



JOINT COMMITTEE MEETING
Staff Notes

Monday, December 7, 2015

9:30 A.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: MARCK AGUILAR, PROJECT PLANNER
DANNY KATO, SENIOR PLANNER
BRENDA BELTZ, ASSOCIATE PLANNER
SCOTT VINCENT, ASSISTANT CITY ATTORNEY

ATTENDANCE:

Members Present: Council Member Bendy White, Planning Commissioner John Campanella, Planning Commissioner Michael Jordan, Planning Commissioner Sheila Lodge, and Council Member Cathy Murillo

Members Absent: June Pujo, Commissioner, *Alternate*

Staff Present: Marck Aguilar, Danny Kato, Brenda Beltz, and Scott Vincent.

Consultants: Martha Miller

STAFF OVERVIEW:

Staff explained that the purpose of the meeting is for staff and the new consultant to gather input from the committee members regarding their key project objectives as well as the possible challenges that may arise with the upcoming changes.

PUBLIC COMMENT:

Maggie Munroe:

- Protested the proposed rezoning of fish and meat processing.

- Referenced the fish processing plant at 528 N. Quarantina Street/Bond Avenue (Santa Barbara Fish Market) that is affecting the whole neighborhood and quality of life with smell and noise that prevent planning outdoor activities.
- Fish processing should not be allowed in residential neighborhoods.

Natasha Todorovic, Milpas area resident and business owner:

- Concerned with high density zoning in the Milpas Corridor and impact on water resources, infrastructure, and congestion.
- Concerned with fish processing zoning that could impact residential neighborhoods.
- Concerned with Marijuana dispensary going into the Milpas corridor near a half-way/rehab facility.
- Asked that City consider residences and culture of the community in zoning.

Natalia Govony, 422 N. Milpas Street business owner:

- Concurred with Ms. Todorovic in asking for consideration of the Milpas Corridor in zoning.

FISH PROCESSING DISCUSSION

Given the expressed public interest in fish processing, the Joint Committee agreed to hear an update from staff. Senior Planner Danny Kato gave an overview of fish processing stating that for many years zoning staff have been interpreting that the C-M, M-1, O-M1, H-C, and O-C zones allow fish processing. Complaints about Santa Barbara Fish Market resulted in the City Attorney making a determination that fish processing is not an allowed use in the C-M and M-1 zones. The enforcement case with Santa Barbara Fish Market is still active. The site is a pocket of C-M zoned land in the middle of a C-2 zone area.

Mr. Kato stated that the NZO would in the current draft allow fish processing in the C-M and M-1 zones, but staff would support removing it from the CM zone.

Committee members inquired about neighborhood compatibility guidelines and Mr. Kato acknowledged that performance standards exist but, staff is not out there every day to ensure that they are adequately addressed to neighbors' satisfaction.

Committee members inquired about the former fish processing operation at 618 E Gutierrez St. (Kanaloa) which had operated for a lengthy duration in the M-1 zone. The new location on Chapala Street is zoned C-2. Staff reviewed the floor plan carefully to ensure it was primarily a restaurant and retail fish market, with a minor ancillary amount of fish processing, as allowed by the C-2 zone.

Commissioner Jordan inquired about what issues arise in zones where fish processing is allowed. Should standards be considered when the use is adjacent to residential zones due to the migrating nature of odors? Compatibility in the zone should be considered. Mr. Vincent raised the issue of requiring a Conditional Use Permit or Performance Standard Permit for these uses but, questioned how a decision maker would make a decision if the operation is not yet in operation. Committee member Jordan offered that an effort can be made to screen noise and odors if the operation is bordering a residential zone. Mr. Vincent responded that there could be more specific standards for that specific use, even if it's an allowed use in the zone. Staff to consider technical means or standards to address fish processing for possible incorporation into NZO.

Staff affirmed the consensus by the Committee that fish processing would be removed from the C-M zone and that it would be allowed in the M-1 zone with further consideration for possible performance standards adjacent to residential zones.

MODULE TWO DISCUSSION ITEMS:**1. RESIDENTIAL UNIT STANDARDS, SIZE, AND LIMITATIONS****Consultant/Staff Overview:**

Proposed reduction of the minimum residential unit size from 400 square feet to 220 square feet for studio units only. Changes are consistent with Building Code. No significant effect on the Average Unit-Size Density (AUD) program.

