



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 3, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Renee Brooke, AICP, City Planner
Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Lisa Arroyo, Waste Water Systems Manager
Kathleen Kennedy, Associate Planner
JoAnne LaConte, Assistant Planner
Kathleen Goo, Commission Secretary

II. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Ms. Gularte made the following announcements:

1. The Planning Commission of April 7, 2016, previously announced as being cancelled, will remain on the schedule as a Planning Commission meeting.
2. The Planning Commission's decision on 251 S. Hope Avenue has been appealed to City Council and will be heard on April 26, 2016.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. February 11, 2016

2. PC Resolution No. 004-16
1211 Serra Vista Lane

MOTION: Thompson/Schwartz

Approve the minutes and resolution.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Jordan) Absent: 0

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 3:03 P.M.

APPEAL BY ANDERS TROEDSSON OF THE STAFF HEARING OFFICER'S DECISION OF THE APPLICATION OF ANDERS TROEDESSON, APPLICANT FOR ROBERT AND GRACE GULOCK REVOCABLE TRUST, 941 MEDIO ROAD 029-321-016, E-1 SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 3 DU/ACRE) (MST2015-00344)

The 10,690 square-foot site is currently developed with a 1,215 square foot single family residence, a 77 square foot basement, a 331 square foot detached garage, a detached 62 square foot shed and a trellis. The proposed project involves demolition of the existing garage, trellis and shed, and 16 square feet of the existing residence; construction of 1,278 square feet of additions to the dwelling, a 208 square foot basement addition, a new 419 square foot two-car garage, new decks and a new stairway. The proposal also includes a new CMU pool equipment enclosure, new condenser units, new retaining walls, new fencing, a new trash enclosure, new swimming pool, restoration of an historic sandstone cap and pier wall and associated grading for the project. The proposal will address violations outlined in a Zoning Information Report (ZIR2014-00443). The proposed total of 3,181 square feet is 83% of the maximum required floor to lot area ratio.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow a new garage, additions, and alterations to the dwelling including roof alterations, new doors and windows, a trash area, condensing units and a pool equipment enclosure with pool equipment within the required 30-foot front setback facing Ferrelo Road to the northwest of the property (SBMC § 28.15.060 and SBMC § 28.92.110); and

2. A Front Setback Modification to allow additions and alterations to the dwelling including new doors and windows, a new deck and a new stairway within the required 30-foot front setback and to allow a new swimming pool within the required 15-foot front setback facing Medio Road to the southwest of the property (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. An Interior Setback Modification to allow a condensing unit and a pool equipment enclosure with pool equipment within the required 10-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110).

On December 9, 2015, the Staff Hearing Officer partially approved the Modification requests subject to several conditions. The appellant is appealing a condition that limits the encroachment into the Medio Road front setback to a maximum of 13 feet.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

Case Planner: JoAnne LaConte, Assistant Planner
Email: JLaConte@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 3320

JoAnne LaConte, Assistant Planner, gave the Staff presentation.

Anders Troedsson, Architect, gave the Appellant/Applicant presentation.

Chair Campanella opened the public hearing at 3:27 P.M., and with no one wishing to speak, the public hearing was closed.

MOTION: Thompson/Schwartz (00:49)

Assigned Resolution No. 006-16

Approve the appeal, making the findings as outlined in the Staff Report, dated February 25, 2016, subject to the Conditions of Approval on pages 5 and 6 of the Staff Report with the revision to exclude Condition G.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

IV. **NEW ITEM:**

ACTUAL TIME: 1:49 P.M.

**APPLICATION OF LISA ARROYO AND RAYNE OF SANTA BARBARA, INC.,
APPLICANTS FOR CITY OF SANTA BARBARA, 520 E. YANONALI STREET,
APN 017-113-016 OM-1/SD-3 (OCEAN-ORIENTED LIGHT
MANUFACTURING/COASTAL OVERLAY) ZONES, GENERAL PLAN
DESIGNATION: INSTITUTIONAL, LOCAL COASTAL PLAN DESIGNATION:
MAJOR PUBLIC AND INSTITUTIONAL (MST2014-00199)**

The project consists of a new brine water discharge facility in the southwest corner of the El Estero Waste Water Treatment Plant. Brine water would be trucked to the site by Rayne of Santa Barbara, Inc. (or other authorized company), discharged into the new facility, and released into the Pacific Ocean via the existing ocean outfall conveyance system.

The project includes the installation of a new 4-inch stainless steel discharge pipe with hose adaptor onto the northern wall of the existing ocean outfall mixing box structure, and a new three-foot by three-foot pre-cast concrete basin beneath the hose adaptor to catch any spills during discharge. An interim digital display meter would be installed on the existing control panel located on the easterly side of the outfall mixing box structure. In the near future, in coordination with the City, this equipment would be upgraded to provide automation of testing equipment and reporting. A small 1-inch sampling line, for testing purposes, would be installed underground and would extend from the southeast corner of the structure approximately 15 feet to one of the new City-installed 6-inch discharge conduits.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2014-00009) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
2. A Conditional Use Permit to allow the proposed use in the OM-1 Zone (SBMC Section 28.73.030 and SBMC Chapter 28.94).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines §15303 (New Construction or Conversion of Small Structures).

Contact: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Li Lisa Arroyo, Waste Water Systems Manager, Public Works Department, was available to answer questions. Vern Williams and Autumn Malanca of Flowers and Associates, Inc. representing Rayne of Santa Barbara, Inc. were also present.

Chair Campanella opened the public hearing at 2:02 P.M., and with no one wishing to speak, closed the hearing.

MOTION: Pujo/Jordan

Assigned Resolution No. 007-16

Approved the project, making the findings that the project is exempt from further Environmental Review and for the Coastal Development Permit and Conditional Use Permit, as outlined in the Staff Report, dated February 25, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Revise Condition B.1. to include the sentence at the end: “No new lighting is proposed.”
2. Revise Condition D.3. Riparian Protection (MMRP BIO-15) to include an additional sentence: “All construction related activities are limited to daylight hours only.”
3. Revise Condition B.2. to include “at a minimum” before “as a level Three Substantial Conformance Determination (Planning Commission Lunch Meeting) request.”

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

V. ENVIRONMENTAL HEARING:

ACTUAL TIME: 2:33 P.M.

ENVIRONMENTAL HEARING TO TAKE PUBLIC COMMENT ON A DRAFT MITIGATED NEGATIVE DECLARATION FOR 1925 EL CAMINO DE LA LUZ

A Draft Mitigated Negative Declaration (DMND) has been prepared for the 1925 El Camino de la Luz residence project, pursuant to the California Environmental Quality Act which evaluates environmental impacts of the proposed project.

The project proposes construction of a 3,101 square foot three-story single-family residence and two-car garage, along with associated infrastructure improvements, and native vegetation restoration and landscaping. The development would entail initial demolition and removal of existing infrastructure and debris. Site stabilization and foundation design would utilize deep caissons into bedrock, shear-pins, and tie backs. The project proposes dedication to the City of a lateral public recreational access easement across the beach area of the parcel, an open space easement on the lower coastal bluff and native vegetation area, and an air space public view corridor easement from El Camino de la Luz over the residence toward the ocean. The duration of the demolition, grading, slope stabilization, and construction process is estimated at 94 weeks (1.8 years). The project requires City approval of a Coastal Development Permit.

The hearing was to receive public and Commission comment on the draft environmental document only. No action on the environmental document or project permit request was taken by the Planning Commission at this hearing. The public review period for the DMND extends through March 10, 2016.

Contact: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation reviewing the project and Draft Mitigated Negative Declaration, and acknowledged that numerous public comments had been received prior to and at the hearing that will be considered in preparation of the final environmental document. Barbara Shelton, Environmental Analyst, was available to answer Commissioners questions.

Commissioners requested clarifications and discussed the following issues, with responses by Staff and Applicant:

- The relation between policy consistency and environmental impacts.
- The definitions of shoreline protective devices and slope stabilization devices as applied in coastal policies.
- Legal takings provisions and applications
- Instances of permitted structures later failing and City liability

Clay Aurell, Architect, led the Applicant presentation. The Applicant team consisted of Steve Kaufman, Attorney; Pat Shires, Geotechnical Engineer; Richard Monk, Attorney; and Thomas Felkay, Owner, who were all available to answer Commissioners questions.

Chair Campanella opened the public hearing at 3:55 P.M.

The following people commented on the project:

1. Julie Dorn, neighbor on El Camino de la Luz, is concerned that erosion and slides could result from the project with a natural disaster or with drilling into bedrock. She stated that the top of bluff is located further up, and expressed concern about machinery and staging on the adjacent lot during project construction.
2. Tom Morrison, neighbor on El Camino de la Luz, submitted written documentation and photographs. Mr. Morrison noted that prior geologist studies clearly identify the upper area as the top of bluff. He discussed a prior Coastal Commission report on the landslide, the Doolittle case, and a deed restriction condition for no additional structures without approval of Coastal Commission. Scott Wiscomb yielded his speaking time to Mr. Morrison.
3. Nancy Brock, contiguous neighbor to the east on El Camino de la Luz, believes that safety is paramount and is concerned with the staging area for the project and the weight of construction materials and activity on the project site. She is also concerned with the construction mess, as experienced by a prior Felkay project, with the close

proximity to her home. As a witness to the 1978 landside, she had not heard anything about a sewage leak. Bruce Peterson yielded his speaking time to Ms. Brock.

4. Lesley Wiscomb, neighbor across the street on El Camino de la Luz, opposes the project and has objections on grounds of visual resources, noise, transportation and circulation, water quality and hydrology, and geology and soils. Sea level rise and sea cliff erosion will continue to change the face of coastal landscapes. The health, safety, welfare and lives of others should not be jeopardized for the sake of someone building their dream home. She finds the MND to be inadequate in addressing these concerns and impacts.
5. Robert Stenson, neighbor west of project site, referenced construction activity to a neighboring home that impacted their water line and caused significant water leakage. The cost of repairs was over \$2,000. Though the site has been referenced as stable, he asked what is in place to stabilize surrounding homes and who will take financial responsibility for construction damage to the site from vibrations and underground cracks and leaks.

With no one else wishing to speak, the public hearing was closed at 4:23 P.M.

The Commissioners made the following comments:

Commissioner Higgins:

- When the document returns, clarify in the land use section whether or not there is a deed restriction on the property.
- In the visual resources section, he suggests adding a photo simulation from the ocean.
- Include a discussion of the Mesa sewer truck line in the document.

Commissioner Jordon

- He would like to hear more discussion when the project returns, and made the following suggestions to the applicant:
 - Suggested that Mr. Shires be at the subsequent hearing; and
 - Clarify how a top of bluff changes after a collapse; and
 - Address the safety and stability concerns voiced by the neighboring properties concerned with construction activity and in the long term; and
 - Explain how drilling will be accomplished in the absence of pounding caissons, and
 - Further explanation of Storm Water Management Plan (SWMP) Tier 3 and how water will be pre-treated before discharge, and
 - He would not adopt the construction days and hours that are currently in the CEQA document; and
 - More on the adjacent parcel and how it will be used during and after project construction; and
 - Ingress and egress over driveways that are not in the best of condition; and

- Recommends neighborhood outreach. Support letters from out of the area are not as meaningful as letter received from people in the project zip code.

