

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 16, 2016

CALL TO ORDER:

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

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Mike Jordan, Sheila Lodge, and Deborah L. Schwartz.

Absent: Commissioners Jay D. Higgins and Addison Thompson

STAFF PRESENT:

Beatriz Gularte, Senior Planner
 Jaime Limón, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Debra Andaloro, Principal Planner
 Liz Limón, Project 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.
None.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:
 1. June 2, 2016
 2. PC Reso No. 014-16
1401 Shoreline Drive

MOTION: Pujó/Schwartz

Approve the minutes and resolution.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0. Absent: 2 (Higgins, Thompson)

D. 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. RECOMMENDATION TO CITY COUNCIL:

ACTUAL TIME: 1:02 P.M.

DENSITY BONUS AND DEVELOPMENT INCENTIVES ORDINANCE AMENDMENT (SBMC §28.87.400)

The purpose of this public hearing is for the Planning Commission to review and make recommendations to the City Council regarding a Density Bonus and Development Incentives Ordinance amendment (SBMC §28.87.400). The City's Density Bonus and Development Incentives Ordinance is currently out of compliance with State Density Bonus Law (SDBL). These minor ordinance amendments will bring the City into compliance with SDBL.

The project will require an environmental finding for a CEQA Guidelines Section 15183 Exemption (Projects Consistent with the General Plan) prior to the ordinance adoption.

Contact: Elizabeth Limón, Project Planner
Email: ELimon@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4569

Elizabeth Limón, Project Planner, gave the Staff presentation.

Chair Campanella opened the public hearing at 1:06 P.M., and with no one wishing to speak, closed the hearing.

MOTION: Jordan/Lodge

Assigned Resolution No. 015-16

Recommend that City Council adopt the Density Bonus and Development Incentives Ordinance Amendment (SBMC §28.87.400), as outlined in the Staff Report, dated May 5, 2016, with the revision of language to 2.a. LOT AREA MODIFICATION to read:

2.a. LOT AREA MODIFICATION. Notwithstanding any other section in this Code, when a proposed project complies with all of the requirements of SDBL, and the density bonus requested is no more than the density bonus authorized by the SDBL table or the density bonus is requested as a concession or incentive pursuant to SDBL and the concession or incentive is determined by the Community Development Director to be required in order to provide for affordable housing costs, the Community Development Director or his/her designee shall deem the project's

density consistent with the Zoning Ordinance, and exempt from the requirements for a lot area modification as set forth in Section 28.92.110.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Higgins, Thompson)

IV. **DISCUSSION ITEM:**

ACTUAL TIME: 1:25 P.M.

CONSTRUCTION UPDATE FOR SANTA BARBARA COTTAGE HOSPITAL (SBCH), 400 WEST PUEBLO STREET (FORMERLY KNOWN AS 320 WEST PUEBLO STREET), APNS: 025-100-001; 025-061-015; & 025-171-050; SP-8 HOSPITAL ZONE, GENERAL PLAN DESIGNATION: INSTITUTIONAL (MST2003-00152)

Staff will present an annual update on the status and effectiveness of construction related mitigations and monitoring for the Cottage Hospital Modernization and Seismic Compliance Project. The project was approved by the Planning Commission on March 24, 2005 (Resolution No. 020-05), and by the City Council on April 25, 2005 (Amended PC Resolution No. 020-05). The City Council certified the Final Environmental Impact Report (FEIR) for the project on March 24, 2005 pursuant to California Environmental Quality Act Guidelines Section 15091. **No formal action on the project will be taken during this discussion item.**

Contact: Tony Boughman, Assistant Planner

Email: TBoughman@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4539

Tony Boughman, Assistant Planner, gave the Staff presentation.

Ronald Biscaro, Vice President of Project Management, Cottage Hospital, gave the Applicant presentation.

The Planning Commission appreciated the update and work being done by the hospital during the current phase of construction and commended the hospital for making adjustments using lessons learned from earlier project phases and for responding to neighborhood concerns.

Commissioner Jordan added appreciation for the hospitals terming of “Legacy Buildings” to refer to original buildings that are being integrated into the newer development.

Commissioner Schwartz commended the remarkable recycling standard of 96.9 percent that serves as a desired model of recycling that even surpasses the city’s benchmark.

Chair Campanella called for a recess at 1:52 P.M. and reconvened the public hearing at 2:04 P.M.

V. **RECOMMENDATION TO CITY COUNCIL:**

ACTUAL TIME: 2:04 P.M.

WIRELESS FACILITIES ORDINANCE (DELETING SBMC §28.94.030.DD AND ADDING CHAPTER 28.74 TO TITLE 28 OF THE SBMC)

The purpose of this public hearing is for the Planning Commission to review and make recommendations to the City Council regarding Municipal Code Amendments related to the regulation of Wireless Communication Facilities.