Codifying limitations on residential amenities on questionable floor plans. Allowing “two out of three amenities” has been a policy method to balance out allowing desirable improvements with preventing illegal dwelling units. Once a building permit is issued, there is little ability to rescind it even if it leads to an illegal dwelling unit and therefore staff is cautious when approving certain amenities and configurations. A Performance Standard Permit will allow more amenities while also strengthening the ability to rescind them if used for an illegal dwelling unit.

COMMITTEE’S COMMENTS:**Commissioner Lodge:**

- Concerned with the livability of units that are 200 square feet.

Commissioner Campanella:

- Confirmed that the proposed minimum unit size of 220 square feet would also apply to multi-unit development. Expressed that a positive of this change would be that it may save a unit for the developer during design review.
- Need to consider elevator and handicap accessibility. Concerned that it may not be practical.

Council Member Murillo:

- Supportive.

Council Member White:

- Liked seeing the smaller units in the 200 square foot range. Small and tight but, similar to living on a boat. Also likes the Performance Standard Permit (PSP) approach.
- Recommended that fines be increased for illegal dwellings
- Supportive.

2. ACCESSORY BUILDINGS, CONFIGURATIONS AND ATTACHMENT**Consultant/Staff Overview:**

A new definition of “attached” vs. “detached” accessory buildings is important because attachment/detachment affects where development can occur on the site, e.g. front yard, and also whether the space is categorized as accessory space, which is limited in size and configuration. The eight foot (8’) minimum length of attachment between buildings has been a long standing standard and staff is confronted a few times weekly with proposed development that involves building attachments. Building attachments

are both a zoning issue related to development patterns as well as illegal dwelling units. A structure might be attached enough so that it does not meet the definition of “detached accessory space” but, may not be attached enough to not result in an illegal dwelling unit. NZO is attempting to codify and thus clarify for the public what is currently somewhat ambiguous.

COMMITTEE’S COMMENTS:

Commissioner Jordan:

- Recommended that presentations or reports include a reference to frequency of the topic circumstances being discussed and that staff provide comments or an opinion to characterize the effect of the NZO proposal.

Commissioner White:

- Process should make as little new policy as possible and bring forward existing policy in a transparent and user friendly way. Reiterates that fines for illegal dwelling units should be increased.

Committee supportive of the codification of limitations on detached guestrooms (Staff Report Question 2a.) and the proposed building attachment requirements presented in NZO (Staff Report Question 2b.)

3. ACCESSORY BUILDINGS AND GARAGES, FLOOR AREA

Consultant/Staff Overview:

Proposed changes to the maximum allowed floor area of garages and accessory buildings. Distinctions between one acre and three acre lots are provided for discussion and different gradations could be proposed if desired. Discussed with the Staff Hearing Officer (SHO) what types of accessory building floor area modification requests are typically seen (12 requests in the past 5 years) and over what size lots. In general, modifications have been granted for larger structures on larger lots. Concerns about lot splits can be dealt with by the discretionary body reviewing the lot split. Some large lots may have small development envelopes and consideration should be given to limiting those in some manner. Staff will add in some checks to address compatibility.

COMMITTEE’S COMMENTS:

Commissioner Lodge:

- Recommended no change to the current floor area limitations.

Council Member Murillo:

- Supports the recommended changes.

Commissioner Jordan:

- Supports the recommended changes.
- Trusts that there will case-by-case design review when required

Commissioner Campanella:

- Supports the recommended changes, subject to design review.

Council Member White:

- Likes the notion of tools for controlling size and for decision makers to make compatibility findings.

Committee Chair White called for a recess at 11:00 a.m. and reconvened the meeting at 11:08 a.m.

4. NONCONFORMING USES, STRUCTURES AND SITE DEVELOPMENT

Consultant/Staff Overview:

Prior to circa 1996, the City's ordinance was traditional with respect to nonconforming buildings, with the expectation that nonconforming buildings and uses would go away to be replaced with new conforming buildings and uses. However, it was recognized that some desirable buildings are nonconforming and it would be a community benefit to allow some nonconforming structures to remain. It is acknowledged that there is some inherent unfairness in allowing certain provisions for nonconforming development that would not be available to conforming development.

Changes to building height, doors and windows in the setbacks represent a large number of SHO applications that are frequently approved. When doors are near property lines, often the door light affects neighboring properties more than actual use of a setback.