Commissioner Pujo

- Referenced page 6 of the MND, Visual, and agrees with Commissioner Higgins that the view from the beach needs to have a visual study.
- Referenced the Geology section of the MND, Geology:
 - On pages 17-18, noted that conflicts with policies could also be a reason to determine a significant impact; and
 - On page 20, disagreed with reference to potential takings and the Coastal Act, Section 30010 and does not see that it has a place in the MND; and
 - There are a number of references to landslide potential that were done during the Doolittle project and more information that led to the Safety Element policies that were prepared with expertise that determined how sensitive or how vulnerable this area is to landslides, erosion, and slope failure. Activity is episodic and not that simple to determine. She referenced many reports and asserted that in her view they conflict with reports that the Applicant is providing. Because of the conflicts, Staff should flesh this out in an EIR with providing alternatives to address the severity in geology.
- Referenced Public Services on page 27 stating that she would like to see what kind of effect this work and project has potentially, or in the future, on the Mesa sewer trunk line.
- Referenced Recreation section on page 30 stating that she was concerned with item 10.(b) and does not agree that the open space easement is a Class 4 beneficial impact or that any Class 4 impact should be referenced or discussed in an MND. If it is an EIR, then it could be considered as a beneficial impact and included.
- Referenced Water Quality on page 33, subsections b, c, and d, recognizing that storm water quality management plans are required at the building stage, and should not be included as required mitigation. In the absence of specifics in the project description and plans, she suggests inclusion as a recommended Class 3 measure.
- Referenced Land-Use on page 37, Item b, stating that she does not agree with the Class 3 less than significant impact. There are several policies that are inconsistent and relate to some of the polies discussed today, such as Safety Element policies regarding hazards (pages 23-25). This is also not consistent with section 30235 of Coastal Act as the construction proposed will alter natural shoreline processes. This is also in conflict with section 30253 of the Coastal Act and in potential conflict with section 30250. There is also inconsistency with our Local Coastal Plan, policies 8.2 and 9.1.
- Referenced Mandatory Findings of Significance on page 37, encouraging staff to go through the checklist. She has concerns over sections (a) which in her view

should be checked as 'yes' the project does have the potential to degrade the quality of the existing environment due to the degree of alteration and manufactured change to existing baseline conditions; and (b) the incremental effects are cumulatively considerable.

Commissioner Schwartz:

- Referenced Geology on page 17, stating that she would like to see terminology further described such as 'landslide deposits', 'earthquake fault zone hazards', and 'liquefaction and expansive soils'.
- Would like analysis peer reviewed by a geology expert.
- Does not think that building code regulations in place adequately addresses the geologic and seismic hazards. A less than significant impact is not adequately supported.
- Agrees with Commissioner Pujo that there are conflicts with the Safety Element and the Local Coastal Plan policies that are not resolved.
- Referenced Land Use Planning on page 37 and the letter received by the California Coastal Commission (CCC) and stated that she would like the letter received by the CCC fully analyzed.
- Referenced Mandatory Findings of Significance, stating that Staff needs to add justification to support the 'no' check marks and adequacy of the MND.
- The MND does not provide for alternatives that could bring down some of the impacts to less than significant or provide mitigations that are not included in the document.

Commissioner Thompson:

- The MND is a good start and does cover things adequately.
- Other Commissioner comments have provided suggestions for enhancing the Geology section.

Commissioner Campanella:

- Concurs with other Commissioner comments that the Geology analysis needs to have the best available information.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:53 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported that the March 2, 2016 Staff Hearing Officer meeting had been cancelled.

2. Other Committee and Liaison Reports
 - a. Commissioner Campanella reported on the Architectural Board of Review meeting of February 29, 2016.
 - b. Commissioner Lodge reported on the Historic Landmarks Commission meeting of February 24, 2016.
 - c. Commissioner Campanella reminded everyone that it was First Thursday and encouraged everyone to enjoy the events.

VII. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:58 P.M.

Reviewed by video and submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-16

941 MEDIO ROAD

FRONT SETBACK MODIFICATIONS, INTERIOR SETBACK MODIFICATION

MARCH 3, 2016

APPEAL BY ANDERS TROEDSSON OF THE STAFF HEARING OFFICER'S DECISION OF THE APPLICATION OF ANDERS TROEDSSON, APPLICANT FOR ROBERT AND GRACE GULOCK REVOCABLE TRUST, 941 MEDIO ROAD 029-321-016, E-1 SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 3 DU/ACRE) (MST2015-00344)

The 10,690 square-foot site is currently developed with a 1,215 square foot single family residence, a 77 square foot basement, a 331 square foot detached garage, a detached 62 square foot shed and a trellis. The proposed project involves demolition of the existing garage, trellis and shed, and 16 square feet of the existing residence; construction of 1,278 square feet of additions to the dwelling, a 208 square foot basement addition, a new 419 square foot two-car garage, new decks and a new stairway. The proposal also includes a new CMU pool equipment enclosure, new condenser units, new retaining walls, new fencing, a new trash enclosure, new swimming pool, restoration of an historic sandstone cap and pier wall and associated grading for the project. The proposal will address violations outlined in a Zoning Information Report (ZIR2014-00443). The proposed total of 3,181 square feet is 83% of the maximum required floor to lot area ratio.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow a new garage, additions, and alterations to the dwelling including roof alterations, new doors and windows, a trash area, condensing units and a pool equipment enclosure with pool equipment within the required 30-foot front setback facing Ferrelo Road to the northwest of the property (SBMC § 28.15.060 and SBMC § 28.92.110); and
2. A Front Setback Modification to allow additions and alterations to the dwelling including new doors and windows, a new deck and a new stairway within the required 30-foot front setback and to allow a new swimming pool within the required 15-foot front setback facing Medio Road to the southwest of the property (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. An Interior Setback Modification to allow a condensing unit and a pool equipment enclosure with pool equipment within the required 10-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110).

On December 9, 2015, the Staff Hearing Officer partially approved the Modification requests subject to several conditions. The appellant is appealing a condition that limits the encroachment into the Medio Road front setback to a maximum of 13 feet.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 25, 2016
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the appeal making the following findings and determinations:

- A. The Planning Commission finds that the Front Setback Modification facing Ferrelo Road (northwest elevation is consistent with the purpose and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed alterations and additions to the dwelling and the new garage are appropriate because of the site constraints associated with the current development on site, the undersized and irregular shape of the lot, the two front setbacks and because the alterations, additions and new garage, condensing units, and trash enclosure are not anticipated to adversely impact the adjacent neighbors.
- B. The Planning Commission finds that the Front Setback Modification facing Medio Road (southwest elevation) for the proposed additions, alterations, and improvements is consistent with the purpose and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed alterations and addition to the dwelling are appropriate because of the site constraints associated with the current development on site, the undersized and irregular shape of the lot, the two front setbacks and because the alterations and additions are not anticipated to adversely impact the adjacent neighbors.
- C. The Planning Commission finds that the Interior Setback Modification for the pool equipment enclosure with pool equipment is not consistent with the purpose and intent of the Zoning Ordinance and is not necessary to secure appropriate improvements on the lot. The proposed location of the pool equipment enclosure with pool equipment is not appropriate, as they do not provide adequate setbacks from the interior property line and because there are other conforming locations on site where the items could be constructed that would not require modification approval.

II. Said approval is subject to the following conditions:

- A. The violations outlined in ZIR2014-00443 shall be abated as part of this permit and shall be included in the Scope of Work.
- B. The historic sandstone cap and pier wall shall be restored subject to review and approval by the City Historian.
- C. An Administrative Exception shall be obtained for the proposed over height walls and fences on the property.
- D. The existing hedge within the public right-of-way of Medio Road shall be removed or an Encroachment Permit shall be obtained prior to the issuance of a building permit for the project.
- E. The existing fence within the Media Road public right-of-way shall be removed.

F. The existing driveway and associated curb cut on Medio Road shall be removed as part of this project. The existing curb along Medio Road shall be extended in the area of the removed driveway.

~~G. The proposed living room/dining area addition within the required front setback of Medio Road shall not encroach more than 13 feet into the required front setback of Medio Road.~~

H.G. The condensing units and pool equipment shall comply with the City's Noise Ordinance requirements and the noise spec information with decibel levels for the units shall be reproduced on the plans submitted for building permit.

H.H. The following language shall be added to the plans submitted for building permit:

“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If a discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

This motion was passed and adopted on the 3rd day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No. 006-16
941 MEDIO ROAD
MARCH 3, 2016
PAGE 4

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-16

520 E. YANONALI STREET

COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT

MARCH 3, 2016

APPLICATION OF LISA ARROYO AND RAYNE OF SANTA BARBARA, INC., APPLICANTS FOR CITY OF SANTA BARBARA, 520 E. YANONALI STREET, APN 017-113-016 OM-1/SD-3 (OCEAN-ORIENTED LIGHT MANUFACTURING/COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: INSTITUTIONAL, LOCAL COASTAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2014-00199)

The project consists of a new brine water discharge facility in the southwest corner of the El Estero Waste Water Treatment Plant. Brine water would be trucked to the site by Rayne of Santa Barbara, Inc. (or other authorized company), discharged into the new facility, and released into the Pacific Ocean via the existing ocean outfall conveyance system.

The project includes the installation of a new 4-inch stainless steel discharge pipe with hose adaptor onto the northern wall of the existing ocean outfall mixing box structure, and a new three-foot by three-foot pre-cast concrete basin beneath the hose adaptor to catch any spills during discharge. An interim digital display meter would be installed on the existing control panel located on the easterly side of the outfall mixing box structure. In the near future, in coordination with the City, this equipment would be upgraded to provide automation of testing equipment and reporting. A small 1-inch sampling line, for testing purposes, would be installed underground and would extend from the southeast corner of the structure approximately 15 feet to one of the new City-installed 6-inch discharge conduits.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2014-00009) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
2. A Conditional Use Permit to allow the proposed use in the OM-1 Zone (SBMC Section 28.73.030 and SBMC Chapter 28.94).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines §15303 (New Construction or Conversion of Small Structures).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 25 2016
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act, as described in Section VII (C) of the Staff Report. This includes, but is not limited to, consistency with requirements that environmentally sensitive habitat areas (ESHA) be protected and that proposed development should neither preclude services to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, nor preclude public recreation, commercial recreation, or visitor-serving land uses. The project would be consistent with these policies.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VII (B) of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.1, 6.2, 6.8, 6.9 and 6.10, which serve to protect biological productivity and water quality of the City's riparian resources and LCP Policy 9.1, which protects views to, from, and along the ocean and scenic coastal areas.

B. **CONDITIONAL USE PERMIT (SBMC SECTION 28.73.030 AND SBMC CHAPTER 28.94)**

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.
The brine water discharge facility is desirable at the proposed location because the existing ocean outfall conveyance system has the hydraulic capacity to accept brine water from Rayne and/or other water conditioning companies. Disposal of the brine water at the proposed location is a public convenience that is compatible with the Local Coastal Plan, as described in Section VII (B) of the Staff Report.
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.
The proposed use is compatible with the existing wastewater treatment plant, which is located near industrial and commercial uses and therefore, will not impact the neighborhood.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.
The proposed equipment is minor in nature, is compatible with the onsite built environment, and will have no impact on the surrounding properties.
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

Adequate access to the site is available for delivery trucks. No additional parking spaces are required since the use involves delivery only and adequate space is available onsite for trucks to discharge the brine water into the brine water discharge facility.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The proposed use involves the installation of equipment that would be compatible with the existing mixing box structure and the surrounding built environment on the project site. No open space restrictions are necessary with the proposed project.

6. Compliance with any additional specific requirements for a conditional use permit.

The proposed project would also be subject to the requirements of the RWQCB permit and the Agreement between Rayne of Santa Barbara, Inc. (or other authorized companies) and the City of Santa Barbara.

7. The use is compatible with ocean-dependent or ocean-related uses.

The use is compatible with the existing desalination plant facility that currently allows discharging of brine water and is ocean-dependent.

8. The property would have no feasible economic value if limited to ocean-dependent or ocean-related uses. This finding shall be substantiated by competent evidence determined by the Planning Commission to be objective which includes no present or future demand for ocean-dependent or ocean-related uses.