The new ordinance proposes to delete Santa Barbara Municipal Code Section 28.94.030.DD and add a new Chapter 28.74 in Title 28 of the Santa Barbara Municipal Code to include the following (partial list):

- City requirements for a revised review process for the various types of wireless telecommunications facilities applications;
- Development standards and guidelines for new facilities and substantial changes to existing facilities;
- Specifies the types of wireless telecommunications facilities that are allowed to propose certain types of collocation facilities;
- Responds to FCC Rules Implementing Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012;
- Lists aesthetic and concealment design requirements and preferences for wireless telecommunications facilities;
- Establishes required findings of approval for some wireless facilities that may require a Conditional Use Permit; and
- Allows for an administrative review process for certain wireless facility improvement projects.

The Planning Commission recommendations will be forwarded to the City Council for adoption later this year.

The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Sections 15061, 15301, 15302, and 15305 because the ordinance merely establishes a comprehensive permitting scheme.

Presentation: Michael Johnston, Wireless Consultant

Staff Contact: Jaime Limon, Senior Planner

Email: JLimon@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 5507

Scott Vincent, Assistant City Attorney introduced Michael Johnston, Wireless Consultant, who gave the Staff presentation. Jaime Limon, Senior Planner was available to answer any of the Commission's questions.

Chair Campanella opened the public hearing at 2:35 P.M.

The following people provided public comment:

1. Jame Fenkner, Vic Trace Reservoir neighbor, stated that the ordinance has many exemptions. He has concerns with antennas that were installed in his neighborhood on City property and questioned why the aesthetics were not enforced. He would like to see any antennas on city property be aesthetically attractive. He is also concerned that the contracts will expire in 25 years and that the antennas will become grandfathered without having rules enforced. Would like a no-grandfathering clause in the contract when it expires and see the City enforce aesthetics that meet the city's standards.
2. Ali Shabrami, Vic Trace Reservoir neighbor, concurs with Mr. Fenkner's comments. He has health issues expressed concerns over the aesthetics of the towers near him. He is concerned with changes that have been made without notification or disclosure of known health effects.
3. Nick Whelan, Vic Trace Reservoir, sees the City as being limited to aesthetic influence and asked that where possible, the City push for the best cost possible and not allow the carrier to use the least cost possible. He does not want to see grandfathering of existing towers as an option. When a lease contract comes up for renewal, it should be treated as a new facility.
4. Tanya Fenkner, Vic Trace Reservoir, asked for reasonable measures that included 1) require any and all site operations to come back with an annual independent party radiation test; 2) require a public hearing for any additional installations or replacement of existing antennas, where the site operators provide new calculated tests; and 3) dramatically improve the aesthetics of the site by disguising the antennas with architectural features consistent with the surrounding neighborhood.
5. Tim Mahoney, Southern California Gas Company (SoCalGas), submitted two letters to the Commission, seeking an exemption from the ordinance based on not being a telecom company or carrier. They are a local provider of natural gas and seek the same exemption that Edison now has. Technology has changed and now allows SoCalGas to read gas meters wirelessly through a data collection unit face-plate. The face-plate (DCU) falls under the ordinance, but the exemption is needed to allow for replacement of the DCU's as needed. The DCU is not a cell tower, but a small box that can operate with solar or electricity. They are not a wireless provider, but the ordinance does effect SoCalGas and they would like an exemption

With no one else wishing to speak, the public hearing was closed at 2:50 P.M.

Commissioner Lodge left the dais at 5:06 p.m. and did not return.

MOTION: Pujo/Schwartz

Assigned Resolution No. 016-16

Recommend that City Council adopt the amendments to the Wireless Facilities Ordinance that would delete Santa Barbara Municipal Code Section 28.94.030.DD and add a new Chapter 28.74 in Title 28 of the Santa Barbara Municipal Code, as outlined in the Staff Report, dated June 3, 2016, with the following revisions:

1. The ordinance include an exemption in section 28.74.020 Applicability for Southern California Cal Gas.

2. That section 28.74.030 (B) (3) be revised to state that the City owned and operated facilities could be exempt from permits, except for review and comment by a design review board.
3. Clarify in the ordinance, that Design Review boards have the authority to choose the requirement of the undergrounding of equipment.
4. Clarify the definition of Right-of-Way.
5. Revise title of section 28.74.060 (A) from “Preferred Design” to “Preferred Siting”.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Jordan) Abstain: 0 Absent: 3 (Higgins, Lodge, Thompson)

Jordan cannot support an exemption for the City, when its interest is equal to the legislated Edison utility and the one we are offering to Southern California Gas.

I. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:25 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
 - a. Commissioner Jordan reported on the Staff Hearing Officer meeting of June 8, 2016.
2. Other Committee and Liaison Reports
 - a. Commissioner Campanella reported on Single Family Design Board meeting of June 13, 2016.
 - b. Commissioner Campanella announced that the next meeting is July 7, 2016.

II. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:26 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-16 CITYWIDE RECOMMENDATION TO CITY COUNCIL

JUNE 16 2016

DENSITY BONUS AND DEVELOPMENT INCENTIVES ORDINANCE AMENDMENT (SBMC §28.87.400)

The purpose of this public hearing was for the Planning Commission to review and make recommendations to the City Council regarding a Density Bonus and Development Incentives Ordinance amendment (SBMC §28.87.400). The City's Density Bonus and Development Incentives Ordinance is currently out of compliance with State Density Bonus Law (SDBL). These minor ordinance amendments will bring the City into compliance with SDBL.

The project will require an environmental finding for a CEQA Guidelines Section 15183 Exemption (Projects Consistent with the General Plan) prior to the ordinance adoption.

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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 12, 2016.

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission recommended adoption by City Council of the Density Bonus and Development Incentives Ordinance Amendment.

I. Said recommendation is subject to the following revised condition:

- 2.a. LOT AREA MODIFICATION. Notwithstanding any other section in this Code, when a proposed project complies with all of the requirements of SDBL, and the density bonus requested is no more than the density bonus authorized by the SDBL table or the density bonus is requested as a concession or incentive pursuant to SDBL and the concession or incentive is determined by the Community Development Director to be required in order to provide for affordable housing costs, the Community Development Director or his/her designee shall deem the project's density consistent with the Zoning Ordinance, and exempt from the requirements for a lot area modification as set forth in Section 28.92.110.

This motion was passed and adopted on the 16th day of June, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Higgins, 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



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 016-16

CITYWIDE

RECOMMENDATION TO CITY COUNCIL – WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

JUNE 16, 2016 2016

WIRELESS FACILITIES ORDINANCE (DELETING SBMC §28.94.030.DD AND ADDING CHAPTER 28.74 TO TITLE 28 OF THE SBMC)

The purpose of this public hearing was for the Planning Commission to review and make recommendations to the City Council regarding Municipal Code Amendments related to the regulation of Wireless Communication Facilities.

The new ordinance proposes to delete Santa Barbara Municipal Code Section 28.94.030.DD and add a new Chapter 28.74 in Title 28 of the Santa Barbara Municipal Code to include the following (partial list):

- City requirements for a revised review process for the various types of wireless telecommunications facilities applications;
- Development standards and guidelines for new facilities and substantial changes to existing facilities;
- Specifies the types of wireless telecommunications facilities that are allowed to propose certain types of collocation facilities;
- Responds to FCC Rules Implementing Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012;
- Lists aesthetic and concealment design requirements and preferences for wireless telecommunications facilities;
- Establishes required findings of approval for some wireless facilities that may require a Conditional Use Permit; and
- Allows for an administrative review process for certain wireless facility improvement projects.

The Planning Commission recommendations will be forwarded to the City Council for adoption later this year.

The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Sections 15061, 15301, 15302, and 15305 because the ordinance merely establishes a comprehensive permitting scheme.

WHEREAS, the Planning Commission has held the required public hearing on the ordinance amendment.

WHEREAS, no one appeared to speak in favor of the ordinance amendment, and 5 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 3, 2016.
2. Site Plans
3. Correspondence received in opposition to the ordinance amendment, or with concerns:
 - a. Timothy Mahoney, SoCalGas
 - b. Paul B. Albrighton, Mackenzie & Albritton, LLP, for Verizon Wireless (2 letters)

c. Rienk Ayers, Chameleon, via email

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

- I. Recommend that City Council adopt the amendments to the Wireless Facilities Ordinance that would delete Santa Barbara Municipal Code Section 28.94.030.DD and add a new Chapter 28.74 in Title 28 of the Santa Barbara Municipal Code, as outlined in the Staff Report, dated June 3, 2016
- II. Said recommendation is subject to the following revisions:
 1. The ordinance include an exemption in section 28.74.020 Applicability for Southern California Cal Gas.
 2. That section 28.74.030 (B) (3) be revised to state that the City owned and operated facilities could be exempt from permits, except for review and comment by a design review board.
 3. Clarify in the ordinance, that Design Review boards have the authority to choose the requirement of the undergrounding of equipment.
 4. Clarify the definition of Right-of-Way.
 5. Revise title of section 28.74.060 (A) from “Preferred Design” to “Preferred Siting”.

This motion was passed and adopted on the 16th day of June, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

Ayes: 3 Noes: 1 (Jordan) Abstain: 0 Absent: 3 (Higgins, Lodge, 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