



City of Santa Barbara
PLANNING COMMISSION
MINUTES
JANUARY 25, 2018

1:00 P.M.
City Hall, Council Chambers
735 Anacapa Street
SantaBarbaraCA.gov

COMMISSION MEMBERS:

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

STAFF:

N. Scott Vincent, Assistant City Attorney
Bea Gularte, Senior Planner
Kathleen Goo, Commission Secretary

CALL TO ORDER

Chair Wiscomb called the meeting to order at 1:07 p.m.

I. ROLL CALL

Chair Lesley Wiscomb, Vice Chair Sheila Lodge, Commissioners John P. Campanella, Jay D. Higgins, Mike Jordan, Deborah L. Schwartz (until 1:16 p.m.), and Addison Thompson

STAFF PRESENT

N. Scott Vincent, Assistant City Attorney
Renee Brooke, City Planner
Beatriz Gularte, Senior Planner
Rosie Dyste, Project Planner
Kathleen Goo, Commission Secretary

II. PRELIMINARY MATTERS

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

Ms. Gularte requested that Item IV.A, announcement of the 2018 Planning Commission Liaisons to Boards and Commissions, be moved to occur after Item II.C.

B. Announcements and appeals:

No announcements.

C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. January 11, 2018 Minutes
2. PC Resolution No. 002-18
1540 Franceschi Road

MOTION: Schwartz/Higgins

Approve the minutes and resolution as presented.

This motion carried by the following vote:

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

3. The 2018 Planning Commission Liaisons to Boards and Commissions were announced as follows:

Airport Commission

Addison Thompson – Primary
Jay Higgins – Alternate

Architectural Board Of Review

John Campanella – Primary
Sheila Lodge – Alternate

Citywide Wayfinding Signage Program Committee

Jay Higgins - Primary
Michael Jordan – Alternate

Creeks Restoration & Water Quality Improvement Program Citizen Advisory Committee

Sheila Lodge – Primary
Lesley Wiscomb – Alternate

Downtown Parking Committee

Lesley Wiscomb – Primary
Jay Higgins – Alternate

Harbor Commission

Michael Jordan - Primary
Sheila Lodge – Alternate

Highway 101 Improvements Design Subcommittee

Deborah L. Schwartz - Primary
Addison Thompson - Primary

Historic Landmarks Commission

Sheila Lodge – Primary
Addison Thompson – Alternate

Housing Task Force

John Campanella
Michael Jordan
Sheila Lodge

Local Coastal Plan (LCP) Subcommittee

Lesley Wiscomb – Primary
Deborah L. Schwartz - Primary
Addison Thompson – Primary
Sheila Lodge – Alternate

Parks and Recreation Commission

Lesley Wiscomb – Primary
Michael Jordan – Alternate

Sign Ordinance Review Committee

Sheila Lodge - Primary
Deborah L. Schwartz - Alternate

Single Family Design Board

Addison Thompson – Primary
Michael Jordan – Alternate

Staff Hearing Officer Liaison

Jay Higgins - Primary
Lesley Wiscomb – Alternate

Sustainability Council Committee

John Campanella – Primary
Deborah L. Schwartz – Alternate

Transportation and Circulation Committee

Michael Jordan – Primary
Deborah L. Schwartz – Alternate

Water Commission

Michael Jordan - Primary
Deborah L. Schwartz – Alternate

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

Art Ludwig of Oasis Design spoke regarding recent manifestations of climate change in the City and State, emphasizing that climate safety is the lens through which decisions should be viewed. Jarrett Gorin ceded his time to Mr. Ludwig.

ACTUAL TIME: 1:15 P.M.