The property is currently being used as a wastewater treatment plant and desalination facility. The new brine water discharge facility used to accept brine water from offsite would not preclude the use of the site for other ocean-dependent or ocean-related uses.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Permits - Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Written Agreement.** The Applicant shall submit a letter to the Planning Division indicating the following:
1. **Approved Development.** The development approved by the Planning Commission on March 3, 2016 is limited to a new brine discharge facility consisting of a new discharge pipe with hose adaptor on the existing ocean outfall mixing box structure, a small 1-inch sampling line, for testing purposes, installed underground extending from the southeast corner of the structure approximately 15 feet to one of the new City-installed 6-inch discharge conduits and related improvements, as shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. No new lighting is proposed.
 2. **Use Limitations.** Although Rayne is a co-applicant for this project, and would install the necessary equipment, other companies would be allowed to use the brine discharge facility at the discretion of the City of Santa Barbara. In the event that the City desires to enter into an agreement with a company that would result in more than a total of 18 large truck or 45 small truck deliveries per week, the proposal shall be reviewed, at a minimum, as a Level Three Substantial Conformance Determination (Planning Commission Lunch Meeting) request.
- C. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Community Development Department.**
 - a. **Written Agreement.** Provide the written instrument that includes all of the conditions identified in Condition B “Written Agreement” to the Community Development Department prior to issuance of any building permits.
 - b. **Contract with Biologist.** Submit a contract with a City approved qualified biologist to perform the pre-construction nesting bird survey and construction monitoring as described in Conditions D.1 and D.2. The contract shall be subject to the review and approval of the Environmental Analyst.
 - c. **Contractor and Subcontractor Notification.** The Applicant shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
 - d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Applicant	Date	License No.
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant and/or Contractor for the duration of the project construction.
1. **Pre-construction Nesting Bird Survey (MMRP BIO-12).** A pre-construction survey for nesting birds shall be conducted by a qualified biologist to determine if active nests of special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 300 feet of the construction zone. The survey shall be conducted within one week prior to construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 30).
 2. **Nesting Bird Buffers and Requirements (MMRP BIO-13).** If active nests are found, a no construction buffer shall be established at a minimum of 100-foot (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) around the nest site where it overlaps with work areas. Clearing and construction within no-construction buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. In addition, all active nests shall be mapped with a GPS unit and nest locations with 100-foot buffers overlain on aerial photographs to provide regular updated maps to inform the Project manager/engineer and construction crew of areas to avoid. The City approved biologist should also serve as a construction monitor during the breeding season to ensure that there are no inadvertent impacts to nesting birds.
 3. **Riparian Protection (MMRP BIO-15).** All construction-related activities, including, but not limited to demolition, construction, staging area, and access routes shall be located a minimum of 50-feet from riparian habitat associated with Laguna Channel and El Estero Swale, when possible. In locations where the construction activities encroach within this buffer, it is important to provide further protection to riparian vegetation and the wetland and aquatic habitats of Laguna Channel to the greatest extent possible. Specifically, these protection measures shall include the following:
 - a. The Contractor shall establish a temporary barrier between riparian habitat using highly visible construction fencing to ensure that trees and other vegetation are visible during construction. It is recommended that the fencing be placed along the access road, just to the west of the curb.

- b. The Contractor shall install road signs along the western access route that notify drivers of sizeable vehicles/construction equipment (cranes, drilling rigs, water and concrete trucks, etc.) that sensitive riparian trees and vegetation occur adjacent to the road and work site.
- c. When sizeable construction equipment is working near riparian vegetation, it is highly encouraged that flaggers are utilized to assist in equipment positioning to avoid riparian impacts during construction activities.
- d. If direct impacts to riparian vegetation cannot be avoided, a CDFW Streambed Alteration Agreement (SAA) pursuant to Section 1600 et seq. of the California Fish and Game Code should be acquired before initiation of construction.

d.e. All Construction related activities are limited to daylight hours only.

- 4. **Best Management Practices (BMPs) (MMRP BIO-14).** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during demolition and drilling to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures should be implemented to prevent runoff of these materials into Laguna Channel and El Estero Swale. Silt fencing, straw bales, and/or sand bags should be used in conjunction with other methods to prevent turbid waters from entering stream channels.

During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could enter the sanitary sewer system, Laguna Channel or El Estero Swale.

- 5. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering Divisions, Community Development Department Building and Planning Divisions, the Creeks Division, the approved Biologist, Contractor and each Subcontractor.
- 6. **Construction Storage / Staging.** Construction vehicle / equipment / materials storage and staging shall be done on-site. No parking or storage shall be permitted within the identified “no disturbance buffer” adjacent to the Laguna Creek Channel, unless specifically permitted by the Creeks Division.
- 7. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site.
- 8. **Biological Compliance Report.** The City-approved biologist shall submit a report at time of project completion regarding compliance with Conditions D.1 and D.2 to the Community Development Department.
- 9. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition,

trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

E. General Conditions

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions

of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

IV. NOTICE OF CONDITIONAL USE PERMIT TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit Amendment shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 3rd day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 10, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
 Danny Kato, Senior Planner
 Susan Reardon, Senior Planner
 Ashleigh Shue, Supervising Engineer
 Cameron Benson, Creeks Restoration/Clean Water Manager
 N. Scott Vincent, Assistant City Attorney
 Dan Gullett, Supervising Transportation Planner
 Steven Greer, Project Planner
 Allison De Busk, Project Planner
 Jessica Grant, Project Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
 None.
- B. Announcements and appeals.
 None.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:
1. February 18, 2016
 2. PC Resolution No. 005-16
 251 S. Hope Avenue

MOTION: Thompson/Schwartz

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 2 (Campanella, Lodge). Absent: 0

D. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:03 P.M.

APPLICATION OF DON SWANN, DESIGNER FOR MICHAEL AND JAMI GOTT, 1417 SAN MIGUEL AVENUE, APN 045-132-006, E-3/SD-3 (ONE FAMILY RESIDENCE/COASTAL) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX.5 DU/ACRE) (MST2015-00426)

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and an uncovered parking space. The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway. The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Contact: Danny Kato, Senior Planner

Email: DKato@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2567

Danny Kato, Senior Planner, gave the Staff presentation.

Don Swann, Designer, gave the appellant presentation, joined by Michael Gott, Owner.

Chair Campanella opened the public hearing at 1:23 P.M., and with no one wishing to speak, the public hearing was closed.

MOTION: Jordan/Schwartz

Assigned Resolution No. 008-16

Denied the appeal and uphold the decision of the Staff Hearing Officer to deny the Front Setback Modification, making the findings in the Staff Report dated March 3, 2016.

This motion carried by the following vote:

Ayes: 6 Noes: 1 (Thompson) Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

Chair Campanella called for a recess at 2:16 P.M and reconvened the meeting at 2:30 P.M.

IV. **CONTINUED ITEM:**

ACTUAL TIME: 2:30 P.M.

APPLICATION OF THE PARKER FAMILY FOR 433 EAST CABRILLO BOULEVARD (WATERFRONT HOTEL), APN 017-680-009, ZONING DESIGNATION: HOTEL AND RELATED COMMERCE/ PARK PLAZA SPECIFIC PLAN/ COASTAL ZONE OVERLAY (HRC-2/SP-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED COMMERCIAL/ MEDIUM HIGH RESIDENTIAL, LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE; AND 103 SOUTH CALLE CESAR CHAVEZ (HOTEL PARKING LOT), APN 017-113-020, ZONING DESIGNATION: OCEAN-ORIENTED LIGHT MANUFACTURING/ COASTAL ZONE OVERLAY (OM-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED INDUSTRIAL, LOCAL COASTAL PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2013-00371)

Continued review of a request for a Development Agreement and an associated Ordinance Amendment related to Transfer of Existing Development Rights. The Planning Commission reviewed this item on January 7, 2016 and continued it with direction to the applicant to incorporate changes and address Planning Commission comments.

On August 15, 1995, City Council adopted Ordinance 4920, which included a Development Agreement (DA) and associated conditions of approval for development of the Chase Palm Park expansion, the Waterfront Hotel (433 East Cabrillo Boulevard), and a youth hostel. The DA allowed the Chase Palm Park expansion project to commence immediately and provided the property owner, American Tradition, 12 years to construct the hotel and hostel. In 2007, the City issued building permits for both the 150-room Waterfront Hotel and associated parking lot, and the youth hostel. While the hostel (12 E. Montecito St.) has since been completed, the hotel project has stalled. In order to maintain the existing development rights for the approved hotel and establish the potential and associated process for a revised project, a new DA is being considered. As such, the proposed DA includes the following major components:

- Establishment of a new ten-year term for the DA.
- Acknowledgment of the approved status of the 150-room hotel project, including parking lot, which could continue to be constructed without further discretionary review.

- A provision that all current Building and Public Works permits for the approved hotel project would expire upon the effective date of the DA, and new ministerial permits (consistent with current codes) for the approved project must be issued within five years of the effective date of the DA.
- A provision that if the approved 150-room hotel project is abandoned and a revised hotel project is pursued at any time during the term of the DA, the project would be subject to policies, ordinances, resolutions, codes, rules, regulations and official policies governing development of the site(s) in effect as of the effective date of the DA.
- If a revised hotel project is approved during the term of the DA and it results in less than the currently approved 150 hotel rooms, the Applicant has the ability to propose the transfer of excess rooms or square footage to another parcel, consistent with applicable City ordinance provisions and processes for doing so.

Note: A Development Agreement and Ordinance Amendment require City Council approval at a subsequent public hearing to be scheduled. The purpose of this March 10th hearing is for the Planning Commission to consider the request and environmental document prepared for the project and provide a recommendation to City Council on the following:

1. A Development Agreement to allow an additional ten (10) years to construct the approved 150-room hotel and parking lot, or a revised project (Council Resolution 89-120); and
2. A Zoning Ordinance Amendment (SBMC Chapter 28.95 - Transfer of Existing Development Rights) to defer to the Waterfront Hotel Development Agreement for provisions allowing the applicant to propose the transfer of excess (approved but undeveloped) hotel rooms from the Waterfront Hotel site.

An Addendum to the 1993 Final Environmental Impact Report (EIR) has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164 to address minor changes to the project and EIR analysis. The Planning Commission will consider the Addendum together with the previously certified Final EIR, and consider a recommendation to City Council regarding the adequacy of the environmental review pursuant to CEQA Guidelines Section 15090.

Contact: Allison DeBusk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Suzanne Elledge, Suzanne Elledge Planning and Permitting, gave the Applicant presentation. Also present were Eli Parker and Ashleigh Parker-Snyder, and Graham Lyons, Mullen & Henzell, LLP.

Chair Campanella opened the public hearing at 2:48 P.M., and with no one wishing to speak, the public hearing was closed.

Commissioner Thompson left the dais at 5:05 P.M. and did not return.

MOTION: Pujo/Jordan

Continue to a special meeting on March 24, 2016.

Commissioner Jordan left the dais at 5:40 P.M. and did not return.

Motion was withdrawn for absence of the seconder to the Motion.

Straw poll:

Who agrees with the recommendations as stated?

Ayes 2 (Campanella, Higgins)

Straw Poll:

Who agrees with the recommendations with the removal of section 11.1 from the Development Agreement?

Ayes: 2 (Lodge, Schwartz)

Commissioner Pujo would agree to support the project if some of the language such as the “low/lower income” modifiers on the youth hostel and “luxury” for the hotel were removed. With regard to Section 11.1, if that section was eliminated altogether, she would not be dissatisfied with the Development Agreement. However, she would also be satisfied if additional language was added, such as that proposed by staff earlier that nothing contained therein would obligate the City to approving a proposed transfer and to clarify that any proposal would be reviewed based on the entire record, including the original conditions for the Fess Parker Hotel. She also suggests including a finding of fact in regards to the cap on the number of units at the Fess Parker Hotel.

Graham Lyons, Attorney for the Applicant, asked for, and was granted, two minutes to confer with the applicant team regarding a potential amendment that might help the Commission reach consensus. Following the conference, Mr. Lyons stated that the applicant proposes to remove Section 11.1 from the Development Agreement.

Motion: Lodge/Schwartz

Recommends that City Council make the required planning and CEQA findings and approve the Development Agreement, with the exclusion of Section 11.1., and approve an Amendment to the Zoning Ordinance, Chapter 28.95, related to the Transfer of Existing Development Right, as found in the Staff Report dated March 3, 2016, with the following revisions to the Development Plan:

1. Revise Recital B to read, “Whereas, beginning in the late 1970’s, The City and Fess Parker began working to revitalize the waterfront area and the properties controlled by the Parkers along Cabrillo Boulevard. The City’s and the Parker’s plans for the waterfront came to include a conference center hotel, a waterfront public park, significant public open space, a hostel, and a waterfront hotel; and”
2. Revise Recital V to read, “Whereas, the City and the Parker Family wish to complete the development of the waterfront area in accordance with the Amended Specific Plan, and”
3. Revise Recital X.a. to read, “Dedicated land to enlarge Chase Palm Park,”
4. Revise Recital Z to read, “Whereas, a redesigned hotel may be in the best interest of both the City and the Parker Family as it may have fewer impacts on traffic and public views, and may create more open space, on Parcel B, while continuing to provide a first-class hotel on the City’s waterfront; and”

Commissioner Pujo could agree with the historical references in the Development Agreement, but felt that the modifiers do not fit today, such as the youth hostel is not low-cost, and the hotel may not be luxury. She would like to remove the “low” or “lower cost” and “luxury” or “first class” modifiers out of the Development Agreement, as found on pages 2, 4, 5, 9, and 23. The motion maker and seconder agreed to include the requested changes in the motion.

