

PRICE, POSTEL & PARMA LLP

J. TERRY SCHWARTZ
DAVID W. VAN HORNE
DOUGLAS D. ROSSI
CRAIG A. PARTON
CLYDE E. WULLBRANDT
CHRISTOPHER E. HASKELL
TIMOTHY E. METZINGER
TODD A. AMSPOKER
MARK S. MANION
MELISSA J. FASSETT
IAN M. FISHER
SHEREEF MOHARRAM
SAM ZODEH
KRISTEN M. R. BLABEY
LAUREN B. WIDEMAN
DREW MALEY

COUNSELLORS AT LAW

200 EAST CARRILLO STREET, SUITE 400
SANTA BARBARA, CALIFORNIA 93101-2190

MAILING ADDRESS P.O. BOX 99
SANTA BARBARA, CA 93102-0099
WWW.PPPLAW.COM

TELEPHONE (805) 962-0011
FAX (805) 965-3978

E-MAIL: CEW@PPPLAW.COM

OF COUNSEL

ARTHUR R. GAUDI
JAMES H. HURLEY, JR.
PETER D. SLAUGHTER
ERIC P. HVOLBØLL
KENNETH J. PONTIFEX
SUSAN M. BASHAM
STEVEN K. MCGUIRE
MATTHEW T. ALLEN

LOS OLIVOS OFFICE
2963 GRAND AVENUE, SUITE D
LOS OLIVOS, CA 93441

MAILING ADDRESS
P.O. BOX 339
LOS OLIVOS, CA 93441

TELEPHONE (805) 962-0011
FAX (805) 738-3121

OUR FILE NUMBER:
22854-4

October 14, 2015

VIA HAND DELIVERY

Supervisor Janet Wolf, Chair
Members of the Board
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Eastern Goleta Community Plan Update: Proposed Mixed-Use Rezone.

Dear Chair Wolf and Supervisors:

We represent Russell Steiner whose entity (Zoom Properties LLC) very recently purchased two parcels located at 4175 and 4183 State Street (APNs 061-100-022 and 061-100-023 respectively) which are currently zoned C-3 (General Commercial). 4175 State Street is developed with an approximate 6,000 square foot commercial building with tenants that include Pella Door and Window, Fit Body Boot Camp and The Neptune Society. 4183 State Street is developed with an approximate 32,000 square foot commercial/industrial warehouse building with tenants that include EKI Research and Santa Barbara Gymnastics Club. Mr. Steiner's intentions in purchasing the properties are to lease them to commercial/industrial tenants and eventually use the existing 32,000 square foot warehouse structure at 4175 State Street as a self-storage facility.

As Mr. Steiner recently learned, adoption of the Eastern Goleta Community Plan Update (EGCP) is now proposed to rezone Mr. Steiner's two parcels, together with 53 other parcels

along the upper State Street/Hollister Corridor, to a new amended Mixed-Use (MU) zone which is different from and far more restrictive than the existing mixed-use zone currently contained in the County's Land Use Development Code (LUDC). These 55 parcels are zoned commercial, with all but three zoned C-3, and provide the community with a diverse range of businesses and services characteristic of the General Commercial zone district. However, the proposed amended MU zone would prohibit many of the uses permitted under the C-3 zone (as well as the current MU zone district) and render many existing businesses "legal non-conforming". In fact, of the approximately 54 businesses located on C-3 zoned parcels proposed for the rezone pursuant to the EGCP, 25 of such businesses would become legal non-conforming (see attached list). With respect to our client, three of his properties' existing tenants' uses (including EKI Research who just recently invested one million dollars in their premises) would become legal non-conforming, and the warehouse building at 4175 State Street – which was approved, constructed, and maintained as a warehouse - could not be used as any type of a storage facility.

A primary concern with designating an existing use as legal non-conforming is that the stated intent of the County's non-conforming ordinance is to discourage long-term continuance of the existing use, provide for the eventual elimination of the existing use, and prevent such existing use from being enlarged, expanded or extended (see attached LUDC Section 35.101.010). As a result, when an existing non-conforming business seeks to undertake even a modest tenant improvement, slight structural alteration or physical expansion, the required land use permit application would be denied and any economic growth potential effectively thwarted. Moreover, many of the existing structures built along the upper State Street/Hollister corridor were specifically designed to accommodate C-3 compatible uses and do not provide adequate parking and other amenities that would otherwise be necessary for the types of retail commercial uses being promoted by the proposed amended MU zone. Therefore as a practical matter, leasing to or operating a non-conforming use is a very serious concern for our client – and undoubtedly most business and property owners similarly affected - and could certainly result in significant financial hardship should these businesses be prevented from expanding or forced to relocate.

The effect of creating these numerous non-conforming uses through rezone to an amended MU zone district was not disclosed in either the Environmental Impact Report (EIR) for the project or the staff report, and no discussion on the topic was provided to the Planning Commission during its deliberations on the matter. We generated the attached list of existing businesses by walking the area and comparing the physical addresses to the Assessor Parcel Numbers generated by the mailing list used for project noticing. In doing so we learned that very few business owners received notice of the proposed rezone as only one "occupant" per parcel was included on the mailing list, and for those who did, the notice made no reference to the potential consequences of become a non-conforming use. Moreover, the proposed amended MU zone district would apply county-wide, yet no discussion of the county-wide significance of the amendment was included in the EIR or any of staff reports.

Given that many of the businesses located along the upper State Street/Hollister corridor are well established and provide the community with important commercial services (such as storage facilities, light manufacturing, equipment rentals and vehicle repair) that would be prohibited upon adoption of the proposed amended MU zone, and by virtue that few, if any appropriately zoned parcels are available nearby for such businesses to relocate to, we urge your Board to consider other options to the amended MU zone as proposed by staff and recommended for adoption by the Planning Commission.


The most obvious and straightforward solution would be to simply leave the existing zoning as is. This area of upper State Street is well known for its existing mix of commercial services and is valued by the community for its convenient location adjacent to the Highway 101 and 154 interchange. So while the stated goal of the proposed amended MU rezone of the State Street/Hollister corridor to “improve the Hollister Avenue – State Street commercial corridor as an attractive, safe, and pedestrian-oriented mixed-use neighborhood destination for goods and services” is noble, we have serious concerns about the net result of displacing the existing commercial businesses and whether the area could ever be successful as a mixed use neighborhood given its relative isolation from other neighborhoods. Please also note that the staff recommendation is supposedly based on input from a community advisory group which met last approximately 9 years ago. Furthermore, the Planning Commission had no information on the great extent to which many of the existing structures and businesses will become “legal non-conforming” upon adoption of the proposed amended MU rezone, and there was no discussion on the inconsistency between the amended MU zone’s “permitted uses” and the permitted uses under the County’s existing mixed-used ordinance.

As another obvious alternative, if a mixed use rezone is desired for this small area we ask that you simply consider using the County’s existing MU zone designation and not the proposed amended MU zoning matrix of permitted uses. As proposed, the amended MU zoning ordinance language removes most, if not all, of the C-3 like uses otherwise currently permitted county-wide by the existing MU zone (see attached Table of Land Uses and Permit Requirements for Special Purpose Zones). This slight change would still allow for residential use in the area, but would avoid creating unnecessary non-conformities and provide a more realistic mix of commercial development. In addition, specific provisions should be included in the ordinance amendment that would provide exceptions for non-conforming uses created by rezone to allow structural expansions and alterations. Doing so would relieve the severe economic hardship that many business owners will otherwise suffer as a result of the proposed Eastern Goleta MU designation and rezone.

Santa Barbara County Board of Supervisors
October 14, 2015
Page 4

Thank you very much for you attention to this important matter. We will attend the hearing on October 20th and will be available to answer any questions you may have at that time.

Very truly yours,



C.E. Chip Wullbrandt
for PRICE, POSTEL & PARMA LLP

Enclosures

cc: Mr. Allen Bell, Planning and Development
Mr. Russell Steiner

List of existing businesses located on C-3 Zoned Parcels

<u>APN</u>	<u>Use</u>	<u>Effect of Rezone</u>
061-110-019	Auto Detail Limo service office Bus storage	Non-Conforming Non-Conforming Non-Conforming
061-110-018	Thrifty Gas Station	Non-Conforming
061-110-020	U-Haul Self Storage	Non-Conforming
061-110-026	Budget Rentals San Marcos Storage	Non-Conforming Non-Conforming
061-110-009	Motel	
061-110-028	Mexican Restaurant	
061-110-029	Allied Movers and Storage Home Automation Service Screen Printing Aegis Treatment SB Stained Glass	Non-Conforming Non-Conforming
061-110-005	Adult Books and Video	Non-Conforming
061-110-025	All Around Landscaping	Non-Conforming
061-110-024	C&S Automotive repair	Non-Conforming
061-100-022	Pella Door and Window Fit Body Boot Camp Neptune Society	Non-Conforming
061-100-023	EKI R&D SB Gymnastics Club Storage	Non-Conforming Non-Conforming
061-100-101/009	Dutch Garden Restaurant/Trailer Park	
061-100-008	Office Building (Bartlein)	
061-100-007	Vacant Office Building	
061-100-006	Klaus Braun Automotive	Non-Conforming

<u>APN</u>	<u>Use</u>	<u>Effect of Rezone</u>
061-100-019/020	Harder RV Storage	Non-Conforming
061-100-002	American Tire	Non-Conforming
061-100-013	Goodman Reed Motor Cars Hot Springs Spas Victorian Vogue Costume Shop SB Lamp Shades	Non-Conforming Non-Conforming
061-093-005	Ian's Tire Shop Fast Lane Oil Change	Non-Conforming Non-Conforming
061-093-004	Ye Old Deli Kids Cuts Karate Studio Donut Shop	
061-093-006	Milpas Rentals	Non-Conforming
061-083-004	European Market and Deli Core Fitness Studio	
061-083-003	Antique Shop RV Storage	Non-Conforming
061-083-001	Creekside Inn	
061-091-003	U-Haul Rental	Non-Conforming

CHAPTER 35.101 - NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 35.101.010 - Purpose and Intent
- 35.101.020 - Nonconforming Uses of Land and Structures
- 35.101.030 - Nonconforming Structures
- 35.101.040 - Construction in Progress
- 35.101.050 - Termination of Nonconforming Uses
- 35.101.060 - Unpermitted Expansion of Nonconforming Uses
- 35.101.070 - Termination Procedures
- 35.101.080 - Nonconforming Due to Lack of a Discretionary Permit

35.101.010 - Purpose and Intent

- A. Purpose.** This Chapter establishes uniform provisions for the regulation of nonconforming lots, structures, and uses of land and structures that were lawful before the adoption, amendment, or revision of this Development Code, or previously adopted County ordinances, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.
- B. Intent.**
1. It is the intent of this Development Code, with limited specified exceptions, to:
 - a. Discourage the long-term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions outlined in this Chapter.
 - b. Prevent nonconforming uses and structures from being enlarged, expanded, or extended, or being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located.
 2. Generally, this Chapter is intended to be administered in a manner which encourages the eventual abatement of these nonconformities.

35.101.020 - Nonconforming Uses of Land and Structures

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

A. Structural change.

1. **Allowed enlargements, extensions, moving, reconstruction, or structural alterations.** Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.
 - a. **Seismic retrofits allowed.** Seismic retrofits as defined in Article 35.11 (Glossary) in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b. **Rehabilitation of dwellings.** Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in compliance with Subsection F. (Limited exceptions for certain nonconforming residential uses) below.
 - c. **Rehabilitation of dwellings threatened due to coastal erosion.** Existing structures devoted

to a nonconforming residential use that are threatened due to coastal erosion may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided all of the following criteria are met:

- (1) The structure is located on property zoned either SR-M or SR-H.
- (2) Any alteration complies with the setback and height requirements of the applicable zone.
- (3) Any alteration does not result in the removal of required parking spaces.
- (4) Any alteration does not result in an increase in the number of bedrooms within the dwelling, unless the increase is in compliance with the bedroom density standards of the applicable zone.

d. Normal maintenance and repair. Normal maintenance and repair may occur provided no structural alterations are made.

e. Historical landmarks. A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

2. Accessory to a conforming use. No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

B. Expansion or extension.

1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.

C. Allowed changes of use. A nonconforming use may only be changed to a conforming use.

D. Abandonment/discontinuance. A nonconforming use that is discontinued for a continuous period of at least 12 consecutive months shall be considered to be abandoned and the rights to continue the nonconforming use shall terminate. If a nonconforming use is abandoned, any future use shall comply with the provisions of the zone in which the use is located.

