



City of Santa Barbara Planning Division

PLANNING COMMISSION SPECIAL MEETING MINUTES

June 25, 2015

CALL TO ORDER:

Chair Thompson called the meeting to order at 3:00 P.M.

I. ROLL CALL

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners, Mike Jordan, Sheila Lodge, and June Pujo.

Absent: Commissioners Higgins and Schwartz were absent.

Council Member Cathy Murillo was also present on the dais.

STAFF PRESENT:

Renee Brooke, AICP, City Planner
Beatriz Gularte, Senior Planner
Danny Kato, Senior Planner
Susan Reardon, Senior Planner
Steve Foley, Supervising Transportation Planner
Marck Aguilar, Project Planner
N. Scott Vincent, Assistant City Attorney
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

Chair Thompson opened the public hearing at 3:00 P.M.

Philip Jankoski spoke to the Commission about the Sustainability Living Research Initiative (SLRI) and urged the Commission to support the initiative and make it a priority.

With no one else wishing to speak, the hearing was closed at 3:05 P.M.

III. WORKSHOP:

ACTUAL TIME: 3:05 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#1: Use Classifications**. Prior to the 3:00 P.M. Planning Commission meeting, an informal "open house" was held from 1:30 P.M. to 2:45 P.M. where the community could view material and ask questions of planners and consultants.

Contact: Marck Aguilar, Project Planner
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Marck Aguilar, Project Planner, gave a brief introduction. Martha Miller, Project Consultant, gave the presentation.

Chair Thompson opened the public comment hearing at 3:28 P.M.

The following people provided public comment:

1. Ben Werner, Sama Group Co-Director, spoke about the Sustainable Living Resource Initiative (SLRI) zoning overlay and encouraged the City to include it in the NZO for further development. This could achieve affordable housing goals without negative results. He suggested looking into flexibility and performance accountability-based zoning. Density and parking were areas that he stated need to be addressed.
2. Trish Allen, Susan Elledge Planning and Permitting Services, speaking on behalf of the Wright Family, submitted written comments and asked for flexibility in the M-1 zone. Manufacturing or industrial use is not appropriate for the Wright Family property at 301 E. Yanonali Street.
3. Richard Monk, representing MarBorg Industries, stated that MarBorg leases 20 properties in the M-1 zone and would not want to see their corporate office use, that is a part of their overall allowed M-1 activity, eliminated or converted to non-conforming use. He would like to see flexibility maintained in the M-1 zone.
4. Faye Cox, Sama Group Co-Director, spoke about the SLRI, and how it would address water and research and develop other ways to take care of our water. The City cannot be healthy if average rent is \$1500-1600. She encourages support for the SLRI.
5. Jack Ucciferri, Our Town Property Management, submitted written comments and stated that the SLRI overlay is a good idea. The draft may need some language change, but stated that it is innovative in acknowledging where we as a society are today and where we need to be.
6. Michel Saint-Sulpice asked that the city incorporate the SLRI overlay into the NZO and asked that a committee be formed to focus on sustainability.

7. Evan Thomas stated that the SLRI is an experiment and would not cause harm as a two year experiment. He urged support for the SLRI.

With no one else wishing to speak, public comment was closed at 3:46 P.M.

Given the interest voiced for the SLRI, Chair Thompson asked that Staff and the NZO subcommittee look into the SLRI and whether it could be included in the NZO. Commissioner Lodge concurred and suggested a CUP process could also be researched as a part of it.

Ms. Miller assured Commissioner Jordan and the Commission that public comments are welcome and can be considered for incorporation into the draft on all modules, not just the one being discussed today.

Commissioner's questions and comments:

Industrial M-I Zone [Currently "M-1" Zone] (Workshop Display No.1):

Commissioner Jordan:

1. Commissioner Jordan that we should agree on something and then focus on the actions of the agreement. He is not sure if fifty years from now that will be the place for manufacturing or commercial. The area seems to be changing almost daily. If we are going to do something else in that area, then we need to have an alternative as to where the displacement will go and the consequences of the displacement. We cannot move everything to the Airport.

Commissioner Lodge:

1. Commissioner Lodge would like to maintain areas where there is space for M-1 uses. There will be a lot of non-conforming uses if we go this route, but this idea became more complex than initially thought. She concurs with Commissioner Jordan that it will be hard to determine what the needs will be, but believes that we need to find middle ground on where there is still space for M-1 use and it cannot all be sent to the Airport. This still needs more work.
2. Commissioner Lodge looked at the boundaries of the M-1 and C-M zones on the map and stated that there is a very small part of the city that allows M-1 uses and is also the zone that is the least restrictive. We need to preserve space for industrial uses in the city.