This motion carried by the following vote:

Ayes: 4 Noes: 1 (Higgins) Abstain: 0 Absent: 2 (Jordan, Thompson)

Commissioner Higgins voted in the minority based on principle and because he believes that the modifiers being removed are factual and should remain in the Development Agreement.

Chair Campanella announced the ten calendar day appeal period.

V. **CONCEPT REVIEW:**

ACTUAL TIME: 6:01 P.M.

APPLICATION OF ASHLEIGH SHUE, SUPERVISING CIVIL ENGINEER FOR CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY RIGHT OF WAY ALONG MODOC ROAD AND LAS POSITAS ROAD, ZONES ADJACENT CITY RIGHT OF WAY INCLUDING: PARK AND RECREATION ZONE WITH COASTAL ZONE OVERLAY (P-R/SD-3), PARK AND RECREATION ZONE (P-R), ONE FAMILY RESIDENCE ZONES (A-1, E-1, E-3), ONE FAMILY RESIDENCE ZONE WITH PLANNED UNIT DEVELOPMENT (E-1/PUD), PLANNED UNIT DEVELOPMENT (PUD 2.5), TWO-FAMILY RESIDENTIAL (R-2), UNINCORPORATED COUNTY PROPERTIES, GENERAL PLAN DESIGNATIONS ADJACENT TO CITY RIGHT OF WAY INCLUDE: PARKS AND OPEN SPACE, LOW DENSITY RESIDENTIAL (5 DU/ACRE), LOW DENSITY RESIDENTIAL (3 DU/ACRE), UNINCORPORATED COUNTY LAND (MST2014-00055)

The proposed project involves design of a 2.6 mile-long separated multiuse pathway for bicyclists and pedestrians in City right of way along Modoc Road from Calle de Los Amigos to Las Positas Road and along Las Positas Road from Modoc Road to Cliff Drive. The project would provide key connections among Santa Barbara's regional Cross-town and Coastal Bike Routes, the neighborhoods adjacent to the path, Elings Park, Arroyo Burro Beach County Park, and the Douglas Family Preserve.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the applicant and staff with feedback and direction regarding the proposed land use and design. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

The discretionary application required for this project a Coastal Development Permit (SBMC § 28.44.060) since a portion of the project is located within the Non-Appealable and Appealable Jurisdiction of the Coastal Zone.

Contact: Ashleigh Shue, Supervising Engineer
Email: AShue@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2507

Contact: Jessica Grant, Project Planner
Email: JGrant@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5338

MOTION: Schwartz/Pujo

Continue to April 14, 2016.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:05 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

None was given.

B. Other Committee and Liaison Reports

None were given.

VII. ADJOURNMENT

Chair Campanella adjourned the meeting at 6:05 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-16

1417 SAN MIGUEL AVENUE

STAFF HEARING OFFICER APPEAL OF FRONT SETBACK MODIFICATION

MARCH 10, 2016

APPLICATION OF DON SWANN, DESIGNER FOR MICHAEL AND JAMI GOTT, 1417 SAN MIGUEL AVENUE, APN 045-132-006, E-3/SD-3 (ONE FAMILY RESIDENCE/COASTAL) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX.5 DU/ACRE) (MST2015-00426)

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and an uncovered parking space. The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway. The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, or appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 3, 2016
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Denied the appeal and upheld the Staff Hearing Officer's decision to deny the subject application.

The Planning Commission finds that the Modification to allow an uncovered parking space within the Front Setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood and three conforming parking spaces currently exist onsite.

This motion was passed and adopted on the 10th day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Thompson) ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No.008 –16
1417 SAN MIGUEL AVENUE
MARCH 10, 2016
PAGE 2

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 009-16

433 EAST CABRILLO BOULEVARD

DEVELOPMENT AGREEMENT AND ZONING ORDINANCE AMENDMENT

MARCH 10, 2016

APPLICATION OF THE PARKER FAMILY FOR 433 EAST CABRILLO BOULEVARD (WATERFRONT HOTEL), APN 017-680-009, ZONING DESIGNATION: HOTEL AND RELATED COMMERCE/ PARK PLAZA SPECIFIC PLAN/ COASTAL ZONE OVERLAY (HRC-2/SP-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED COMMERCIAL/ MEDIUM HIGH RESIDENTIAL, LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE; AND 103 SOUTH CALLE CESAR CHAVEZ (HOTEL PARKING LOT), APN 017-113-020, ZONING DESIGNATION: OCEAN-ORIENTED LIGHT MANUFACTURING/ COASTAL ZONE OVERLAY (OM-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED INDUSTRIAL, LOCAL COASTAL PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2013-00371)

Continued review of a request for a Development Agreement and an associated Ordinance Amendment related to Transfer of Existing Development Rights. The Planning Commission reviewed this item on January 7, 2016 and continued it with direction to the applicant to incorporate changes and address Planning Commission comments.

On August 15, 1995, City Council adopted Ordinance 4920, which included a Development Agreement (DA) and associated conditions of approval for development of the Chase Palm Park expansion, the Waterfront Hotel (433 East Cabrillo Boulevard), and a youth hostel. The DA allowed the Chase Palm Park expansion project to commence immediately and provided the property owner, American Tradition, 12 years to construct the hotel and hostel. In 2007, the City issued building permits for both the 150-room Waterfront Hotel and associated parking lot, and the youth hostel. While the hostel (12 E. Montecito St.) has since been completed, the hotel project has stalled. In order to maintain the existing development rights for the approved hotel and establish the potential and associated process for a revised project, a new DA is being considered. As such, the proposed DA includes the following major components:

- Establishment of a new ten-year term for the DA.
- Acknowledgment of the approved status of the 150-room hotel project, including parking lot, which could continue to be constructed without further discretionary review.
- A provision that all current Building and Public Works permits for the approved hotel project would expire upon the effective date of the DA, and new ministerial permits (consistent with current codes) for the approved project must be issued within five years of the effective date of the DA.
- A provision that if the approved 150-room hotel project is abandoned and a revised hotel project is pursued at any time during the term of the DA, the project would be subject to policies, ordinances, resolutions, codes, rules, regulations and official policies governing development of the site(s) in effect as of the effective date of the DA.
- If a revised hotel project is approved during the term of the DA and it results in less than the currently approved 150 hotel rooms, the Applicant has the ability to propose the transfer of excess rooms or square footage to another parcel, consistent with applicable City ordinance provisions and processes for doing so.

Note: A Development Agreement and Ordinance Amendment require City Council approval at a subsequent public hearing to be scheduled. The purpose of this March 10th hearing is for the Planning Commission to consider the request and environmental document prepared for the project and provide a recommendation to City Council on the following:

1. A Development Agreement to allow an additional ten (10) years to construct the approved 150-room hotel and parking lot, or a revised project (Council Resolution 89-120); and
2. A Zoning Ordinance Amendment (SBMC Chapter 28.95 - Transfer of Existing Development Rights) to defer to the Waterfront Hotel Development Agreement for provisions allowing the applicant to propose the transfer of excess (approved but undeveloped) hotel rooms from the Waterfront Hotel site.

An Addendum to the 1993 Final Environmental Impact Report (EIR) has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164 to address minor changes to the project and EIR analysis. The Planning Commission will consider the Addendum together with the previously certified Final EIR, and consider a recommendation to City Council regarding the adequacy of the environmental review pursuant to CEQA Guidelines Section 15090.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, or appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2015.
2. Staff Report with Attachments, March, 3, 2016.

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Recommends that the City Council make the required planning and CEQA findings and approve the Development Agreement, with the exclusion of Section 11.1, and approve an Amendment to the Zoning Ordinance, Chapter 28.95 related to the Transfer of Existing Development Rights, as found in the Staff Report dated March 3, 2016 with the following revisions to the Development Agreement:
 1. Revise Recital B to read, "Whereas, beginning in the late 1970's, The City and Fess Parker began working to revitalize the waterfront area and the properties controlled by the Parkers along Cabrillo Boulevard. The City's and the Paker's plans for the waterfront came to include a conference center hotel, a waterfront public park, significant public open space, a hostel, and a waterfront hotel; and"
 2. Revise Recital V to read, "Whereas, the City and the Parker Family wish to complete the development of the waterfront area in accordance with the Amended Specific Plan, and"
 3. Revise Recital X.a. to read, "Dedicated land to enlarge Chase Palm Park,"
 4. Revise Recital Z to read, "Whereas, a redesigned hotel may be in the best interest of both the City and the Parker Family as it may have fewer impacts on traffic and public views, and may create more open space, on Parcel B, while continuing to provide a first-class hotel on the City's waterfront; and", and
 5. Removal of "low", "lower-cost", "luxury", or first-class" modifiers from pages 2, 4, 5, 9, and 23 of the Development Agreement.

A. ENVIRONMENTAL REVIEW (CEQA Guidelines §15090, §15162 & §15164)

1. The Planning Commission has reviewed and considered the Addendum, dated January 14, 2016, to the Certified Final Project Environmental Impact Report (EIR) SCH#92091038 along with the Certified EIR and earlier EIR Addenda of June 1995, November 1996, and August 2007, which together constitute environmental analysis for the current project under California Environmental Quality Act (CEQA) provisions; and
2. The Planning Commission finds that the EIR Addendum dated January 14, 2016 has been completed in compliance with CEQA and reflects the Commission's independent judgment and analysis.

B. DEVELOPMENT AGREEMENT (Council Resolution 89-120)

1. The Development Agreement is consistent with the General Plan and Specific Plan, as well as the Local Coastal Plan and Zoning Ordinance, as described in Section IX of the December 21, 2015 Staff Report;
2. The Development Agreement is in substantial conformance with public necessity, convenience, and general welfare and good zoning practices because it will provide additional time for the applicant to develop a hotel in this location, which City plans and policies identify as a desired land use for the site, or will allow the opportunity for a revised hotel to be considered by the City, taking into consideration the significant public improvements that have been made in furtherance of the goals of the Specific Plan and the prior Development Agreement, including the approved project permit conditions of approval, and;
3. The Development Agreement provides assurances to the developer of the right to develop a project in accordance with the terms of the agreement and that adequate consideration is provided by the City that early completion of the public improvements, including the park and circulation improvements provided for more orderly and timely mitigation of traffic and air quality impacts.

This motion was passed and adopted on the 10th day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 1 (Higgins) ABSTAIN: 0 ABSENT: 2 (Jordan, Thompson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 17, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
 Susan Reardon, Staff Hearing Officer
 N. Scott Vincent, Assistant City Attorney
 Daniel Gullett, Supervising Transportation Planner
 Andrew Bermond, Project Planner
 Barbara Shelton, Project Planner
 Kathleen Kennedy, Associate Planner
 Tony Boughman, Assistant Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Ms. Gularte announced that Julie Rodriguez, Planning Commission Secretary was recognized for ten years of service to the City. The Commission expressed appreciation with a standing ovation.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:02 P.M. and, with no one wishing to speak, closed the hearing.

III. **STAFF HEARING OFFICER APPEALS:**

ACTUAL TIME: 1:03 P.M.

**APPLICATION OF RYAN HOWE, 118 NORTH MILPAS STREET, 017-091-016,
C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION:
COMMERCIAL/MED HIGH RESIDENTIAL (MST2015-00319)**

On January 20, 2016, the Staff Hearing Officer approved an application for a Medical Marijuana Storefront Collective Dispensary at 118 North Milpas Street. On January 28, 2016, Mr. Peter Dal Bello filed an appeal of the Staff Hearing Officer's approval. A public hearing will be held for the Planning Commission to hear the appeal of the Staff Hearing Officer's approval of the proposed Medical Marijuana Storefront Collective Dispensary. The project includes operations and security plans, interior floor plan improvements, and minor exterior alterations and landscaping for the existing commercial building.