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

- a. Damage 75 percent or more.** If structure or other development dedicated to a non-residential nonconforming use is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations

Table 2-24 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P	P (3)	P	—	—	35.42.020
Agricultural processing - On-premise products	—	P (3)	—	—	—	
Animal keeping (except equestrian facilities- see RECREATION)	S	S (3)	S	S	S	35.42.060
Aquaculture	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	E	P (3)	E	—	—	
Grazing	—	E	—	—	—	
Greenhouse, 300 sf or less	P	—	P	—	—	35.42.140
Greenhouse, more than 300 sf	—	—	—	—	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	—	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (4)	—	P (4)	P (4)	P (4)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	—	CUP	CUP	CUP	35.82.160
Oil & gas uses	S	—	—	—	—	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Bakery and baked goods production and distribution	P	—	—	—	—	
Business machine manufacturing and assembly	P	—	—	—	—	
Ceramic product manufacturing	P	—	—	—	—	
Cosmetic and pharmaceutical manufacturing	P	—	—	—	—	
Electronics assembly	P	—	—	—	—	
Electronics, equipment, and appliance manufacturing	P	—	—	—	—	
Food and beverage product manufacturing	P	—	—	—	—	
Furniture/fixtures manufacturing, cabinet shops	P	—	—	—	—	
Handcraft industry, small scale manufacturing	P	—	—	—	—	35.26.050
Laboratory - Medical, analytical, research and development	P	—	—	—	—	
Media production	P	—	—	—	—	35.26.050
Merchandise manufacturing	P	—	—	—	—	35.26.050
Precision machine shop	P	—	—	—	—	
Printing and publishing	P	—	—	—	—	35.26.050
Recycling - Community recycling facility	—	—	—	—	—	
Recycling - Small collection center	—	—	—	—	—	
Recycling - Small collection center, non-profit	P	—	—	—	—	
Recycling - Specialized materials collection center	—	—	—	—	—	
Research and development	P	—	—	—	—	
Storage - Personal storage facility (mini storage)	—	—	—	—	—	
Storage - Warehouse	P	—	—	—	—	
Wholesaling and distribution	P	—	—	—	—	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Shall not be allowed within easement areas designated as part of an Open Space and Habitat Management Plan in compliance with Section 35.26.060.
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

LAND USE (1)	MU	NTS	OT-R	OT-R/LC	OT-R/GC	Specific Use Regulations
Boat club	—	—	—	—	—	
Campground	—	—	—	—	—	
Commercial entertainment - Indoor	P CUP	—	—	—	—	
Community center	P CUP	—	P	—	—	
Conference center	CUP —	—	CUP	CUP	CUP	
Country club, swimming and tennis	P —	—	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP —	MCUP(3)	CUP	CUP	CUP	
Fairgrounds	CUP —	—	CUP	CUP	CUP	
Fitness/health club or facility	P (4)	—	—	—	P	
Fitness/health club or facility, accessory	P	—	—	—	—	
Golf course	P —	—	CUP	CUP	CUP	
Historical park	—	—	—	—	—	
Library, museum	P	—	CUP	CUP	CUP	
Meeting facility, public or private	P CUP	—	CUP	CUP	CUP	
Meeting facility, religious	CUP	—	CUP	CUP	CUP	
Park, playground - Public	P	P (5)	P	—	—	
Park, playground - Private	P	—	—	—	—	
Private residential recreation facility	P	—	P	P	P	
Recreational vehicle (RV) park	—	—	—	—	—	
School	P CUP	—	CUP	CUP	CUP	
School - Business, professional, trade	P	—	CUP	CUP	P	
Shooting range	—	—	—	—	—	
Sports and outdoor recreation facilities	CUP —	—	CUP	CUP	CUP	
Sports and outdoor recreation facilities, accessory	P —	—	—	—	—	
Studio - Art, dance, martial arts, music, etc	P	—	—	—	—	
Theater - Indoor	P	—	—	—	—	
Trail for bicycles, hiking, or riding	P	—	—	—	—	
Trout farm	—	—	—	—	—	
Zoo	—	—	—	—	—	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Only one such facility may be allowed within each project site area covered by an approved Final Development Plan and such facility may only be used by owners and residents of the project area for noncommercial purposes.
- (4) Must be conducted within a completely enclosed building.
- (5) Use restricted to public coastal access and recreational uses not associated with a commercial onsite operation, commercial lead-tours of the site, or any for-fee or other remuneration recreational activities, except as allowed as part of an equestrian facility, are expressly prohibited.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030
Caretaker/manager dwelling	— P	—	—	—	—	
Dwelling, one-family	P —	P (3)	P (3)	P (3)(4)	P (3)(4)	
Dwelling, two-family	P —	—	P (4)	P (4)	P (4)	
Dwelling, multiple	P	—	P (4)	P (4)	P (4)	
Emergency shelter	P —	—	—	—	—	
Guest house or artist studio	—	P	—	—	—	35.42.160
Home occupation	P	P	P (4)	P (4)	P (4)	35.42.190
Live/work unit	P	—	—	—	—	35.26.050
Mixed use development, residential component	P	—	—	—	—	35.26.050
Mobile home park	—	—	—	—	—	35.42.180
Monastery	CUP —	—	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (4)	P (4)	P (4)	35.42.020
Residential project convenience facility	P	—	P (4)	—	—	35.42.220
Residential second unit	—	CUP (5)	P (6)	P (4)(6)	P (4)(6)	35.42.230
Single room occupancy facility (SRO)	P —	—	—	P	P	
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	MCUP —	P	MCUP	—	—	35.42.050
Auto and vehicle sales and rental	—	—	—	—	P	
Bar, tavern	P (7)	—	—	—	P (7)	
Building and landscape materials sales - Outdoor	—	—	—	—	—	
Clothing store	— P	—	—	P	P	
Convenience store	P	—	—	—	P	
Convenience store, in mixed-use project	CUP	—	—	—	—	
Drive-through facility	CUP —	—	CUP	CUP	CUP	35.42.130
General retail	P	—	—	—	P	
Grocery/food store	P	—	—	—	P	
Office supporting retail	P	—	—	—	P	
Plant nursery	P (8)	—	—	—	P	
Restaurant, café, coffee shop - Indoor and outdoor	P (8-7)	—	—	—	P (7)	
Restaurant, café, coffee shop - Accessory to recreation use	—	—	—	—	—	
Service station	P —	—	—	—	P	
Visitor-serving commercial	P (8)	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
- (5) Not allowed in addition to an artist studio.
- (6) Second unit restricted to lots where the primary use is a one-family dwelling.
- (7) May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (8) Must be conducted within a completely enclosed building.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	P	—	—	P	P	
Bank, financial services - Complete facility	P	—	—	—	P	
Business support services	P	—	—	—	P	
Drive-through facility	CUP	—	CUP	CUP	CUP	35.42.130
Medical services - Clinic	P	—	CUP	CUP	CUP	
Medical services - Doctor office	P	—	—	P	P	
Medical services - Extended care	P	—	CUP	CUP	CUP	
Medical services - Hospital	P	—	CUP	CUP	CUP	
Office - Accessory	P	—	—	P	P	
Office - Business/service	P	—	—	P	P	
Office - Executive headquarters	P	—	—	—	—	
Office - Professional/administrative	P	—	—	P	P	

SERVICES - GENERAL

Cemetery, mausoleum	P	—	CUP	CUP	CUP	
Charitable or philanthropic organization	P	—	CUP	CUP	CUP	
Large family day care home	P	—	P	P (3)	P (3)	35.42.090
Small family day care home	E	—	—	E	E	35.42.090
Child care center, Non-residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Child care center, Non-residential, accessory	P	—	—	—	—	35.42.090
Child care center, Residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Drive-through facility	CUP	—	CUP	CUP	CUP	35.42.130
Laundry and dry cleaning pick-up stores	P	—	—	—	—	
Lodging - Hostel	CUP	—	CUP	CUP	CUP	
Lodging - Hotel or motel	P	CUP	—	—	P	
Mortuary	—	—	—	—	—	35.42.120
Mortuary, accessory to cemetery	CUP	—	CUP	CUP	CUP	35.42.120
Music recording studio	MCUP	—	CUP	CUP	CUP	
Personal services	P	—	—	P (4)	P	
Personal services, employees only	P	—	—	—	—	
Personal services in mixed use project	CUP	—	—	—	—	
Repair service - Equipment, appliances, etc. - Indoor	P	—	—	—	P	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	P	
Repair service - Small appliances	P	—	—	—	P	
Vehicle services - Minor maintenance/repair	P	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

