for work trips; adjusting employment hours out of peak hours; telecommuting, etc.). All these policies and programs help to manage vehicle traffic levels.

In 2013, State legislation was passed to transition CEQA transportation impact analysis away from traffic level of service criteria toward the use of vehicle miles travelled to correlate with State goals of encouraging in-fill development to promote greenhouse gas reductions, with implementation of this CEQA analysis change anticipated within the next two years. The Regional Sustainable Communities Strategy (2013) adopted for Santa Barbara County by the Santa Barbara County Association of Governments was based on the general plans of the cities

and concluded that the region could meet State vehicle miles travelled/greenhouse gas targets of the State as confirmed by the California Air Resources Board.

The City adopted an updated Bicycle Master Plan in 2016.

There have been forecasts for potential new highway and surface street/intersection impacts related to the Highway 101 High Occupancy Vehicle (HOV) Lanes Project under consideration in the region for the area of Highway 101 south of Bailard Avenue in Carpinteria to Sycamore Creek in the Santa Barbara. However, the EIR for the project is still in draft form, and the project and identified mitigation measures projects are not fully vetted, approved, funded, or scheduled.

No substantial changes to transportation environmental circumstances have occurred since 2008 that change the 2011 Program EIR impact analysis for citywide growth to the year 2030.