**III. RECOMMENDATION TO AMEND MUNICIPAL CODE
ITEM CONTINUED FROM THE JANUARY 11, 2018 HEARING**

Planning Commission review of proposed amendments to the Municipal Code to establish development regulations for Accessory Dwelling Units (ADUs). Effective January 1, 2017, state legislation superseded sections of the City's regulations for secondary dwelling units and accessory dwelling units that were inconsistent with Government Code Section 65852.2. Until the City adopts its own ADU Ordinance, it is required to ministerially approve ADUs if the unit complies with state standards including certain parking requirements, the maximum allowable size of an ADU, and setback requirements.

Staff recommends that the Planning Commission review proposed amendments to the Zoning Ordinance to adopt an Accessory Dwelling Unit Ordinance and forward a recommendation to the City Council for adoption.

Contact: Rosie Dyste, Project Planner
Email: RDyste@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4599

RECUSALS: To avoid any actual or perceived financial conflict of interest, Commissioner Schwartz recused herself from hearing of this item.

Rosie Dyste, Project Planner, gave the Staff presentation. Renee Brooke, City Planner, was available to answer questions.

Jerry Hittleman, Consultant from Rincon Consultants, Inc., also was available to answer questions.

Public comment opened at 2:14 p.m.

The following people spoke:

1. Chris Manson-Hing, architect/AIASB, stated that consideration should be given to how the City and neighborhoods evolve over time, and there should be a timetable for introduction into neighborhoods, open yards, and the inclusion of the ministerial document. Marti Garcia ceded time to Mr. Manson-Hing.
2. Helen Couclelis, resident/UCSB professor, spoke of the Rivera Hills area concern that the "area" should be considered on a property-by-property basis with major limitations for ADU approvals due to the high-active earthquake fault, insufficient road network for short-order evacuation and first-responder access, several mitigating infrastructure services, and that fire insurance is usually based upon area-wide criteria.
3. Paul R. Zink, architect, stated that ADUs will help address the lack of housing and should be made achievable to help protect neighborhood character and charm.
4. Andreas Blomst stated that the current draft ordinance is not sufficient as currently written, requested staff to clarify the owner-occupancy clause for small R-2 zoned lots, and listed alternatives to the covenant, such as: owner occupancy with a sunset clause of 2-3 years, no owner-occupancy covenant at all or an owner-occupancy requirement in zones for R-1 and not in multi-family zones, a limited ownership to one property with an ADU, or an affordability contract in lieu of owner occupancy. Shannon Blomst ceded her time to Mr. Blomst.