The discretionary application required for this project is a Storefront Collective Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a), Existing Facilities.

Contact: Tony Boughman, Assistant Planner
Email: TBoughman@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 4539

Tony Boughman, Assistant Planner, gave the Staff presentation. Susan Reardon, Staff Hearing Officer; and Dan Gullett, Supervising Transportation Planner, were available to answer the Commissioners questions.

Pete Dal Bello gave the Appellant presentation.

Ryan Howe, gave the Applicant presentation. Joseph Allen, Attorney; and Bill Wolfe, Architect, were available to answer any of the Commission's questions.

Chair Campanella opened the public hearing at 1:55 P.M.

The following people spoke in support of the appeal:

1. Sebastian Aldana, Jr. (submitted petition with 44 signatures in support of the appeal):
2. Natalia Govoni, Sheer Delights
3. Joseph Newman
4. Pamela Newman
5. Britta Bartels
6. Natasha Todorovic, Milpas Community Association
7. Martha Jaimes
8. Beatriz Molina, Milpas Community Association
9. Rose Aldana, Milpas Community Association

10. Naomi Greene
11. Jesus Perez
12. Stanlee Pannelle Cox

With no one else wishing to speak, the public hearing was closed at 2:21 P.M.

MOTION: Thompson/Lodge

Assigned Resolution No. 010-16

Denied the appeal and upheld the Staff Hearing Officer's decision of approval of the Dispensary with the Staff Hearing Officer's conditions of approval.

Commissioners Schwartz and Pujo asked the motion makers to consider revisions to the conditions of approval included in the motion. The motion makers declined any revisions and kept the motion as made.

This motion carried by the following roll-call vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

Chair Campanella called for a recess at 3:55 P.M. and reconvened the meeting at 4:07 P.M.

IV. **NEW ITEM:**

ACTUAL TIME: 4:07 P.M.

APPLICATION OF SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR DIRECT RELIEF, 6100 HOLLISTER AVENUE (6100 WALLACE BECKNELL ROAD), APN 073-080-065, A-I-1/ SP-6 (AIRPORT INDUSTRIAL/ AIRPORT INDUSTRIAL AREA SPECIFIC PLAN) ZONES, GENERAL PLAN DESIGNATION: AIRPORT (MST2014-00619)

The project consists of a proposal to construct a new 155,000 square foot (net) facility for Direct Relief, a nonprofit organization. The development includes a new 127,706 square foot (net) storage and distribution warehouse with an attached two-story 27,294 square foot (net) administrative office building, a secure truck yard loading area, and 162 parking spaces on a 7.99 acre parcel to be purchased from the City of Santa Barbara Airport. The existing eight buildings totaling 12,937 square feet would be demolished. A new public road is proposed to be constructed immediately south of the project site, which is located in Sub-area 3 of the Santa Barbara Airport Industrial Area Specific Plan (SP-6). The current address is 6100 Hollister Avenue. The new address would be 6100 Wallace Becknell Road.

The discretionary applications required for this project are:

1. A Finding of Consistency with the Santa Barbara Airport Industrial Area Specific Plan (SP-6);

2. Development Plan Approval for the entire project, including an allocation of 118,500 square feet of nonresidential development from the Community Benefit, Small Addition, and Vacant Property Categories (SBMC Chapter 28.85); and
3. Design Review Approval by the Architectural Board of Review (SBMC§22.68.020).
An Addendum to the Santa Barbara Municipal Airport Industrial/Commercial Specific Plan Final Environmental Impact Report/ Assessment has been prepared for the proposed project pursuant to the California Environmental Quality Act Guidelines Section 15164 (Addendum to an EIR).

Contact: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov Phone: (805) 564-5470, extension 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation. Andrew Bermond, Airport Project Planner; Barbara Shelton, Project Planner/Environmental Analyst; and Dan Gullett, Supervising Transportation Planner, were available to answer any of the Commission's questions.

Marti Milan, Principal Civil Engineer, City of Goleta, was also present.

Suzanne Elledge, Suzanne Elledge Planning and Permitting Services, Inc., gave the Applicant presentation joined by Mark Linehan, Direct Relief Board Member; Courtney Jane Miller, Landscape Architect; Thomas Tighe, Direct Relief Chief Executive Officer; David Stone, Archaeologist, Dudek; and Scott Schell, Associated Transportation Engineers.

Chair Campanella opened the public hearing at 4:22 P.M., and with no one wishing to speak the public hearing was closed.

MOTION: Jordan/Thompson

Assigned Resolution No. 011-16

Approved the project, making the findings for environmental review, consistency with the Santa Barbara Airport Industrial Area Specific Plan (SP-6) and Development Plan as outlined in the Staff Report, dated March 10, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Add a new condition that prior to permit issuance the Applicant shall provide funds to the City to facilitate the construction of MTD shelters on th westbound and eastbound bus stop locations and include an agreeable time period for use of the funds.
2. Clarify references to C-1 public improvement drawings with a definition in conditions of approval.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:09 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

a. Commissioner Higgins reported on the Downtown Parking Committee meeting held earlier in the morning.

b. Commissioner Schwartz reported on the Water Commission meeting held earlier in the day.

c. Commissioner Campanella reported on the Architectural Board of Review meeting held on March 14, 2016.

d. Commissioner Campanella reported on the New Zoning Ordinance (NZO) Workshop and Special Planning Commission meeting to be held on Friday, March 18, 2016.

VI. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:14 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 17, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
Susan Reardon, Staff Hearing Officer
N. Scott Vincent, Assistant City Attorney
Daniel Gullett, Supervising Transportation Planner
Andrew Bermond, Project Planner
Barbara Shelton, Project Planner
Kathleen Kennedy, Associate Planner
Tony Boughman, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Ms. Gularte announced that Julie Rodriguez, Planning Commission Secretary was recognized for ten years of service to the City. The Commission expressed appreciation with a standing ovation.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:02 P.M. and, with no one wishing to speak, closed the hearing.

III. **STAFF HEARING OFFICER APPEALS:**

ACTUAL TIME: 1:03 P.M.

**APPLICATION OF RYAN HOWE, 118 NORTH MILPAS STREET, 017-091-016,
C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION:
COMMERCIAL/MED HIGH RESIDENTIAL (MST2015-00319)**

On January 20, 2016, the Staff Hearing Officer approved an application for a Medical Marijuana Storefront Collective Dispensary at 118 North Milpas Street. On January 28, 2016, Mr. Peter Dal Bello filed an appeal of the Staff Hearing Officer's approval. A public hearing will be held for the Planning Commission to hear the appeal of the Staff Hearing Officer's approval of the proposed Medical Marijuana Storefront Collective Dispensary. The project includes operations and security plans, interior floor plan improvements, and minor exterior alterations and landscaping for the existing commercial building.

The discretionary application required for this project is a Storefront Collective Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a), Existing Facilities.

Contact: Tony Boughman, Assistant Planner
Email: TBoughman@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 4539

Tony Boughman, Assistant Planner, gave the Staff presentation. Susan Reardon, Staff Hearing Officer; and Dan Gullett, Supervising Transportation Planner, were available to answer the Commissioners questions.

Pete Dal Bello gave the Appellant presentation.

Ryan Howe, gave the Applicant presentation. Joseph Allen, Attorney; and Bill Wolfe, Architect, were available to answer any of the Commission's questions.

Chair Campanella opened the public hearing at 1:55 P.M.

The following people spoke in support of the appeal:

1. Sebastian Aldana, Jr. (submitted petition with 44 signatures in support of the appeal):
2. Natalia Govoni, Sheer Delights
3. Joseph Newman
4. Pamela Newman
5. Britta Bartels
6. Natasha Todorovic, Milpas Community Association
7. Martha Jaimes
8. Beatriz Molina, Milpas Community Association
9. Rose Aldana, Milpas Community Association

10. Naomi Greene
11. Jesus Perez
12. Stanlee Pannelle Cox

With no one else wishing to speak, the public hearing was closed at 2:21 P.M.

MOTION: Thompson/Lodge

Assigned Resolution No. 010-16

Denied the appeal and upheld the Staff Hearing Officer's decision of approval of the Dispensary with the Staff Hearing Officer's conditions of approval.

Commissioners Schwartz and Pujo asked the motion makers to consider revisions to the conditions of approval included in the motion. The motion makers declined any revisions and kept the motion as made.

This motion carried by the following roll-call vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

Chair Campanella called for a recess at 3:55 P.M. and reconvened the meeting at 4:07 P.M.

IV. **NEW ITEM:**

ACTUAL TIME: 4:07 P.M.

APPLICATION OF SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR DIRECT RELIEF, 6100 HOLLISTER AVENUE (6100 WALLACE BECKNELL ROAD), APN 073-080-065, A-I-1/ SP-6 (AIRPORT INDUSTRIAL/ AIRPORT INDUSTRIAL AREA SPECIFIC PLAN) ZONES, GENERAL PLAN DESIGNATION: AIRPORT (MST2014-00619)

The project consists of a proposal to construct a new 155,000 square foot (net) facility for Direct Relief, a nonprofit organization. The development includes a new 127,706 square foot (net) storage and distribution warehouse with an attached two-story 27,294 square foot (net) administrative office building, a secure truck yard loading area, and 162 parking spaces on a 7.99 acre parcel to be purchased from the City of Santa Barbara Airport. The existing eight buildings totaling 12,937 square feet would be demolished. A new public road is proposed to be constructed immediately south of the project site, which is located in Sub-area 3 of the Santa Barbara Airport Industrial Area Specific Plan (SP-6). The current address is 6100 Hollister Avenue. The new address would be 6100 Wallace Becknell Road.

The discretionary applications required for this project are:

1. A Finding of Consistency with the Santa Barbara Airport Industrial Area Specific Plan (SP-6);

2. Development Plan Approval for the entire project, including an allocation of 118,500 square feet of nonresidential development from the Community Benefit, Small Addition, and Vacant Property Categories (SBMC Chapter 28.85); and
3. Design Review Approval by the Architectural Board of Review (SBMC§22.68.020).
An Addendum to the Santa Barbara Municipal Airport Industrial/Commercial Specific Plan Final Environmental Impact Report/ Assessment has been prepared for the proposed project pursuant to the California Environmental Quality Act Guidelines Section 15164 (Addendum to an EIR).

Contact: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov Phone: (805) 564-5470, extension 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation. Andrew Bermond, Airport Project Planner; Barbara Shelton, Project Planner/Environmental Analyst; and Dan Gullett, Supervising Transportation Planner, were available to answer any of the Commission's questions.

Marti Milan, Principal Civil Engineer, City of Goleta, was also present.

Suzanne Elledge, Suzanne Elledge Planning and Permitting Services, Inc., gave the Applicant presentation joined by Mark Linehan, Direct Relief Board Member; Courtney Jane Miller, Landscape Architect; Thomas Tighe, Direct Relief Chief Executive Officer; David Stone, Archaeologist, Dudek; and Scott Schell, Associated Transportation Engineers.

Chair Campanella opened the public hearing at 4:22 P.M., and with no one wishing to speak the public hearing was closed.

MOTION: Jordan/Thompson

Assigned Resolution No. 011-16

Approved the project, making the findings for environmental review, consistency with the Santa Barbara Airport Industrial Area Specific Plan (SP-6) and Development Plan as outlined in the Staff Report, dated March 10, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Add a new condition that prior to permit issuance the Applicant shall provide funds to the City to facilitate the construction of MTD shelters on th westbound and eastbound bus stop locations and include an agreeable time period for use of the funds.
2. Clarify references to C-1 public improvement drawings with a definition in conditions of approval.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:09 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

a. Commissioner Higgins reported on the Downtown Parking Committee meeting held earlier in the morning.

b. Commissioner Schwartz reported on the Water Commission meeting held earlier in the day.

c. Commissioner Campanella reported on the Architectural Board of Review meeting held on March 14, 2016.

d. Commissioner Campanella reported on the New Zoning Ordinance (NZO) Workshop and Special Planning Commission meeting to be held on Friday, March 18, 2016.

