



JOINT COMMITTEE MEETING NOTE
Staff Notes

Monday, February 23, 2015

3:00 P.M.

COMMITTEE MEMBERS: HARWOOD "BENDY" WHITE, COUNCILMEMBER, *Chair*
JOHN CAMPANELLA, COMMISSIONER
MICHAEL JORDAN, COMMISSIONER
SHEILA LODGE, COMMISSIONER
CATHY MURILLO, MAYOR PRO TEMPORE
JUNE PUJO, COMMISSIONER, *Alternate*

STAFF: BEATRIZ GULARTE, PROJECT PLANNER
DANNY KATO, SENIOR PLANNER II
BETTIE WEISS, CITY PLANNER
SCOTT VINCENT, ASSISTANT CITY ATTORNEY III
ROB DAYTON, TRANSPORTATION PLANNING SUPERVISOR

ATTENDANCE:

Members Present: Harwood "Bendy" White, John Campanella, Michael Jordan, Sheila Lodge, and Cathy Murillo.

Staff Present: Beatriz Gularte, Danny Kato, Scott Vincent, Bettie Weiss, and Rob Dayton.

Consultants: Martha Miller of Dyett & Bhatia.

STAFF OVERVIEW:

- Explained the purpose of the meeting was to review, and receive comment and suggestions from Joint Committee members regarding the "New Zoning Ordinance - Issues and Options" (Issues and Options) January 2015 report prepared by the consultants, in preparation for a future combined public community workshop and Planning Commission meeting to introduce the New Zoning Ordinance and acquire public input.
- Clarified that the notes from the previous October 2014 meeting and other reference documentation are available on the City of Santa Barbara/NZO website, and can be reviewed by either the title of the reference document or by the date of the meeting.
- Introduced Michael Jordan (PC Commissioner) as a new NZO Committee member, replacing Bruce Bartlett.
- Distributed copies of the Public Outreach Program schedule and summary documents prepared by the consultants which are also available on the NZO website.

- Reported that since the previous meeting, an LDT bulletin was distributed and posted on the NZO website encouraging the public to sign-up for event notifications and update information.

COMMITTEE'S COMMENTS:

Commissioner Lodge:

- Requested clarification of “attract or compete for quality development” in the Introduction portion of the Issues and Options report.
- Ms Miller, the consultant, clarified that “quality” is interpreted as attempting to get NZO in-line with what the community wants to see.
- In terms of restrictions on non-residential development, queried the reference to the term “noxious use” and if it applied to such establishments such as adult-oriented book stores.
- Ms. Miller clarified that the term “noxious use” is interpreted as non-residential development that have specific developmental restrictions and public concerns such as location, proximity to local schools, etc, and the attempt to address those public concerns.
- Queried the use of the term “...where proposed use is permitted by right”.
- Mr. Vincent and Mr. Kato clarified that the term “permitted by right” is interpreted as a reference to “allowed uses” listed as permitted within the different zone classifications.
- Queried the use of variances.
- Mr. Vincent clarified that use of variances under State Law are used as safety valves in specific circumstance to allow the use of a property for productive use often utilized by municipalities who do not have recourse to such a uniquely scoped modification process as the one used by the City of Santa Barbara.
- Queried circumstances for permits for “*conversion to vacant land*”.
- Ms. Miller, Mr. Kato, and Mr. Vincent clarified that “*conversion to vacant land*” refers to situations such as the conversion of a mobile home park to vacant land or to rental housing to create more housing opportunities.
- In reference to the 1975 changes, she understood and agreed with reverting to the previous 5-foot interior setback requirement, but she would not agree to any reduction to the front setback requirement.
- Given the dire need for housing in Santa Barbara, she wouldn't want to hamper the ability to maintain housing in zones such as the M-1 or C-M zones.

Commissioner Jordan:

- Concurred with the comments made so far and the consultant's “spot-on” observations.

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- Suggested that future changes be paired with explanations of where each change came from or the need that generated each suggested change, and the reasons it would be a good direction to go in which is all important for future reference.
 - Is an advocate for moving some of the decision making process from the Planning Commission to the Staff Hearing Officer (SHO), however, because he has some concern about giving authority to just a staff person, feels that there is merit in having a layperson involved in any new projects given to the SHO for review. He suggested a Consent person or liaison be present for the discussion on projects that may rise above the comfort-level of the City-staffed SHO meetings, and on possible appeal projects reviewed by the Planning Commission or City Council.
 - Concurred with providing an easier decision making process more palatable for the public end user, for example the Zoning Information Reports (ZIR), and smoothing or streamlining the review process without sacrificing quality neighborhood compatibility, etc. The challenge will be in agreeing on what the end result should be, without diluting it or the process.
 - Ms. Miller stated that part of streamlining the development process would be to clearly define for the public common procedures of the application and design review process.
 - Supports the use of hyperlinks in the document.
 - Supports allowing what is on the ground now with a reasonable decision and if it doesn't affect anyone (e.g. parking in the driveway) as well as considering setbacks on corners, 1 foot intrusion into setbacks, replacing same size windows on nonconforming buildings, etc.
 - Stated the challenge will be in determining or agreeing upon what is benign in the review process, and what needs changing as soon as possible.
 - Fully supports bringing in the consultant third-party to examine and offer alternatives on how to update the NZO rather than the usual chaotic internal debate on how to provide a comprehensive yet user-friendly Ordinance, and looks forward to further progress.