5. Bill Jansen spoke in support of ADUs that will allow critical care nurses to remain local and provide critical care for local in-home patients.
6. Carol Wesolowski spoke against the owner-occupancy covenant for ADUs.
7. Brian Kenny spoke as an advocate for families in single-family zones and requested their opinions be included in the discussion.
8. Leon Lunt spoke in support of the owner-occupancy requirement and related covenant, doubling the minimum size from 600 to 1200 square feet, elimination of the one parking space per bedroom requirement, and prevention of the RS zone changing to an R-1 zone. Chris Bastian and Sharri Anderson ceded their time to Mr. Lunt.
9. Natalie Cope Phillips, architect, spoke of concerns regarding how open yard requirements are being defined for ADUs and requested that all lots, single-family and multi-family, be required to be 10% of the lot size with a 10-foot long by 10-foot wide minimum dimension. Gil Garcia ceded his time to Ms. Cope Phillips.
10. Suzanne Elledge concurred with Ms. Cope Phillips' concerns and requested a reconsideration of the prohibition of ADUs within the foothill and extreme foothill high fire zones, as it reduces potential ADUs by 20%, in favor of standards developed with Fire Department input for safe ADUs in these areas.
11. Jarrett Gorin, architect, spoke against the owner-occupancy covenant as the state did not include this requirement, as well as the parking requirement of visible sight triangle of 10 feet on either side of a driveway and 10 feet back from a property line. He also requested Fire Department input instead of prohibition of ADUs in the foothill and extreme foothill high fire zones, and is against going beyond the state law by limiting ADUs by height. Rick Box, Richard McCandless, and Gregg Partonyti ceded their time to Mr. Gorin.
12. Reyne Staplemann concurred with Mr. Gorin and Ms. Elledge regarding parking and the foothill and extreme foothill high fire zones, and stated that the ADU fee structure should be proportional to the impact of the ADU and not become a barrier. Krista Pleiser ceded her time to Ms. Staplemann.
13. Mark Sapp spoke about exclusion of ADUs within the foothill and extreme foothill high fire zones, which should be determined on a project-by-project basis, and stated that current ADU projects reviewed under state law are being held hostage to an owner-occupancy covenant requirement, which creates an undue burden on property owners to obtain a mortgage or refinance an existing mortgage and for revocable living trusts when an owner dies. Nancy Mulholland ceded her time to Mr. Sapp.
14. Todd A. Amspoker of Price, Postel, & Parma, LLC, spoke of concerns regarding the inclusion of the owner-occupancy covenant and against the use of the property for rentals terms longer than 30 days, which state law does not require.
15. Valerie Froscher spoke of concerns that the current draft ordinance does not encourage compatible low-density neighborhood infill housing as the state law does, specifically by the open yard requirement and deed restriction owner covenant.
16. Tom Jacobs spoke in support of continuing the drafting of the ADU ordinance and encouraged working closely with the AIASB toward a user-friendly, stand-alone ordinance that supports the needs of middle-class homeowners.
17. Jack Maxwell also requested Fire Department input instead of prohibition of ADUs in the foothill and extreme foothill high fire zones, since a professional should determine what defines a hazardous zone. He believes that an ADU application should be allowed to be submitted along with plan and permits for a primary residence and vest under the deadline.
18. Alex Pujo, architect, spoke on eight main ADU ordinance issues: high fire hazard area restrictions, required open yards, ADU floor area maximums, setbacks/height-solar envelope, parking setback paved area increase, ABR review, sales/rental restrictions for owner occupancy, and permitting process and requirements. He focused mainly on the issue

of ADU floor area maximums, which should be kept realistic and simple. Steve Young, Tere Jurado, Dave Barter, and Duffy Smith ceded their time to Mr. Pujo.

19. Clay Stanford spoke in support of a liberal adoption of ADU standards and of high-density advantages to increase revenue and improve infrastructure. He concurred with middle-ground alternatives to an owner-occupancy covenant for detached ADUs and with the AIASB's input regarding restrictions on high-fire areas, open and floor areas, setbacks, and parking.
20. Cassandra Ensberg, architect, spoke about working together with the AIASB to draft a successful ADU ordinance and the necessity of clear ADU information for applicants.
21. Nick Koonce spoke of existing obstructions for existing ADU applicants, lack of information, exceptions for Junior ADUs, removal of owner occupancy, and concurs with AIASB recommendations.
22. Paul Poire, architect, spoke in support of ADUs to improve local infrastructure and the context of neighborhoods, and concurs with already identified problems with the draft ADU Ordinance, including that it should require a sunset clause and finance by banks instead of requiring ownership that follows the property and will inevitably be violated when the original owners pass away. Simple, affordable ADUs will help to improve housing.
23. Kevin Cravens, local mortgage lender, clarified that the owner-occupancy covenant would make it restrictive to find bank financing for owners for new loans or refinancing loans on potential ADU collateral, which can be later be required to be demolished.
24. June Pujo concurred with preceding ADU comments, and recommends extended, detailed drafting with study of all comments. She concurs with the inclusion of Junior ADUs and the expansion of zones that allow single-family dwellings. She also pointed out that even though ADUs by state law do not increase density on lots, the draft ADU Ordinance on page 4 shows a density chart on ADU lots; this contradicts state law.
25. Brent Winebrenner spoke in favor of ADUs to supplement rental income, noted that most owners have cars in their garages and not on the street, and stated that the owner-occupancy covenant is problematic for lending and property sales.
26. Everett Jay Woody is opposed to the owner-occupancy covenant, and spoke of burdensome impacts on the development of ADUs in converted existing spaces (e.g., garages), which must be approved regardless of zoning and development standards. He spoke of other development standards such as parking visibility restrictions for view corridors, and lot coverage or FARs coupled with open space, which often means no ADUs when factoring in open space and stairway requirements for upper floor development. Noreen Nath and Kathy Groh ceded their time to Mr. Woody.
27. Roy Harthorn, building code consultant, spoke on items for plan check and standards, and about zoning information reports for plan checks, which often contain misinformation and alleged violations, placing a burden on applicants and owners, and include Title 24 regulations and energy requirements, which may be burdensome for owners with ambient or portable heating sources. He spoke in support of ADUs located in foothill and extreme foothill high fire areas using performance fire-resistant standards similar to hurricane and tornado shelter-in-place requirements, and he is in favor of proprietor requirements instead of an owner-occupancy covenant, without the requirement of removal of ADUs upon non-compliance for non-conforming or modification issues. Richards Hynds ceded his time to Mr. Harthorn.
28. Kas Seefeld, architect, spoke in favor of ADUs to supplement rental income and add property value, and is in opposition to the ADU owner-occupancy covenant.
29. Kevin Dumain, architect, spoke in opposition to restrictive regulations, in favor of conversion of existing spaces, and supports the state law and more flexible mandates on ADUs.

30. George Laperle is a resident in high fire risk zone and spoke in favor of ADUs located in foothill and extreme foothill high fire risk zones and requested a liberal interpretation of state law in order to incorporate ADU senior living into his home.

Public comment closed at 3:58 p.m.

*** THE COMMISSION RECESSED FROM 3:58 TO 4:13 P.M. ***

Owner-Occupancy Covenant

MOTION: Higgins/

Recommend retention of the owner-occupancy covenant, with revisions to Section I.D (Term, Enforcement, and Security) to eliminate the requirement, in the event that the property is no longer developed and used as a primary dwelling unit and an ADU, to reconfigure the improvements on the property to eliminate the ADU to comply with the current square footage standards for accessory structures and reestablish one single residential unit, and relaxation of the hardship waiver standards.

This motion failed for lack of second.

Commissioner comments:

Commissioner Higgins:

- Is sensitive to the concerns that have prompted the owner-occupancy covenant, but would like to see a softening of some of the details (as listed in the motion).
- Suggested a maximum covenant term of 3-5 years as another way to soften.

Commissioner Thompson:

- Does not support an owner-occupancy covenant, except in the case of Junior ADUs.
- The concern about renters not maintaining a property to community standards is a red herring. For every renter who does not maintain to community standards, there is an owner who does not maintain to community standards.
- The covenant clouds the title too much and is a big overreach.

Commissioner Jordan:

- Does not completely support the covenant but recognizes the concern of residents that it attempts to address. Until it can be shown that impacts are not as feared, this tension will occur.
- Suggested instead of a requirement for owner occupancy, a requirement that the owner reside somewhere in the City.

Commissioner Campanella:

- The owner-occupancy covenant applied to commercial and multi-family properties is too global and restrictive. Agrees that there should be a covenant for Junior ADUs.
- Concerns about what will happen without an owner-occupancy covenant are conjecture at this point.

Commissioner Lodge:

- In general, she is supportive of the ordinance, and of the owner-occupancy covenant, though there is a potential for softening it.

- The covenant will keep units affordable. If investors can buy homes and put in ADUs, the rent will be what the market can bear. Conversely, it has been shown that when properties are owner-occupied, the rent is below market rate.

Chair Wiscomb:

- Commended staff for the ordinance and for addressing issues.
- Agrees that without the owner-occupancy covenant, ADUs will become speculative.
- Agrees that the covenant should be softened, keeping in mind the goal of neighborhood compatibility.