VI. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:14 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-16

118 N. MILPAS STREET

STOREFRONT COLLECTIVE DISPENSARY PERMIT

MARCH 17, 2016

APPLICATION OF RYAN HOWE, 118 NORTH MILPAS STREET, 017-091-016, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/MED HIGH RESIDENTIAL (MST2015-00319)

On January 20, 2016, the Staff Hearing Officer approved an application for a Medical Marijuana Storefront Collective Dispensary at 118 North Milpas Street. On January 28, 2016, Mr. Peter Dal Bello filed an appeal of the Staff Hearing Officer's approval. A public hearing will be held for the Planning Commission to hear the appeal of the Staff Hearing Officer's approval of the proposed Medical Marijuana Storefront Collective Dispensary. The project includes operations and security plans, interior floor plan improvements, and minor exterior alterations and landscaping for the existing commercial building.

The discretionary application required for this project is a Storefront Collective Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a), Existing Facilities.

WHEREAS, the Planning Commission has held the required public hearing on the above appeal, and the Appellant was present.

WHEREAS, 12 people appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 10, 2016
2. Site Plans
3. Correspondence received in support of the appeal:
 - a. Richard Garrett, via email
 - b. Anonymous, hand-delivered
 - c. Petition with 44 signatures, hand-delivered

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Denied the appeal and upheld the Staff Hearing Officer's decision of approval of the Dispensary making the following findings and determinations:

The application complies with the location criteria of SBMC §28.80.050, as outlined in Section V.A of the SHO staff report, and with the criteria for issuance of a Storefront Collective Dispensary permit set forth in SBMC §28.80.070.B, as explained in Section V.B of the SHO staff report and the applicant's submittal. The approval includes compliance with the Staff Hearing Officer's conditions of approval as listed below.

II. Said approval is subject to the following conditions:

- A. **Approved Dispensary.** The applicant shall operate the dispensary in accordance with Chapter 28.80 of the Santa Barbara Municipal Code, and in accordance with the application information and plans approved by the Staff Hearing Officer on January 20, 2016.
- B. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain an **alarm system permit. Said alarm system shall be installed and registered per Municipal Code Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.**
 - c. Submit an application for and obtain a Public Works Permit (PBW) for the construction Work and Temporary Traffic Control in the Public Right-of-Way.

Details on implementation of these steps are provided throughout the conditions of approval.

- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Community Development Department.**

- a. **Elimination of Curb Cut.** The existing curb cut and driveway apron shall be removed and replaced with curb, parkway, and sidewalk constructed to City Standards.
- b. **Trash Enclosure and Trash Handling.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and locked and screened from view from surrounding properties and the street.
- c. **Operating Plan.** The Operating Plan shall be amended as follows:
 - (1) A minimum of two (2) security guards shall be on duty during operating hours. In the event of guards taking breaks or escorting staff off the premises, backup guard(s) shall be provided to maintain the two-guard minimum during operating hours.
 - (2) After hours security camera monitoring shall have a 24 hour remote live feed to the offsite security monitoring firm.
 - (3) Explain that upon joining the Collective, a registered member may obtain medical marijuana as a qualified patient or primary caregiver only after an

initial waiting period of 24 hours after their initial in-person visit to the Dispensary for the purposes of joining the Collective

- (4) A complete list of available products (including edibles), merchandise, and services to be sold, offered, or provided at the Dispensary shall be provided to Community Development Department staff.
- (5) Clarify that marketing concepts such as concerts, “street walk”, and lectures will be conducted at offsite locations, not at the dispensary premises.
- (6) Clarify what rules of conduct “specifically including the points on the attachments” (page 21 of the Operation Plan) will be specified on a large sign displayed in the waiting room
- (7) Note that Canopy will post in a conspicuous location inside the dispensary a State Law Compliance Warning.
- (8) All qualified patients and primary caregivers shall enter the Storefront Collective Dispensary through the front doors outside of the secured fenced garden/wellness area. The secured outside gate to this area shall be used for exit only.
- (9) On trash collection days, the Storefront Collective Dispensary Management shall remove the trash and recycling containers from the secured fenced area and place them in an area outside of the secured fenced area for servicing by the waste hauler. The trash and recycling containers shall be returned to the trash/recycling enclosure within the secured fenced area by the Storefront Collective Dispensary Management prior to the close of the Dispensary that same day. Waste hauler personnel shall not enter the controlled premises of the dispensary.
- (10) The Patient Agreement Form shall be amended as follows:
 - i) Add acknowledgement by the patient or primary caregiver of the Canopy’s zero tolerance policy regarding loitering and using cannabis products or alcohol on or within 200 feet of the property including zero tolerance of use during any onsite class/lecture (educational, yoga, meditation, etc). In the event of loitering or a cannabis use infraction, membership in this Collective shall be terminated.
 - ii) Add acknowledgement and agreement by the patient or primary caregiver that they understand that they are limited to membership to only one collective within the City of Santa Barbara per 28.80.080.G.5.

d. **Patient Agreement Form.** The Patient Agreement Form shall be amended as follows:

- (1) Add acknowledgement by the patient or primary caregiver of the Canopy’s zero tolerance policy regarding loitering and using cannabis products or alcohol on or within 200 feet of the property including zero tolerance of use

during any onsite class/lecture (educational, yoga, meditation, etc). In the event of loitering or a cannabis use infraction, membership in this Collective shall be terminated.

(2) Add acknowledgement and agreement by the patient or primary caregiver that they understand that they are limited to membership to only one collective within the City of Santa Barbara per 28.80.080.G.5.

- e. **Interior Signage.** The interior signage related to the rules of conduct, state law warning, prohibition of minors without parent/guardian, and hours of operation shall be reviewed and approved by the Community Development Department.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Alarm System.** Register and install an alarm system per the requirements in SBMC Chapter 9.100.
 2. **North Milpas Street Public Improvements.** The Owner shall submit an application and Public Works plans for construction of improvements along the property frontage on North Milpas Street. Plans shall be submitted separately from plans submitted for a Building Permit and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the elimination of the existing 10-ft driveway apron with the replacement of a new 6-ft sidewalk, parkway and new curb and gutter per City standards. Tim Downey, Urban Forest Superintendent, Tel. (805) 564-5592, needs to be contacted in regards to the tree right next to the existing driveway apron in the Public Right-of-Way.
 3. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.
- F. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
- G. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer's approval of the permit is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

- H. **Annual Review of Collective Dispensary Operations.** No later than one year after the issuance of the Certificate of Occupancy, or final building inspection signoff, and annually thereafter, the Storefront Collective Dispensary Management shall submit to the Community Development Department for an annual review of the operation for full compliance with the operational and recordkeeping requirements of Chapter 28.80, including but not limited to, compliance with Section 28.80.080.H, and verification that all persons employed or volunteering at the Storefront Collective Dispensary have not been convicted of or on probation for a crime related to the possession, sale, or distribution of controlled substances. A fee in an amount established by resolution of the City Council may be required in order to reimburse the City for the time involved in the annual review process. The staff may initiate a permit suspension or revocation process for any Storefront Collective Dispensary which, upon completion of an annual review, is found not to be in compliance with the requirements of this Chapter or which is operating in a manner which constitutes a public nuisance.
- I. **Maintenance of Cultivation Records.** The Storefront Collective Dispensary Management shall maintain on-site (i.e., at the Property designated for the operation of the Storefront Collective Dispensary) the medical marijuana cultivation records of the Collective. These records shall be signed under penalty of perjury by each Management Member responsible for the cultivation and shall identify the location or locations within the counties of Santa Barbara, Ventura, or San Luis Obispo at which the Collective's medical marijuana is being cultivated. Such records shall also record the total number of marijuana plants cultivated or stored at each cultivation location. The Storefront Collective Dispensary shall also maintain an inventory record documenting the dates and amounts of medical marijuana cultivated or stored at the Dispensary Property, if any, as well as the daily amounts of Medical Marijuana distributed from the permitted Dispensary.

II. **NOTICE OF STOREFRONT COLLECTIVE DISPENSARY PERMIT APPROVAL TIME LIMITS:**

The Staff Hearing Officer action approving the Storefront Collective Dispensary Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 17th day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 011-16

6100 HOLLISTER AVENUE (6100 WALLACE BECKNELL ROAD)

CONSISTENCY WITH AIRPORT INDUSTRIAL AREA SPECIFIC PLAN (SP-6) AND DEVELOPMENT PLAN

MARCH 17, 2016

APPLICATION OF SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR DIRECT RELIEF, 6100 HOLLISTER AVENUE (6100 WALLACE BECKNELL ROAD), APN 073-080-065, A-I-1/ SP-6 (AIRPORT INDUSTRIAL/ AIRPORT INDUSTRIAL AREA SPECIFIC PLAN) ZONES, GENERAL PLAN DESIGNATION: AIRPORT (MST2014-00619)

The project consists of a proposal to construct a new 155,000 square foot (net) facility for Direct Relief, a nonprofit organization. The development includes a new 127,706 square foot (net) storage and distribution warehouse with an attached two-story 27,294 square foot (net) administrative office building, a secure truck yard loading area, and 162 parking spaces on a 7.99 acre parcel to be purchased from the City of Santa Barbara Airport. The existing eight buildings totaling 12,937 square feet would be demolished. A new public road is proposed to be constructed immediately south of the project site, which is located in Sub-area 3 of the Santa Barbara Airport Industrial Area Specific Plan (SP-6). The current address is 6100 Hollister Avenue. The new address would be 6100 Wallace Becknell Road.

The discretionary applications required for this project are:

1. A Finding of Consistency with the Santa Barbara Airport Industrial Area Specific Plan (SP-6);
2. Development Plan Approval for the entire project, including an allocation of 118,500 square feet of nonresidential development from the Community Benefit, Small Addition, and Vacant Property Categories (SBMC Chapter 28.85); and
3. Design Review Approval by the Architectural Board of Review (SBMC§22.68.020).

An Addendum to the Santa Barbara Municipal Airport Industrial/Commercial Specific Plan Final Environmental Impact Report/ Assessment has been prepared for the proposed project pursuant to the California Environmental Quality Act Guidelines Section 15164 (Addendum to an EIR).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 10 2016
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES 15090, 15097, 15191, 15162, 15164)

1. The Planning Commission has reviewed and considered the EIR Addendum dated March 9, 2016 to the Certified Final Program Environmental Impact Report/Environmental Assessment (FEIR/EA) (SCH 93081127) along with the Program FEIR/EA with previous Supplement and Addenda, which together constitute environmental review analysis for the current project under California Environmental Quality Act (CEQA) provisions.
2. Based on the Addendum analysis, only minor changes to the prior FEIR/EA evaluation are required to make the document adequate for the current project and the project would not result in new or more substantial significant impacts not previously evaluated in the prior FEIR/EA), and a supplemental EIR is not required per CEQA Guidelines 15162. Planning Commission finds that the EIR Addendum dated March 9, 2016 has been completed in compliance with CEQA and reflects the Commission's independent judgment and analysis.
3. Potentially Significant and Mitigated Archeological Resources Impact. The project impact on archaeological resources is potentially significant but would be mitigated to a less than significant level with implementation of monitoring, Phase 3 studies, and discovery procedures and mitigation in accordance with the FEIR/EA mitigation, the City-approved Phase 2 report, and City Master Environmental Assessment Procedures, applied as a condition of project permit.
4. Project Contribution to Significant Traffic Impact. The project would potentially have a considerable contribution to significant cumulative peak-hour traffic effects at Fairview Avenue/ U.S. 101 northbound ramps, but the impact would be mitigated with a required measure agreed to by the applicant and Cities of Goleta and Santa Barbara for restriping of northbound approach lanes on Fairview Avenue, and with implementation of an FEIR/EA measure for applicant development of an employee Transportation Demand Management plan to promote reduction of vehicle trips, both applied as conditions the project permit. The project would also provide substantial circulation improvements, including the new Wallace Becknell Road and public roadway right-of-way improvements to Frederick Lopez Road, Francis Botello Road, and Hollister Avenue. Temporary traffic effects during construction would be mitigated with approved transportation route plans.
5. The Mitigation Monitoring and Reporting Program (MMRP) dated March 9, 2016 for the project is hereby adopted.