Ms. Miller stated that generally some uses are obvious to eliminate, such as daycare, and others that are clear to keep. Then there is the middle area such as office, retail and food, which have some ancillary uses that staff will identify and define.

Commissioner Pujo:

1. Commissioner Pujo asked Staff for a brief summary of the problem seen in the reduction of availability of industrial space and what was the severity of the problem that led to asking for a review of the elimination of some of the commercial and office uses that have moved in. Also wanted to know what types of ancillary uses are being considered for elimination, such as an office headquarters that is an integral part of the industrial use, or employee services such as a lunchroom.

Mr. Kato responded that a map was prepared that illustrated that more than half of the industrial areas are in the M-1 zone and being used for industrial uses. These are lower rent districts and offices can locate there for cheaper rent than other locations. This in turn raises the pressure on industrial use affordability. With General Plan Policy LG-8 preservation, in the future there will be areas where industrial uses will be allowed.

With regard to ancillary uses, Staff is not yet there but will have more conversations as to what ancillary uses will be. At this time, it is thought that offices that are a part of the industrial use, and not a standalone, would be allowed. Standalone restaurants are not considered an ancillary use, especially with many options available on nearby Milpas Street.

2. Commissioner Pujo referenced Table 28.06.020 that begins on page 19 of Exhibit A: Draft NZO Module 1: Use Documentations, stating there are three types of Agriculture listed: Community Gardens, Commercial Gardens, and Commercial Agriculture. She does not see a need to remove any of these because they are often times an interim use and are usually low intensity/seasonal uses, unless there was a concern with hazardous material run off.
3. Commissioner Pujo agrees with assemblies, day care centers, and uses that are sensitive to noise being removed. She referenced the Animal Care, Sales and Services section under Commercial Uses stating that she agrees with most of them but thinks that kennels should be kept. She did not understand why Automated Teller Machines would be removed as they would be a convenience for employees that work there. She agrees that Banks and Financial Institutions could be eliminated from that zone. Research and Development could go elsewhere and eliminated from the zone.
4. Under the category of Transportation, Communication and Utilities Uses, she would like clarification on what is considered light fleet services. She is concerned that when it deals with passenger services, they should be allowed by conditional use permit (CUP) in other zones and not restricted only to a manufacturing zone.
5. Under use descriptions, Commissioner Pujo is concerned with how agriculture is categorized and believes that agriculture deserves its own category given that there are many types of agriculture.

Commissioner Campanella:

1. Commissioner Campanella referenced the map of land use categories that showed the M-1 and adjacent C-M zones and appreciated seeing the square footages of land that is available. In looking at the M-1 area, there appears to be sufficient space for industrial businesses. Hence, he does not think that it is necessary to remove uses from the M-1 zone which would then, based on affordability, likely move to the C-M zone. The C-M zone is where we want to have multi-family/mixed use housing (consistent with the Average Unit-Size Density overlay). Asked that Staff look at the unintended consequences of having uses move from M-1 to C-M where we want housing.
2. M1- will not see a lot of three story buildings built, regardless of the use. If a commercial business goes into a former industrial space, it does not mean the industrial space will not be able to go back in there. These two areas are our future and we need to look at what we want to develop and how sustainable we can be.
3. Hesitant to eliminate uses, except for one: hotels and extended stay hotels and would want further discussion on where these hotels can be located. The impact on single family neighborhoods has been seen.
4. It is premature to start eliminating uses until it is explored more on the subcommittee level without looking at what we want to see in the zones and getting input from the sustainability group.
5. We should look at less intensity and industrial use along the borders that would not be in conflict with the neighboring residential so that access to the back of these properties could occur without going through Milpas Street. If we are going to restrict uses in the M-1 zone, he recommends not restricting them on the borders in order to create buffers.
6. Commissioner Campanella wants research and development looked at. If we are not researching and developing, we are not growing.

Mr. Kato said that in the area of research and development, it would depend on what is being proposed and will be looked at carefully to differentiate what we may want.