MOTION: Higgins/Lodge

Recommend inclusion of the owner-occupancy covenant, with Section I.D (Term, Enforcement, and Security) amended to: eliminate the requirement to reconfigure the ADU, in the event that the property is longer no developed and used as a primary dwelling unit and an ADU, to conform to current square footage standards for accessory structures (the ADU kitchen and bathroom removal requirements as listed in the Section to remain); and soften the hardship waiver component such that a hardship does not have to only include the death of a property owner.

This motion was amended as follows:

AMENDED MOTION: Higgins/Lodge

Recommend inclusion of the owner-occupancy covenant *for single-family zones only*, with Section I.D (Term, Enforcement, and Security) amended to: eliminate the requirement to reconfigure the ADU, in the event that the property is no longer developed and used as a primary dwelling unit and an ADU, to conform to current square footage standards for accessory structures (the ADU kitchen and bathroom removal requirements as listed in the Section to remain); and soften the hardship waiver component such that a hardship does not have to only include the death of a property owner.

This motion failed by the following vote:

Ayes: 3 Noes: 3 (Campanella, Jordan, Thompson) Abstain: 0 Absent: 1 (Schwartz)

High-Fire Hazard Zones

MOTION: Thompson/Higgins

Recommend removal of the prohibition of ADUs in high-fire hazard zones, with the ordinance to stipulate Fire Department review of all ADU applications in these zones.

This motion was discussed and amended below.

Commissioner comments:

Commissioner Thompson:

- The prohibition of ADUs in the foothill and extreme foothill zones is not appropriate or fair, as additions to single-family homes in these zones are not restricted.

Commissioner Higgins:

- The prohibition of ADUs in these zones does not come with a quantitative analysis of ADU impacts on fire safety. Fire protection concerns should be addressed in a broader planning exercise.

Commissioner Jordan:

- In favor of removing the blanket exclusion of ADUs in these zones.
- Questioned if stipulating Fire Department review of ADU applications in these zones represents a discretionary review.

Commissioner Lodge:

- The difference between an ADU and an addition to a single-family home in these areas is that an ADU is an additional household with at least one car.
- The state law allows ADUs to be restricted if there is a genuine safety concern. Evacuation of residents from the high-fire hazard zones is such a concern.
- The County has kept its restriction of ADUs in these zones, and the City should as well.

Chair Wiscomb:

- In favor of an added parking requirement if the prohibition in these zones is lifted, as well as strict and clear guidelines set by the Fire Department with respect to safety.
- Expressed concern about tandem parking in the event of an evacuation.
- Legalizing ADUs in these zones improves public safety by legitimizing them and adding proper restrictions.

AMENDED MOTION: Thompson/Higgins

Recommend removal of the prohibition of ADUs of high-fire hazard zones, with the ordinance to stipulate Fire Department review of all ADU applications in these zones, *and with additional parking required for ADUs in these zones.*

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Schwartz)

Commissioner Campanella brought forward for discussion the following: which applications would be required to conform to the new ordinance, those deemed complete by its date of adoption or applications submitted by its date of adoption; and the maximum allowable square footage of units on lots of 5,000 to up to 9,999 square feet.

MOTION: Campanella/Higgins

Recommend allowing ADU projects submitted prior to ordinance adoption to continue in compliance with state law.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Schwartz)

MOTION: Campanella/Jordan

Recommend a proposed maximum ADU size increase from 700 square feet to 800 square feet on lots from 5,000 square feet up to 9,999 square feet.

This motion was discussed and amended below.

Commissioner comments:

Commissioner Campanella:

- Would like to see the maximum ADU size increase to 800 square feet on lots up to 9,999 square feet to allow for a two-bedroom, one-bathroom unit to meet a family's needs, even if this requires an exception to the zoning ordinance.