B. FINDING OF CONSISTENCY WITH THE SANTA BARBARA AIRPORT INDUSTRIAL AREA SPECIFIC PLAN (SP-6)

The project can be found consistent with the Santa Barbara Airport Industrial Area Specific Plan zoning and land use designations. The proposed Direct Relief project, which is primarily a warehouse storage and distribution operation, is consistent with the allowable uses in the Sub-Area 3 and the A-I-1 zone as described in Section VIII of the staff report.

C. DEVELOPMENT PLAN APPROVAL (SBMC §28.85)

1. The proposed development complies with all provisions of the Zoning Ordinance, including the Nonresidential Growth Management Program, as described in Section VIII of the staff report; and
2. The proposed development is consistent with the principles of sound community planning because the project is consistent with the policies and goals of the General Plan and the Airport Industrial Area Specific Plan as described in Section VIII of the staff report; and
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character because the size, bulk and scale of the development will be compatible with the neighborhood, and because the Architectural Board of Review determined that the project generally met the Project Compatibility Analysis criteria found in SBMC §22.68.045, as described in the Architectural Board of Review minutes attached to the staff report and as described in Section VIII of the staff report; and
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as described in Section VIII of the staff report.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 1. Obtain all additional land use approvals. Refer to condition B “Approval Contingent upon the recordation of a Parcel Map subdividing APN 073-080-065.”
 2. Obtain all required design review approvals.
 3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 4. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E “Construction Implementation Requirements.”
 5. Submit an application for a Public Works permit (PBW) along with conceptual (30%) ~~€1~~ drawings for the required public improvements.
 6. Record any required documents (see Recorded Conditions Agreement section).
 7. Permits. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Approval Contingent upon the recordation of a Parcel Map subdividing APN 073-080-065.** The Planning Commission approval of the Development Plan is contingent upon the recordation of a Parcel Map subdividing APN 073-080-065.
- C. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 17, 2016 is limited to a new 155,000 square foot (net) facility, which includes a new 127,706 square foot (net) storage and distribution warehouse, attached two-story 27,294 square foot (net) administrative office building, secure truck yard loading area, 162 parking spaces, new public road and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Screened Backflow Device.** The backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
 2. **Location of Dry Utilities.** Dry utilities (e.g., above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by ABR.
 3. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent. (1997 Mitigation Measure 3.9-8)

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in conditions below “Wallace Becknell Road, Frederic Lopez Road, Francis Botello Road, and Hollister Avenue Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual (30%) public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Roadway Easement and Construction Agreement* (Exhibit D of the Purchase and Sale Agreement dated 10-9-2014, City Agreement #24,973) and/or an *Agreement to Construct and Install Improvements (Not a Subdivision)*.
- b. **Wallace Becknell Road Public Improvements.** The Owner shall submit ~~€+~~ public improvement or Public Works plans for construction of improvements for the entire Wallace Becknell Road along all property frontages. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: approximately 2000 linear feet of 6-foot wide sidewalk, 3.5-foot wide parkway; driveway aprons meeting ADA/FAS requirements with a maximum width of 32-feet, approximately 2000 linear feet of curb and gutter, four access ramp(s), approximately 31,000 SF (31' x 978' more or less) of 4" thick asphalt concrete pavement on 12" thick Class 2 aggregate base over suitably prepared and stabilized subgrade per geotechnical report; extension of 8" water main (served by Goleta Water District) and 8" sewer mains (served by Goleta Sanitary District) and all utilities including SCE, SCG and telecommunications, installation of at least two new commercial fire hydrant(s), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City and/or County storm drain, supply and install at least four new commercial City standard street light(s) with octagonal Marbelite poles and Slimline lamps, supply and install an electrical power pedestal to supply the new City street lights; coordinate with Public Works staff and Edison to retire light standard(s) from existing utility pole(s), preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, new street trees and tree grates per approval of the Airport and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- c. **Frederic Lopez Road Public Improvements.** The Owner shall submit ~~€+~~ public improvement or Public Works plans for construction of improvements along all property frontage and from Wallace Becknell Road to Hollister Avenue as

generally shown on the approved site plan sheet C-06. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the removal and replacement, to City standards, of the following: approximately 520 linear feet of 6-foot wide sidewalk, 3.5-foot wide parkway; removal of existing driveway aprons, approximately 60 linear feet of curb and gutter, retrofitted truncated domes on one access ramp at the intersection of Frederic Lopez Road and Francis Botello Road; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching and to the center line of the street, connection to and/or relocation or extension of water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City and/or County storm drain, supply and install at least two commercial City standard street light(s) with octagonal Marbelite poles and Slimline lamps, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, new street trees and tree grates per approval of the Airport and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

d. **Francis Botello Road Public Improvements.** The Owner shall submit ~~C-1~~ public improvement or Public Works plans for construction of improvements along all property frontage. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the installation to City standards, the following: approximately 810 linear feet of 6-foot wide sidewalk, 3.5-foot wide parkway; removal of existing driveway aprons, approximately 40 linear feet of curb and gutter; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching and to the center line of the street, connection to and/or relocation or extension of water and sewer mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City and/or County storm drain, supply and install at least two commercial City standard street light(s) with octagonal Marbelite poles and Slimline lamps, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, new street trees and tree grates per approval of the Airport and provide adequate positive drainage from site. Project cannot eliminate any parking on the northern side of street. Any work in the public right-of-way requires a Public Works Permit.

e. **Hollister Avenue Public Improvements.** The Owner shall submit ~~C-1~~ public improvement or Public Works plans for construction of improvements along Hollister Avenue. Plans shall be submitted separately from plans submitted for a

Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include the removal and replacement, to City standards, of the following: approximately 60 linear feet of 6-foot wide sidewalk, 4-foot wide parkway, and 20 linear feet of 10-foot wide sidewalk on the north side of Hollister Avenue to provide access to the existing MTD westbound bus stop, and approximately 60 linear feet of 6-foot wide sidewalk, 4-foot wide parkway, and 20 linear feet of 10-foot wide sidewalk on the south side of Hollister Avenue and east of Griggs Place to provide access to the existing MTD eastbound bus stop, relocate the eastbound stop 20' to the east, install solar pole lights to provide night lighting, and benches at both stops. Any work in the public right-of-way requires a Public Works Permit.

- f. **MTD Shelters.** Applicant shall provide a written offer to MTD to purchase and install two shelters on the 6100 block of Hollister Avenue. If the shelters are not authorized by MTD to be installed within five years from the date of Certificate of Occupancy, the offer shall expire.
- e.g. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. (1997 Mitigation Measure 3.20-7)
- f.h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Roadway Easement and Construction Agreement* (Exhibit D of the Purchase and Sale Agreement dated 10-9-2014, City Agreement #24,973) and/or an *Agreement to Construct and Install Improvements (not a subdivision)* prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- g.i. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner as required by the Public Works Director.
- h.j. **Transportation Demand Management Plan.** A transportation demand management (TDM) plan shall be prepared for the development targeting employees to include provisions for bicycle lockers and showers, lunchrooms, preferential parking for carpools, free bus passes, etc. The TDM plan shall be developed according to the existing City of Santa Barbara program subject to the approval of the Public Works Director. (1997 Mitigation Measure 3.20-1 and 3.9-9; 2016 Mitigation Measure T-1).

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

- b. **School Fees.** Standard fees shall be paid to school districts for new non-residential buildings (1997 Mitigation Measure 3.7-1).
- c. **Drainage and Water Quality.** The project (including the new public road) is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit. (1997 Mitigation Measure 3.12-1)

- d. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.
 - (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity

regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.

- (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- e. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Supplemental Phase 2 Archaeological Investigation prepared for this site by Dudek, dated February 2016. The contract shall be subject to the review and approval of the Environmental Analyst. The archaeologist's monitoring contract shall include the provisions identified in condition E.2.e "Requirement for Archaeological Resources" below.
- f. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:
1. Area 1 Phase 3 Procedures. A total of eighteen 1 X 1 meter (or the equivalent within proposed 0.5-meter piling areas) Data Recovery mitigation units shall be excavated within the proposed warehouse construction activity areas as defined in the February 2016 Phase II Archaeological Inventory prepared for the project in 20-centimeter arbitrary levels. The unit size and placement of the 18 excavation pits shall be flexible to maximize their ability to recover data to address relevant research questions, consistent with City MEA Guidelines Cultural Resource Guidelines Phase 3 Archaeological Resources Report Requirements. A column sample between 0.1 and 0.2 meters square shall be collected from each unit as well to recover detailed subsistence data. Excavations, analyses, and report preparation shall be guided a Phase 3 Research Design and Data Recovery Proposal reviewed and approved by the City of Santa Barbara that addresses issues including subsistence, technology, and paleoenvironmental reconstruction and population growth within CA-SBA-59 and surrounding Goleta Slough prehistoric occupations over time.

If distinctive archaeological features such as a house floor or baking pit are found to extend beyond the walls of a 1x1-meter pit, the excavation shall be expanded to expose the whole feature. If a human burial is encountered within a test pit and the excavation therefore is terminated, an alternative test pit shall be excavated (1997 Mitigation Measure 3.13-1 and 2016 Mitigation Measure CR-1).
 2. Area 2 Monitoring and Phase 3 Procedures. All potential ground disturbances occurring in the proposed parking lot, vegetated drainage swale, perimeter security wall, and storm water vault near the proposed loading dock shall be undertaken in a controlled monitoring excavation directed by a City-qualified

archaeologist and local Chumash representative, prior to conventional project grading activities. These excavations shall be undertaken in controlled lifts no greater than 4-inches deep. In the event that black silty-loam soils with cultural materials are encountered, excavation shall be temporarily suspended and a 1 X 1 meter Phase 3 mitigation excavation unit undertaken in this area consistent with the approved City Phase 3 Data Recovery Protocol for one unit spaced every 20 meters (60 feet) or 400 square meters (4,305 square feet). Such 1 X 1 Phase 3 mitigation excavation units shall be located no closer than this distance (i.e., if more areas are found closer than this distance, only those spaced this distance shall be undertaken).

If distinctive archaeological features such as a house floor or baking pit are found to extend beyond the walls of a 1x1-meter test pit, the excavation shall be expanded to expose the whole feature. If a human burial is encountered within a test pit and the excavation therefore is terminated, an alternative test pit shall be excavated. (1997 Mitigation Measure 3.13-1 and 2016 Mitigation Measure CR-2).

3. Monitoring and Discovery/ Mitigation Procedures. A City-qualified archeologist and a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all ground disturbing activities associated the project within the previously recorded CA-SBA-59 including, but not limited to, grading, excavation, trenching, vegetation or paving removal and ground clearance.

If unexpected concentrations of archaeological resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist and the a Barbareño Chumash representative shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, and additional Phase 3 Data Recovery excavations consistent with the approved protocol for mitigation within the Santa Barbara Airport North Side Specific Plan Parcel.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The procedures for identifying a Most Likely Descendant defined in Public Resources Code 5097.98 and disposition of the remains shall be followed. Work in the area may only proceed after the Environmental Analyst grants authorization (1997 Mitigation Measure 3.13-1 and 2016 Mitigation Measure CR-3).

