CALL TO ORDER

Chair Higgins called the meeting to order at 1:04 p.m.

I. ROLL CALL

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

STAFF PRESENT

Danny Kato, Senior Planner
Marck Aguilar, Project Planner
Brenda Beltz, Associate Planner
N. Scott Vincent, Assistant City Attorney
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS

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

   No requests.

B. Announcements and appeals:

   Danny Kato, Senior Planner, announced that on Tuesday, April 11, 2017, City Council denied the appeal of the Planning Commission’s decision on 6100 Hollister Avenue.

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

   No public comment.
III. CONTINUED ITEM

ACTUAL TIME: 1:06 P.M.

NEW ZONING ORDINANCE CONTINUED FROM MARCH 9, 2017

The Draft New Zoning Ordinance (NZO), MST2016-00550, proposes updates and new formatting for the Zoning Ordinance, which is Title 28 of the City's Municipal Code. The Zoning Ordinance establishes the zone classifications, permitted uses in each zone, development standards and regulations, and the development review process for the City. Development standards related to growth, such as residential density, and amount of nonresidential growth allowed remain unchanged. The majority of the proposed changes consist of reformatting and modernizing language, and clarifying existing regulations; however, a number of changes to zoning regulations are proposed. The legislative actions required include:

1. General Plan Map Amendment to re-designate Veronica Meadows Specific Plan Area A (APN 047-010-064) from Low Density Residential (Maximum 2 dwelling units/acre) to Open Space;
2. Amendment to the Certified Local Coastal Program Implementation Ordinances (SBMC §28.44.250.D); and
3. Amendment to Title 28 (Zoning Ordinance & Zoning Map), Title 29 (Airport Zoning Ordinance & Airport Zoning Map), Specific Plan 9-Veronica Meadows, Title 9 (Public Peace and Safety), Title 22 (Environmental Policy and Construction), Title 27 (Subdivisions), and related Titles of the Santa Barbara Municipal Code (SBMC §28.92.020).

The Environmental Analyst has determined that the proposed amendments are implementing actions of the 2011 General Plan and within the scope of the Certified Final Program Environmental Impact Report (EIR) for the General Plan. An Addendum to the Certified Final General Plan Program EIR provides documentation of environmental analysis of the proposed amendments under California Environmental Quality Act (CEQA).

Contact: Marck Aguilar, Project Planner
Email: M Aguilar@SantaBarbaraCA.gov
Phone: (805) 564-5470, ext. 5399

Danny Kato, Senior Planner, gave the Staff presentation. Marck Aguilar, Project Planner; and Brenda Beltz, Associate Planner, were available to answer questions.

Public comment opened at 1:58 p.m.

The following people provided public comment:

1. Maggie Monroe is concerned with whether her area is still zoned as C-M and whether the fish processing plant is or is not allowed. Staff responded that fish processing is allowed in the M-1 zone and some coastal areas and is not proposed to be allowed in the C-M zones.
2. Jarett Gorin, Vanguard Planning, is in agreement with most of staff’s proposed changes but remains concerned with the proposed residential use definition. Whatever decision is made still needs to be agreed on by the California Coastal Commission (CCC). The proposed language is in opposition to the CCC’s policy and would be opposed. Adam Brown and David Gronsky ceded their time to Mr. Gorin.
3. Tiffany Haller submitted written comments and spoke on behalf of R-4 Zone owners and commented on short term vacation rentals. The proposed definition presents a slippery slope
and potential litigation. She shared four photos and asked the Commission to identify which residence was a hotel. Tatiana Fenkner, John Wooley and Kristi Gordinier ceded their time to Ms. Haller.

4. Betsy Kehoe submitted written comments and spoke about her rights as an owner of an R-4 property and in defense of short term vacation rentals. She also stated that those that are turned away from local vacation rentals do not check into hotels, but seek rentals in adjacent cities and become a loss of TOT to the City. Neil Partridge, Melody DePledge and Kurt Haller ceded their time to Mr. Kehoe.

5. Sandy Cambell spoke in defense of R-4 zones and short term vacation rental stock.

6. Krista Pleiser, Santa Barbara Association of Realtors, previously submitted written comments and supports staff’s recommendation on Minor Zoning Exceptions.

7. Samantha Ireland said that the NZO impacts short term rentals and it should not.

8. Bryce Anderson spoke about short term rentals in the R-4 zone and is against hotel conversions for R-4 Zone properties. He cited legal cases where similar language was proposed and lost in court.

9. Angela O’Neilin cannot understand how a short term rental property can be classified as a hotel. She talked about properties that rent to students for 9 months and then are used as short term rentals for the remaining 3 months. A hotel conversion makes no sense for these situations.

10. Bunnie DeLorie submitted written comments and spoke to the need for short term rentals and the impact to tourists by a forced conversion of R-4 zone properties to hotels. Ken Switzer ceded time to Ms. DeLorie.