Commissioner White:

- Requested an example of where standards are embedded in definitions.
- Ms. Miller, clarified that this would be where a definition includes the actual requirements within the definition, such as in some cases accessory dwelling units includes the size or what is allowed, etc.
- Stated the importance of a clear, concise, and *useable* Ordinance. This is the key reason for starting this effort.
- Called for inclusion of an emergency permit process similar to the Coastal, SD-3 Zone for the inland area.

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- Sees neighborhood markets, discussed in General Plan, as a strong potential resource for neighborhoods, and need to consider ways that they can be allowed to make improvements.
 - Consideration of flag lots when dealing with minor exceptions to the hedge ordinance and guidelines.
 - Will want better understanding of what “performance based” means (e.g. neighborhood markets).
 - Advocates for the use of variable setbacks, a concept he likes.
 - Change of use in commercial zones warrants a real conversation because can greatly reduce parking if a high intensity use moves into an area.
 - Concurred with the idea of reverting back to setback requirements to get rid of nonconforming situations and supports comments about downgrading the development review process to make it easier and smoother. Agrees that the front yard needs to be looked at differently than for example a one foot reduction in the interior yard.
 - Top of the List would be the transparency of an opaque Ordinance, and making it more user-friendly. This is the driver that created the NZO process.

Mayor Pro Tempore Murrillo:

- Appreciated the reference to “*users’ comments*”.
- Emphasized that the eastside communities are particularly concerned with commercial pressures that affect industrial uses with housing on the perimeter or any other kind of other non-residential uses because of the negative side-effects of noise, dust, and even smells of nearby building and construction projects.
- Appreciated the consultant’s technical report and recommendations.

Commissioner Campanella:

- Called for the definition of the term “*adaptive reuse*” from a planning stand point.
- Ms. Miller defined the term “*adaptive reuse*” as the ability for a different kind of user or a different use to move into a building or property.
- Called for looking differently at the adaptive reuse of *an existing building*, and the redevelopment of a *parcel* (where the existing buildings would be demolished, and new development would be proposed), which is important from a planning stand point, especially for underutilized *opportunity parcels* that have been recommended for multi-family or mixed-use in the General Plan (especially in the Priority Housing Overlay).

This can be looked at two ways, one is properties that have a *change of use* and don’t have to add parking, which could be a negative and contrary to the General Plan, or commercial projects that are incentivized to reduce the commercial square footage to accommodate mixed uses and may not need to provide more parking. By providing a mix of uses, the building could be made more user-friendly for what is going to go on top.

Before a property goes into a long-term contract/lease, we should be looking at improving incentives for *commercial mixed-use* by supporting and providing incentives for reductions in commercial square footage and not requiring the additional parking when combined with residential (commercial parking can then be conditioned for use by residential when not in commercial use).

- Concurred with Commissioner Jordan's comments on smoothing the decision-making process by moving more projects to SHO review.
- Important for public's understanding that staff is critical throughout the process from when an application first walks in the door and to help with the process.
- Commented that the consultant's report was well put together, the issues were well addressed, and it was well scoped out and formatted for public and community workshop use.
- Regarding maintaining manufacturing uses, he understood that M-1 zone is designated for higher intensity uses, and the C-M zone is designated for some high-intensity only to a lesser degree. C-M zone probably has the biggest opportunity for housing currently. We need to figure out what we want to preserve in the C-M zone and clearly distinguish the differences between what uses are allowed in M-1 zone and what is allowed in C-M zone.
- Commented that State Bonus Density Law projects will be interesting from a decision-making stand point in determining if the incentive programs are in compliance with zoning. If additional incentives work, can that type of incentive work in our zoning.
- Mr. Jordan commented that there should be a program where certain long-term projects are reviewed for feedback a year or so out to see how well particular incentives work since consequences may be seen only after a longer period of time after a project is complete; although he was not sure how to determine which projects would be ear-marked for later review. Example: Cottage Hospital projects.
- Mr. Kato and Mr. Dayton informed Committee members that a plan for reviewing completed Average Unit Density projects is under consideration under a different work program.

PUBLIC COMMENT:

Trish Allen, SEPPS:

- Requested clarification on how the NZO will be folded into the LCP update and its determination if within the coastal zone or not.
- Staff clarified that the LCP Land Use Program, which will be completed before the NZO, is not planning to include any zoning amendments at this time but will need future implementation. Any zoning amendments in the SD-3, Coastal Zone will be folded into whatever implementation goes forward, which cannot be determined at this time.

Joe Rution, Allied:

- Requested clarification on the possibility of eliminating the modification process and turning it into a set of guidelines.

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- Ms. Miller clarified that it is unlikely that the modification process will ever be deemed unnecessary, obsolete or eliminated since there will always be projects requiring permits for modification such as internal and external setbacks, lot line adjustments, etc.
 - Commented that it was difficult to locate information on Historic Resources and Title 22 information.
 - Ms. Miller clarified that Historic Resources and Title 22 information will be referenced. Mr. Vincent clarified that Title 22 is already being considered for reorganization. Staff clarified that the NZO effort is changes to Title 28.

Krista Pleiser, Santa Barbara Association of Realtors: (present, but made no comments).

CLOSING COMMENTS:

- Staff announced that the next NZO Workshop meeting has been scheduled for Wednesday, March 18th in the David Gebhard Meeting Room. The format of the meeting would be less formal, in order to give the public more time to speak, and will be held just before the planned Open House in the Community Development Lobby.