Commissioner Jordan:

- It is problematic to create a sliding scale that references zoning ordinance requirements for accessory structures, not accessory dwelling units. The scale should fit the goals of an ADU ordinance, not try to fit an old ordinance.
- The scale is too restrictive overall and gets to a maximum 1,200 square foot ADU unit size too slowly.

Commissioner Lodge:

- Disagrees that the ADU maximum unit sizes should increase; these units are not meant to be the size of a tract house.

Commissioner Higgins:

- Agrees that the ADU maximum unit sizes should be increased, even if an amendment to the zoning ordinance is required.

AMENDED MOTION: Campanella/Jordan

Recommend the use of the American Institute of Architects' proposed maximum unit size chart: 600 square feet on lots up to 5,000 square feet; 800 square feet on lots from 5,000 to 9,999 square feet; 1,000 square feet on lots from 10,000 to 14,999 square feet; and 1,200 square feet on lots from 15,000 to 19,999 square feet.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Schwartz)

Requirements for Open Yard, FAR, and Total Square Footage of Accessory Buildings on a lot**MOTION: Higgins/Campanella**

Recommend that staff analyze flexibility of the open yard area standard based on ADU size and the idea that to the extent that the maximum unit sizes (as recommended earlier) reduce open yard, that is acceptable.

This motion was discussed and voted on below.

Commissioner comments:

Commissioner Jordan:

- The former idea of open yard is different from what it will be 20-30 years from now. The amount we have now will not appear a correct use of land and resources in the future.
- Supports finding a way, in each parcel size, to increase the net added square footage of an ADU as much as possible, up to the 1,200 square foot state allowance.

Commissioner Higgins:

- The approach as stated in the motion is for staff to analyze as “homework” before going to Council.
- The approach provides simplicity and serves the goal of expanding rental housing and improving livability (i.e., family-oriented, larger structures).

Commissioner Lodge:

- Cannot support this idea. Livability for families goes beyond unit size; it also includes open space where children play and access to sunlight for the landscaping that is left.

Chair Wiscomb:

- Prefers applicants use modifications to meet open yard requirements. The Commission has already recommended increases in maximum unit size; to relax the open yard requirement seems to be moving too hastily.

Commissioner Jordan:

- The goal is not necessarily to protect the traditional 1950s single-family tract residence with a large yard; the goal is to gain more housing in the least impactful manner.
- The adjustment of open yard is a personal choice for a homeowner; the FAR is a constraint by the community to protect neighborhood compatibility. Therefore, the open yard requirement is fair game for change.

The motion remained on the floor and was voted on:

MOTION: Higgins/Campanella

Recommend that staff analyze flexibility of the open yard area standard based on ADU size and the idea that to the extent that the maximum unit sizes (as recommended earlier) reduce open yard, that is acceptable.

The motion carried by the following vote:

Ayes: 4 Noes: 2 (Lodge, Wiscomb) Abstain: 0 Absent: 1 (Schwartz)

General Commissioner comments:

Commissioner Jordan:

- Would like some version of the FAR regulation to remain as the best method to regulate neighborhood compatibility.
- Finds the current draft ordinance an improvement, but also finds the inherent layers, referrals to other ordinances, and the difficulty of navigating it to indicate a conflict that is not consistent with the state law. It appears to restrict the effort of providing more housing.
- Would prefer more conversation on this, and would like to see more homeowner involvement than architect involvement.

MOTION: Higgins/Campanella

Forward the Draft ADU Ordinance to City Council with Planning Commission comments.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Schwartz)

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 7:12 P.M.

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report:

No report.

2. Other Committee and Liaison Reports

a. Commissioner Thompson reported on the Single Family Design Board meeting of January 22, 2018.

b. Commissioner Wiscomb reported on Parks and Recreation Commission of January 24, 2018, and reported that the Cabrillo Recreation Pool is currently under renovation.

V. ADJOURNMENT

Chair Wiscomb adjourned the meeting at 7:14 p.m.

Submitted by,

Kathleen Goo, Commission Secretary