Commissioner Thompson:

1. Commissioner Thompson wondered if we restrict uses, then are we going to turn away viable uses while keeping vacant properties unused waiting for the permitted use. We need to be careful not to paint ourselves into a corner by restricting the use of a zone and should let the market determine what would be appropriate in the zone within reason.
2. He emphasized that offices that are an integral part of an industrial use need to be permitted in the zone.

Neighborhood Markets §28.32.330 (Workshop Display No. 2):

Commissioner Pujo:

1. Commissioner Pujo supported not requiring conditional use permits for alcohol sales, but believes that serving alcohol needs to be on a small scale. We need to take care on mid-block markets due to maintaining a calm residential feel, but could be dealt with by a CUP if not much is in the area.

Ms. Miller clarified that originally it was thought that permits would be limited to alcohol sales only with some deli service acceptable because the draft regulations did not allow for onsite consumption of anything, but the subcommittee felt that some limited food service and deli would be appropriate.

2. She believes that there are circumstances where a corner market in a single family residential zone would be helpful and would reduce automobile trips and encourage walkability. She would support corner markets in a single family zone with a higher standard or distance requirements. There are plenty of 7,000 square foot lots with single family homes that could benefit with having a neighborhood market within a quarter mile distance. Perhaps a quarter mile distance separation would be appropriate.

Marck Aguilar responded to Commissioner Pujo's inquiry on the 1500 square feet of market area as not including the space for outdoor tables but would include the retail and storage space.

She supports the ability, such as a green grocer, where you could be allowed to place crates within 2 feet of a store front for fresh fruits or vegetables.

Ms. Miller addressed Commissioner Pujo's inquiry about the 500 feet in regard to one corner market at a four corner intersection by stating that currently neighborhood markets would be allowed in all zones except single family zones.

Mr. Kato added that neighborhood markets had been considered for single-family zones, but that the joint committee felt that there was insufficient density to support a neighborhood market and the likelihood of people walking to the store was small and possibly create more driving and parking issues.

Commissioner Campanella:

1. Commissioner Campanella is fine with prior comments made.

Commissioner Jordan:

1. Commissioner Jordan would not be averse to a mid-block neighborhood market if it would be easy to consider without requiring a CUP.
2. He supports outdoor seating, food prep and dining.
3. He would suggest longer hours of operation for retail; shorter for dining and beverage.
4. He does not support neighborhood stores in a single family zone. He would support a single-unit above a store or behind a store if in a multi-unit zone.

Commissioner Lodge:

1. Commissioner Lodge supports what is in the draft. She cannot see neighborhood stores located mid-block in single-unit residential zones as there would not be sufficient foot traffic to support them.
2. She does not think that a CUP should be required for alcohol sales.

Commissioner Thompson:

1. Commissioner Thompson does not have an issue with having neighborhood stores in a single family zone. The proposed standards are reasonable.
2. He does not think a CUP for alcohol should be required since there are already Alcohol Beverage licenses required (ABC).

Home Occupation Standards §28.32.180 (Workshop Display No. 3):

Commissioners Jordan and Lodge support what is in the draft.

Commissioner Thompson:

1. Commissioner Thompson supports the single station for haircutting and styling as acceptable.
2. Commissioner Thompson addressed the removal of commercial vehicles stating that there are many types of vehicles, such as cars with logos that can be considered commercial vehicles and would not bother a neighborhood.

Commissioner Pujo:

1. Commissioner Pujo stated that commercial vehicles parked onsite are not a problem if parked legally on the premises. It can be a problem when there are a number of commercial vehicles parked in front of the home business because it gives a different feel, especially if they include logos.

Mr. Kato explained that presently the only place that home occupations are currently mentioned is in the definition of home occupations. Investigations are complaint driven. The current ordinance addresses not having employees, but does not address having clients come to the home. It is acceptable as long as it does not get out of hand. Another standard is not having specialized equipment, for example a silk screening machine would not be common equipment in the average home. The NZO would require an affidavit that home occupation residents would complete and would be held on file for future enforcement issues.

Mr. Aguilar commented on the enforcement struggle that Staff has with determining how many clients is acceptable and how many is too many.

Mobile Food Vendors §28.32.260 (Workshop Display No. 4):

Commissioner Pujo:

1. Commissioner Pujo would like to know what the permit regulations are for food vendors from County Health on what is allowed. Would also not want to see self-contained vehicles and not stationary vendors that require dependent electrical needs. She is open to flower vendors, too.