The 1975 down zone increased setbacks for many parcels from five feet (5') to six feet (6'), resulting in nonconforming structures built five feet from property lines. Therefore, NZO proposes a minimum standard of five feet from the property line as the guideline for capturing and addressing many nonconforming situations.

Development opportunity should be made clear to reduce potential for "gaming the system" and not adhering to the intent. To prevent the loophole for creating an addition followed by a demo-rebuild, NZO language will need to be looked at more closely.

COMMITTEE'S COMMENTS:

Alterations and remodels to nonconforming structures in the setback

Commissioner Jordan

- Concerned about allowing new doors in the setback.

Council Member White:

- Supports Staff recommendations.

Additions to nonconforming structures in the setback

Commissioner Jordan:

- Recommended that an administrative exception or development standards be required.

Commissioner Lodge:

- Concerned that with buildings becoming more nonconforming than they already are, undecided where to place a limit.

Council Member White:

- Concerned about additions in setbacks made first, followed by demolish and rebuild of the primary, nonconforming structure.
- Supports a modest amendment to nonconforming setback area but kept to a certain scale.

Council Member Murillo:

- Supports within the interior setback and within all zones.
- Concurs with Council Member White.
- Supports an administrative exception process for additions in nonconforming setback area.

Staff:

- Will consider gradations for additions in the setback that would allow some modest portion by right and further portions through more analysis.

Nonconforming Garages and CarportsConsultant/Staff Overview:

Undersized garages and carports can encroach in the setback if proposed to be rebuilt larger in order to meet current standards; carports can be converted to garages.

- Committee was supportive.

Nonconforming Open YardConsultant/Staff Overview:

Some open yards almost meet the specified dimensions and area. These are often reviewed on a case by case basis as to whether the yard area would be considered to meet the requirement. Nonconforming open yard can be viewed from multiple perspectives: if the minimum area and minimum dimensions are not fully met, then no improvements can be made and this is perhaps too restrictive; or if neither the area or dimensional requirements are met, development could occur anywhere on site and that is perhaps too accommodating. Staff will continue to develop

Commissioner Lodge:

- Does not want to see greater nonconformity. Supports if the language is updated so that as much of the open yard is maintained, as possible.

Commissioner Jordan:

- Concurs with Commissioner Lodge and would prefer to see as much of the back yard maintained as possible. Hesitant to support inclusion of relatively narrow ten-foot wide corridors in the open yard requirement.

Council Member Murillo:

- Supports the original policy and not being so restrictive. There are some people that need more interior living space.

Council Member White:

- Stated that it is good to have development flexibility without requiring a modification.

PUBLIC COMMENT:

Krista Pleiser:

- Inquired as to whether the proposed setbacks were reverting to 1963 zoning. Staff responded that that is not proposed.

Nonconforming Residential Density – 250 sq. ft. Allowance

- Council Member White and Commissioners Campanella and Lodge were supportive.

Demolition and Replacement of Nonconforming Buildings

Commissioner Lodge

- Supports the changes.

Council Member White

- Supports the changes.

New Definition of Demolition

Commissioner Lodge

- Supports the changes.

Council Member White

- Supports the changes.

Substitution of Nonconforming Uses

Commissioner Lodge

- Supports the changes.

Council Member White

- Supports the changes.

5. **RECONSTRUCTION OF NONCONFORMING NONRESIDENTIAL BUILDINGS**

Currently, a structure that exceeds the maximum height allowed in the zone that is *voluntarily* demolished must conform to the maximum height limit if rebuilt and would require conforming parking.

Reconstruction of Nonconforming Nonresidential Buildings

- Commissioner Lodge supports option #2 on Page 13 of the Staff Report
- Council Members White and Murillo and Commissioners Jordan and Campanella support option #1.

CLOSING COMMENTS:

- Council Member Murillo pointed out that Mobile Food Vendors attended a recent City hosted community workshop (December 3, 2015) and were not present at this meeting despite proposing a lot of changes to the draft ordinance for vending on private property. Staff offered that most vendors are preoccupied in mornings and a morning meeting may have been inconvenient. She would like to see another meeting where these changes can be addressed. Staff is still considering the information received and will confer with the City Attorney before deciding on next steps.
- Commissioner Campanella would like to see the next meeting include discussion of the body of the ordinance and questions on specific language and remainder of the staff report.
- Staff encouraged the Committee to forward any questions in preparation for the next meeting.

Committee Chair White adjourned the meeting adjourned at 12:29 p.m.