- g. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

- h. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition F.1 “Neighborhood Notification Prior to Construction” below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- i. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition F.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- j. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D “Design Review,” and all elements/specifications shall be implemented on-site.
- k. **Mitigation Monitoring and Reporting Requirement.** The Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Addendum to the Environmental Impact Report/Assessment for the Santa Barbara Airport Industrial/Commercial Specific Plan.
- l. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall

contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and) Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, (Archaeologist, Architect, Landscape Architect, Project Engineer, Project Environmental Coordinator), Contractor, each Subcontractor, and City of Goleta Public Works Department representative. (1997 Mitigation Measure 3.20-7)
3. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC's)) name, contractor(s) (and PEC's) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
4. **Construction Hours.** Construction (high noise generation activities) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
César Chávez Day	March 31st*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum

of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways. (1997 Mitigation Measure 3.20-7)
6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit. (1997 Mitigation Measure 3.20-7)
7. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or an off-site location that is not located in the public right-of-way subject to the approval of the Public Works Director. (1997 Mitigation Measure 3.20-7)
8. **Construction Recycling.** During construction, the applicant shall contract with a disposal company that recycles construction and demolition debris consistent with SBMC §7.18 (1997 Mitigation Measure 3.8-1).
9. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
10. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption. (1997 Mitigation Measure 3.9-1 and 3.9-6)
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (1997 Mitigation Measures 3.9-2 and 3.9-3)
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. (1997 Mitigation Measure 3.9-5)

- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. (1997 Mitigation Measure 3.9-4)
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure. (1997 Mitigation Measure 3.9-7)
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest

practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

11. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports to the Community Development Department, Planning Division, during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance.
- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
 3. **Goleta Public Improvements.** In coordination with the City of Goleta Public Works Department, the following improvements will be made to the Fairview Avenue/Northbound 101 intersection: Center median shall be replaced and northbound approach lanes will be restriped to provide narrower left-turn lanes to allow the approach to operate with a designated right-turn lane for vehicles entering the freeway. (1997 Mitigation Measure 3.20-5 and 2016 Mitigation Measure T-2).
 4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy / Final Inspection, whichever is earlier.
 5. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
- H. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission

Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

II. NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The Planning Commission action approving the Development Plan shall expire four (4) years from the date of approval per Santa Barbara Municipal Code §28.85.090, unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. The Community Development Director grants an extension of the development plan approval upon finding that the applicant has demonstrated due diligence in implementing and completing the proposed project. The Community Development Director may grant one (1) one-year extension of the development plan approval.

This motion was passed and adopted on the 17th day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION SPECIAL MEETING MINUTES

March 18, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:01 P.M.

I. ROLL CALL

Chair John P. Campanella, Commissioners Jay D. Higgins, Sheila Lodge, and Deborah L. Schwartz.

Absent: Commissioners June Pujo, Mike Jordan, and Addison Thompson

STAFF PRESENT:

Renee Brooke, AICP, City Planner
 Beatriz Gularte, Senior Planner
 Danny Kato, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 John Doimas, Deputy City Attorney
 Marck Aguilar, Project Planner
 Marisela Salinas, Project Planner
 Brenda Beltz, Associate Planner
 Michelle, Bedard, Assistant Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

III. **WORKSHOP:**

ACTUAL TIME: 1:02 P.M.

COMMUNITY/PLANNING COMMISSION WORKSHOP FOR NEW ZONING ORDINANCE EFFORT.

The purpose of the workshop was to present and receive Planning Commission and public input on the **Module#2: Development Standards**. Prior to the 1:00 P.M. Planning Commission meeting, an informal “open house” was held from 11:00 A.M. to 12:30 P.M. where the community was able to view material and ask questions of planners and consultants.

Contact: Marck Aguilar, Project Planner
Email: MAguilar@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5399

Marck Aguilar, Project Planner, introduced Martha Miller, Consultant, who gave the Staff presentation. Danny Kato, Senior Planner, was also available to answer the Commission’s questions.

Chair Campanella opened the public hearing at 1:08 P.M.

The following people provided comment on Module 2:

1. Trish Allen, Suzanne Elledge Permitting and Planning, noted submittal of a prior letter and commented on meeting minimum lot area density requirements on average slopes that exceed 10% in the single family zones. She suggested consideration of a sliding scale to meet the standard rather than a stepped scale. She requested consideration for clarity in the required creek setbacks. Regarding building height, she asked for the elimination of the number of stories limitation, preferring to have mass, bulk, and scale used instead. Also suggested was a sliding scale for accessory building floor areas.
2. Spencer Seal, Yankee Farm/Braemar Ranch resident, lives on 1.25 acres and supports an amendment for a sliding scale for larger properties to have more space for a secondary structure and garage. This impacts him as he will have three generations of family living on his property and would also be needing a therapy pool on his property. A modification to accomplish this seems burdensome.

With no one else wishing to speak, the public hearing was closed at 1:25 P.M.

Senior Planner Danny Kato responded to the Public Comment stating that changes to density, secondary dwelling units, and Creek setbacks were not in the scope of the new zoning ordinance, due to time constraints. Also, a sliding scale was not considered for accessory buildings as a stepped scale creates more appropriate standard floor area amounts (i.e. 500 sq. ft. as opposed to 499 sq. ft.).

COMMISSIONER'S COMMENTS:

A. Residential Unit, Building Attachment, Detached Guestrooms & Accessory Building Size Residential Unit Standards – Studio

- Commissioner Lodge stated that the unit minimums at 220 square feet are small.
 - Commissioner Schwartz suggested Staff check with the Santa Barbara Housing Authority and People's Self Help Housing to see if the 220 square feet minimum was acceptable.
2. Building Attachment
None.
 3. Detached Guestrooms
None.
 4. Accessory Buildings and Garages, Floor Area Increase
 - Commissioner Schwartz was concerned with accessory buildings that were large enough to house boats.
Staff acknowledged that it was reviewing accessory building and garage sizes.

B. Nonconforming Buildings and Uses

1. Alterations to Nonconforming Buildings
 - Commissioner Campanella thought that the revisions made were helpful to applicants going through the design review process.
2. Additions to Nonconforming Structures in Setbacks
None.
3. Nonconforming Garages and Carports Expansion
None.
4. Nonconforming Residential Density – 250 Square Foot Allowance
 - Commissioner Schwartz observed open rooms in her travels that are left to the imagination of the home purchaser and can be used for anything (media room, office, etc.), and suggested that Staff offer guidelines for use so as not to lead to a use that Staff was not inclined to support.
5. Substitution of Nonconforming Uses
 - Commissioner Schwartz supports Staff's revisions and the clarification of land use compatibility.

6. Buildings Containing Nonconforming Uses

None.

7. New Definition of Demolition

None.

8. Replacement and Reconstruction of Nonconforming Nonresidential Buildings

None.

D. Open Yard and Outdoor Living Space Requirements

1. Open Yard required for lots developed with one or two units:

- Commissioner Lodge is supportive, if it results in more open space.

2. Lots developed with three or more units or mixed-use development:

None.

3. Lots developed with Average Unit Size Density (AUD)

- Commissioner Campanella wanted to see how this proposal changes the AUD program, and noted that Exhibit F (Table: Open Yard Area Comparison) is changing open and private yards.

Staff is still vetting ideas that may be equivalent or better for AUD.

- Commissioner Campanella suggested calling in project architects that have gone through the review process and may have input on providing private open yard. He was concerned that having a single standard could have unintended consequences.

Staff received input from a local architect that agreed that it was not a good idea to go to a single standard and desired more flexibility to make it easier to comply with the standards. Staff will continue to look at this as it goes forward, including consideration of an administrative approval or design waiver that would not require a modification.

- Commissioner Schwartz does not support changing out any element in the AUD program that would make it difficult to adequately evaluate the program.
- Commissioner Lodge wondered why the AUD ordinance was not included in the overlay zones.

The AUD Ordinance is a “place-holder” so it is not included in Module 2 but will be incorporated into the Final Review Draft.

E. Other Ordinance Changes

1. Distance Between Residential Buildings on the Same Lot

None.

2. Elimination of Building Story Maximum

- Commissioner Campanella stated that this was significant in that an additional floor helps to reduce construction costs overall, especially if heights are the same.
- Commissioner Campanella added that if there is any kind of bonus density, it is easier to process that bonus density within the 45 feet, than having to come up with State Bonus density considerations that might support increasing the height from 45 feet to 55 feet for an extra floor of units.
- Commissioner Schwartz stated that this is a practical approach and she is supportive.

3. Variability in Maximum Height, Setbacks, and Distance Between Buildings

None.

1. Multi-Unit Residential Zones: Parking Setback

None.

2. Multi-Unit Residential Zones: Rear Setback

- Commissioner Campanella supports the proposed elimination of “rear setback” and the resulting setback change for the second and higher building stories.
- Commissioner Schwartz likes that we are moving away from a block look and that this is an improvement on a visual basis. She stated that Staff changes were going in the right direction.
- Commissioner Lodge stated that this would create a two-story block on the lower level instead of a two-story block on the upper level and preferred more openness.

Chair Campanella requested a break at 3:12 P.M. and reconvened the hearing at 3:22 P.M.

MODULE 1: USE REGULATIONS – FOLLOW UP

1. Mobile Food Trucks

Chair Campanella opened the public hearing at 3:22 P.M.

The following people provided comment on Mobile Food Vendors:

1. Susan Nava, Grandma’s Tamales, required Spanish translation. While staff offered to translate for her, she was unable to remain for the duration of the meeting. Her concerns relate to mobile food vendors and Staff will follow up and contact her for her comments.

2. Planning Commission Secretary Julie Rodriguez acknowledged that Susan Nava requested to speak, but was unable to remain for the duration of the meeting. Staff would follow up with contacting her for her comments.
3. Sam Guzman wanted clarification of mobile food vending versus mobile retail vending. He wanted the NZO to include retail in mobile vending, as the State of California has done. No one has reached out to include mobile retail in the workshops.
4. Brian Parks, Georgia's Smokehouse, was at the last workshop and appreciates that many of the comments that were voiced were taken into consideration in the draft. Noted that there are no longer time of day restrictions. Requested clarification in the distance section regarding the 500 foot distance between another vendor on private property and how it would apply to events where multiple vendors are invited on one property, such as the Earth Day Festival, Pacific Pride Festival, etc.

Staff responded that they are developing temporary use permits that can allow some flexibility to address situations with multiple vendors on one site, or extended hours. This will all be covered in the next module.

John Doimas, Deputy City Attorney addressed some of the public's questions regarding vending on public streets [not a component of NZO]. A review of the ordinance is underway. A public workshop was held with some of the street vendors to determine the concerns and issues of interest. The next step is to complete final revisions to the ordinance and go before the Ordinance Committee in a few weeks. This meeting will be noticed and allow for public comment. If the ordinance changes are approved, then the revised ordinance will go to City Council.

5. David Reynoso, Dave's Dogs, was concerned that trailers have to be motorized, and push carts and standalone trailers are not allowed. He owns two solar powered mobile trailer units that hitch to his truck that have been approved by the Health Department of Santa Barbara. They have low, efficient, solar-powered LED lights. The NZO will impact his business.

Staff responded that under the peddler ordinance this is not allowed, but staff is reviewing the ordinance for potential flexibility in these situations. The concern was in mobile units being unhitched from trailers and left for long periods of time.

6. Mauricio Garces was concerned with the 90 day per year restriction and wondered if there would be any flexibility. He has use of a site now.

Staff stated that this consideration was to allow for what is currently not allowed and the 90 days was to establish a limitation that would not make the addition permanent to the site.

With no one else wishing to speak, the public hearing was closed at 3:34 P.M.

- Commissioner Higgins sees the benefit and need for mobile food vendors in areas around town, such as construction sites, and would like to see flexibility in the ordinance in how this will help vendors. He would like Staff to look into how other cities are regulating vendors.
- Commissioner Campanella suggested allowing a certain period of time, such as four hours, where mobile vendors, such as a smoker or pizza oven, can operate as an unhitched standalone unit. It would take up less space than having the hitched vehicle with it.

Scott Vincent, Assistant City Attorney, stated that a detached unit would bring up a more difficult enforcement issue as it would require a monitor to check the unhitched unit in and out within the four hours. This kind of flexibility could be done through a higher permit fee. If a mobile unit is connected, there is a greater possibility that it will be moved in the time allotted. If it is disconnected from a vehicle, then there is little motivation to have it moved without having a monitor.

2. Seafood Processing in M-C Manufacturing-Commercial Zone (currently C-M Zone)
None.
3. Accessory Uses in the Manufacturing-Industrial Zone (M-I)
None.

Staff stated that the next step will be reviewing Module 3, which includes the parking standards, administrative procedures, and definitions, with the Joint NZO Committee in May before returning to the Planning Commission.

Chair Campanella thanked Staff for the presentations and the public for all comments received. The Commission looks forward to reviewing Module 3.

IV. ADJOURNMENT

Chair Campanella adjourned the meeting at 4:08 P.M. to the meeting of April 7, 2016.

Submitted by,

Julie Rodriguez, Planning Commission Secretary