Chair Higgins acknowledged a letter received from Catherine Vincenti asking the Commission not to approve the NZO until 2018 when a new Council is in place.

Public comment closed at 2:34 p.m.

* THE COMMISSION RECESSSED FROM 2:35 PM TO 2:49 P.M. *

The Planning Commission continued its discussion of the following unresolved or new topics from the staff report dated, February 9, 2017, with the introduction of additional topics in the staff report dated April 6 2017.

1. **DEFINITION OF “RESIDENTIAL USE” FROM MARCH 9, 2017 STAFF MEMORANDUM**

   **MOTION: Lodge/Wiscomb**
   Recommend to City Council that definitions of “residential use” and “nonresidential use” be excluded from the proposed NZO.

   This motion carried by the following vote:
   Ayes: 5  Noes: 2 (Jordan, Thompson)  Abstain: 0  Absent: 0

   Commissioner Thompson continues to state that vacation rentals are not hotels and should not be defined as such in the NZO. Commissioner Jordan supported the inclusion of the language as clarification of what already exists in the code and clearing up ambiguity.
Commissioner Jordan has asked that the short term rental process be discussed at a future meeting as the Commission was led to believe that it would.

**MOTION: Schwartz/Jordan**
Request Staff to return, within the next 60 days, with a briefing on the current process of how short term rental applications, guidelines, and the processing of permits work.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

2. **VERONICA MEADOWS SPECIFIC PLAN (SP-9)**

**MOTION: Lodge/Jordan**
Recommend that City Council adopt Staff’s recommendation for adoption of the proposed zoning classifications, General Plan designation and Local Coastal Plan Land Use Designations, and a park designation of Open Space, as drafted.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

3. **ALTERATIONS WITHIN SETBACKS - MINOR ZONING EXCEPTION**

**MOTION: Jordan/Lodge**
Recommend that City Council adopt a proposed change to the language recommended on March 2, 2017 regarding Minor Zoning Exceptions for alterations in setback, to eliminate the requirement for abutting neighbor support.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

4. **FENCES AND HEDGES - MINOR ZONING EXCEPTION**

**MOTION: Jordan/Lodge**
Recommend that City Council adopt a proposed change from the previous vote taken on March 2, 2017, to the Minor Zoning Exception for fence/hedge height, with the change that a noticed public hearing be required and to eliminate the requirement for abutting neighbor support.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

5. **SETBACKS AND LOT COVERAGE FOR NONRESIDENTIAL USES IN RESIDENTIAL ZONES**

**MOTION: Thompson/Jordan**
Recommend that City Council adopt the elimination of the lot coverage limitation and double front setback requirement for nonresidential uses in residential zones.

This motion carried by the following vote:
Ayes: 6  Noes: 1 (Lodge)  Abstain: 0  Absent: 0
Commissioner Lodge is not comfortable with giving up the maximum 25% lot coverage and would like to see some sort of maximum on the percentage of lot coverage.

6. SETBACKS FOR MIXED-USE BUILDINGS VS. MIXED-USE DEVELOPMENT

MOTION: Thompson/Wiscomb
Recommend that City Council adopt the elimination of the application of residential setbacks for residential buildings that are part of a mixed-use development.

This motion carried by the following vote:
Ayes: 6  Noes: 1 (Lodge)  Abstain: 0  Absent: 0

Commissioner Lodge could not support the recommendation because the livability would be reduced. She stated that residential units without setbacks would be like ‘little caves’.

7. LIVE-WORK

MOTION: Lodge/Thompson
Recommend that City Council adopt the Live-Work Unit standards.

This motion carried by the following vote:
Ayes: 4  Noes: 3 (Higgins, Schwartz, Wiscomb)  Abstain: 0  Absent: 0

Commissioner Schwartz referenced the El Zoco development, designed as artist live/work residential units. She and Commissioners Higgins and Wiscomb were concerned with the limited ingress and egress for a building with only one entrance.

8. FRONT SETBACK FOR MULTI-STORY BUILDINGS IN THE RS-6 AND R-2 ZONES

Fred Sweeney, Single Family Design Board (SFDB) Chair, addressed the Planning Commission and stated that this change would be of significant assistance in the Board’s review of projects.

MOTION: Wiscomb/Thompson
Recommend that City Council adopt the proposed changes for the front setback requirements in the proposed RS-6 and R-2 Zones, such that front setbacks are determined by building height measured in feet, rather than in stories.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

9. NARROW THE RANGE OF ALLOWED USES IN THE M-I MANUFACTURING INDUSTRIAL ZONE

MOTION: Wiscomb/Thompson
Recommend that City Council adopt the proposed list of allowed uses in the M-I Zone.

This motion carried by the following vote:
Ayes: 5  Noes: 2 (Higgins, Schwartz)  Abstain: 0  Absent: 0
Commissioner Schwartz could not support differentiating between different kinds of schools and not looking at associated parking needs. Commissioner Higgins did not support the creation of nonconformities and favored allowable uses for community assembly.

10. **COASTAL ORIENTED ZONES**

**MOTION: Jordan/Lodge**
Recommend that City Council adopt the proposed changes to the Coastal Oriented Zones.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

11. **SPECIFIC PLAN ZONES**

**MOTION: Lodge/Wiscomb**
Recommend that City Council adopt the proposed changes to the Specific Plan Zones.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

12. **COMBINE C-P, C-L AND C-1 ZONES INTO C-R ZONE**

**MOTION: Lodge/Wiscomb**
Recommend that City Council adopt the changes to combining existing C-P, C-L and C-1 restricted commercial zones into one proposed C-R (Commercial Restricted) zone.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

13. **AIRPORT ZONING ORDINANCE (TITLE 29)**

**MOTION: Lodge/Thompson**
Recommend that City Council adopt the proposed name changes.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

14. **AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM (AUD) PROJECTS – OPEN YARD AND OUTDOOR LIVING SPACE REQUIREMENTS**

**MOTION: Lodge/Wiscomb**
Recommend that City Council adopt the AUD Open Yard provisions.

This motion carried by the following vote:
Ayes: 5  Noes: 2 (Campanella, Schwartz)  Abstain: 0  Absent: 0
Commissioners Campanella and Schwartz could not support the recommendation unless the requirement for findings were removed from the Alternative Open Yard Design allowance for multi-unit open yard requirements.

The Planning Commission was vocal in stating that input was not received from the Design Boards prior to the Commission having voted on the Motion. Chair Higgins asked that input be received prior to NZO moving to the Ordinance Committee.

15. MINOR CHANGES FROM MARCH 1, 2017 STAFF MEMORANDUM

a. 28.40.100 B.2 - Limitations on Encroachments into Setbacks and Open Yard
   - Move public utility easement text into applicability section.

b. 28.47.070.D.1.- Parking Prohibited in the Interior Setback to Single-Unit Residential
   - Clarify requirement for planter adjacent to driveway

c. 28.49.370.B.4.- Neighborhood Markets, Food Preparation and Consumption
   - Reduce food service from maximum 50% to 25% floor area

**MOTION: Lodge/Jordan**
Recommend that City Council adopt Staff's recommended changes with a change from 25% to a 35% reduction of floor area.

The Motion was amended and bifurcated to the following motions:

**MOTION: Lodge/Jordan**
Recommend that City Council adopt Staff's recommended changes to 15.a. and 15.b.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

**MOTION: Lodge/Jordan**
Recommend that City Council adopt Staff's recommended change to 15.c. with an increase from 25% to 35% for the maximum allowed floor area devoted to a food service use.

This motion carried by the following vote:
Ayes: 5  Noes: 2 (Campanella, Schwartz)  Abstain: 0  Absent: 0

Commissioners Campanella and Schwartz support neighborhood markets and could not support reducing the percentage from 50% to 35% without further public input.

16. STREET WIDENING SETBACKS – STREET NAME UPDATE FROM MARCH 8, 2017 STAFF MEMORANDUM

**MOTION: Thompson/Wiscomb**
Recommend to City Council that outdated references of Hollister Avenue be updated to State Street and De la Vina Street.
This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

17. **NZO APPLICABILITY TO PROJECTS CURRENTLY IN THE PERMITTING PROCESS**

**MOTION: Lodge/Jordan**
Recommend that City Council require compliance with the new regulations unless the project has received Design Review Approval by a design review board, or another discretionary approval, or a building permit has been issued for the project under the current zoning regulations.

This motion carried by the following vote:
Ayes: 4  Noes: 3 (Campanella, Higgins, Schwartz)  Abstain: 0  Absent: 0

Commissioners Campanella and Schwartz commented that the appropriate cutoff for projects to be able to use the current zoning regulations was at the application completeness stage.

18. **ACCESSORY DWELLING UNITS**

**MOTION: Lodge/Wiscomb**
Recommend that City Council exclude Accessory Dwelling Units from NZO.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

**RECOMMENDATION TO CITY COUNCIL:**

**MOTION: Thompson/Lodge**
Recommend that City Council adopt the NZO as amended by the Planning Commission.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

IV. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 6:01 P.M.**

A. Committee and Liaison Reports
   1. Staff Hearing Officer Liaison Report
      No report.
   2. Other Committee and Liaison Reports
      a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of March 22, 2017.
      b. Commissioner Campanella reported on the Architectural Board of Review meeting of April 10, 2017.
V. **ADJOURNMENT**

Chair Higgins adjourned the meeting at 6:05 p.m.

Submitted by,

Julie Rodriguez, Planning Commission Secretary