- Notes:**
- (1) See Article 35.11 (Glossary) for land use definitions.
 - (2) Development Plan approval may also be required; see Section 35.26.030.C.
 - (3) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
 - (4) Limited to barber and beauty shops, and shoe sales and/or repair stores.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	---	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
LAND USE (1)	MU	NTS	OT-R	OT-R/LC	OT-R/GC	Specific Use Regulations
Agricultural product transportation facility	---	CUP	---	---	---	35.36.040.B.2
Airstrip, public	CUP	---	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	---	CUP	CUP	CUP	
Airstrip, temporary	---	---	---	---	---	
Boat launching facility accessory to approved recreation use	---	---	---	---	---	
Drainage channel, water course, storm drain, less than 20,000 sf	P	---	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	P	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	---	MCUP	MCUP	MCUP	
Electrical substation - Major	---	---	---	---	---	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (6-5)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (6-5)	MCUP	MCUP	MCUP	MCUP	MCUP	
Freeways and related facilities	---	---	---	---	---	
Heliport	CUP	---	CUP	CUP	CUP	
Parking facility, conjunctive use	CUP	---	---	---	---	35.36.120
Parking facility, public or private	P	---	P	---	P	
Pier, dock	---	---	---	---	---	
Pipeline - Oil and gas	P	---	P	P	P	35.5
Public utility facility	CUP	---	CUP	CUP	CUP	
Public works or private service facility	CUP	---	MCUP	MCUP	MCUP	
Railroad	---	---	---	---	---	
Road, street, less than 20,000 sf total area (6-5)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (6-5)	P	MCUP	P	P	P	
Roadside rest area operated by a governmental agency	---	---	---	---	---	
Sea wall, revetment, groin, or other shoreline structure	---	---	---	---	---	
Telecommunications facility	S	S	S	S	S	35.44
Transit station or terminal	---	---	---	---	---	
Truck and freight terminal - Temporary	---	---	---	---	---	
Truck and freight terminal - Permanent	---	---	---	---	---	
Underground gas storage	---	---	---	---	---	
Utility service line with less than 5 connections (4)	---	P	---	---	---	
Utility service line with 5 or more connections (4)	---	MCUP	---	---	---	
Vehicle inspection station, permanent, governmental	---	---	---	---	---	
Wind turbines and wind energy systems	S	S	S	S	S	35.57

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

Notes:

- See Article 35.11 (Glossary) for land use definitions.
- Development Plan approval may also be required; see Section 35.26.030.C.
- Use is subject to the standards of the PU zone.
- Does not include lines outside the jurisdiction of the County.
- Not allowed in the VC overlay.
- Not applicable to facilities constructed by the County outside of the Coastal Zone.
- In the Coastal Zone, use limited to the La Goleta gas storage reservoir site (APN 071 210 001), see Subsection 35.26.070.G (Underground Gas Storage in the Coastal Zone).

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

WATER SUPPLY & WASTEWATER FACILITIES

Bulk water importation facilities	—	—	—	—	—	
Desalination facility, serving less than 15 connections	—	—	—	—	—	
Desalination facility, 15 to less than 200 connections	—	—	—	—	—	
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P (3)	P	P (3)	P (3)	P (3)	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	P (3)	MCUP	P (3)	P (3)	P (3)	
Reservoir, less than 20,000 sf total development	P —	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P —	MCUP	P	P	P	
Reservoir, 50,000 sf or more total development	MCUP —	MCUP	MCUP	MCUP	MCUP	
Sewage treatment facilities - Central plant	—	—	—	—	—	
Wastewater treatment system, individual, alternative	MCUP —	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment system, individual	E —	P	E	E	E	
Wastewater treatment facility, less than 200 connections	CUP —	CUP	CUP	CUP	CUP	
Water diversion project	P —	MCUP	P	P	P	
Water extraction - Commercial	CUP —	—	CUP	CUP	CUP	
Water or sewer system pump or lift station (4)	—	P	—	—	—	
Water supply, treatment, storage facilities - Central plant	—	—	—	—	—	
Water system with 1 connection	E —	P	E	E	E	
Water system with 2 to less than 5 connections	P —	MCUP	P	P	P	
Water system with 5 or more connections (5)	MCUP —	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E —	P	—	—	—	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Limited to wastewater pipelines; see Article 35.5 for development standards.
- (4) ~~In the Inland area,~~ Such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) ~~In the Coastal Zone, limited to less than 200 connections.~~

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.26.040, Special Purpose Zones Development Standards, of Chapter 35.26, Special Purpose Zones, to read as follows:

35.26.040 - Special Purpose Zones Development Standards

A. **General standards.** Development within the Special Purpose zones shall be designed, constructed and established in compliance with the requirements in Table 2-26 (Special Purpose Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~