Mr. Aguilar confirmed that the expectation is that any vehicles would be self-contained and not require any electrical cords across public right of ways.

Ms. Miller responded to Commissioner's inquiry on why motorized vehicles were required and not push carts by stating that it is up to the City and not a yes or no situation. Mr. Kato added that Chapter 5 in the City's ordinance, the Peddler Ordinance, defines a peddler, and that like the push carts, are not allowed by the City. Staff is trying to carve out a niche in the ordinance that would allow a mobile food vendor.

Scott Vincent, Assistant City Attorney, stated that someone buying a food truck would be more likely to maintain health code compliance given the financial investment in their vehicle, versus a push cart which has a low level of financial entry.

Commissioner Campanella:

1. Commissioner Campanella commented on the dual use of the term 'trailer' in the draft.

Ms. Miller clarified that the intended distinction was that a vehicle with a trailer would be acceptable, but a stand-alone trailer would not.

Commissioner Jordan:

1. Commissioner Jordan does not have any issues with parking. Wants to encourage this type of use and sees it as a modern template. We should make it as easy as possible with agreed upon restrictions.

Commissioner Lodge:

1. Commissioner Lodge supports the draft language.

Commissioner Thompson:

1. Commissioner Thompson thinks that having a permit is good and would like to see the trucks operate legally.

Automobile Service Stations §28.32.100 (Workshop Display No. 5):

Commissioner Jordan:

1. Commissioner Jordan thinks that gas stations need to be properly taken care of or we need to make it as easy as possible and live with it.

Mr. Kato added that they are trying to recommend that in a situation where a gas station is adding a mini-market, it would require a Performance Standard Permit (PSP) and not a Conditional Use Permit (CUP). However, setting aside the need for a PSP or a CUP could also be considered if the automobile service station use was complying with standards, and adding a use (e.g. mini-mart) that is already allowed in that zone.

Commissioner Lodge:

2. Commissioner Lodge concurs with Commissioner Jordon and would like to see Performance Standard Permits (PSP) used.

Commissioner Pujo:

1. Commissioner Pujo concurs with Commissioners Jordan and Lodge on landscaping reviews.
2. She believes a CUP is an onerous requirement.

Commissioner Thompson:

1. Commissioner Thompson stated that the term Automobile Service Station is a misnomer and should have a new title since few services are offered anymore. As to where we put them and what should be allowed, if we can put the standards in the ordinance, then perhaps neither a CUP or PSP should be required.

Community and Market Gardens §28.32.120 (Workshop Display No. 6):

Commissioner Pujo:

1. Commissioner Pujo appreciates that these are being added into the ordinance.
Ms. Miller clarified that community gardens are allowed in every zone, while market gardens are allowed in manufacturing zones; commercial zones; and require a PSP in office zones.
2. She believes that the definition of Agriculture should also be included.
3. These uses should not be limited in certain areas or treated as a long term venture. If there is a vacant lot, then we should allow these types of gardens.

Commissioner Campanella:

1. Commissioner Campanella thinks that any nuisances could be addressed and is fine with the draft.

Commissioner Jordon:

1. Commissioner Jordan is pleased that the square footage requirement was removed.
2. Agrees with commissioner Pujo on downshifting i.e. minimizing the level of permits.
3. Commissioner Jordan supports the Community Garden being able to give away what it grows.

Commissioner Lodge:

1. Commissioner Lodge agrees that the uses should be encouraged.
Mr. Kato explained pull-behind equipment, such as a tiller or cultivator, and why it was prohibited.

Commissioner Thompson:

1. Commissioner Thompson agrees with the concept and removing the size restriction.
2. Size will depend on what is available. Regardless of the size, we should allow it.

Other Comments (Workshop Display No. 7):

1. Commissioner Jordan asked that future drafts use the entire piece of paper for viewing the comments to make it easier to read.
2. Commissioner Campanella has been involved from the start and appreciates the public input. He appreciates that the definitions are in the back and supports this module moving forward. The documentation looks great in the document. Please include the public's comments.
3. Commissioner Pujo likes the way that Module 1 is drafted. She would like a description of what's next including what's next for the committee. Would like to see where the SLRI fits in and time frame, etc.

Staff will get together with the joint committee to discuss the SLRI proposal. Staff is already working on Module 2 and will be bringing module 2 to the joint committee in October.

IV. ADJOURNMENT

Chair Thompson adjourned the meeting at 5:29 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary