



**JOINT COMMITTEE MEETING
Staff Notes**

Monday, December 14, 2015

9:30 A.M.

COMMITTEE MEMBERS: HARWOOD "BENDY" WHITE, COUNCILMEMBER, *Chair*
CATHY MURILLO, MAYOR PRO TEMPORE

JOHN CAMPANELLA, COMMISSIONER
MICHAEL JORDAN, COMMISSIONER
SHEILA LODGE, COMMISSIONER
JUNE PUJO, COMMISSIONER, *Alternate*

STAFF: MARCK AGUILAR, PROJECT PLANNER
DANNY KATO, SENIOR PLANNER
BRENDA BELTZ, ASSOCIATE PLANNER
SCOTT VINCENT, ASSISTANT CITY ATTORNEY
JULIE RODRIGUEZ, PLANNING COMMISSION SECRETARY

ATTENDANCE:

Members Present: Council Member Bendy White, Council Member Cathy Murillo, Planning Commissioner John Campanella, Planning Commissioner Sheila Lodge, and June Pujo, Commissioner, *Alternate*

Members Absent: Planning Commissioner Michael Jordan

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

Consultants: Martha Miller

STAFF OVERVIEW:

Staff explained that the purpose of the meeting was for staff and the new consultant to continue to gather input from the committee members regarding their comments to Module 2. Development Standards.

PUBLIC COMMENT:

None given.

MODULE TWO DISCUSSION ITEMS (continued from meeting of December 14, 2015):**6. DISTANCE BETWEEN BUILDINGS ON THE SAME LOT**

Consultant/Staff Overview:

Building separation was a common early type of zoning standard for light and air between buildings. Over the years, more standards have come into play such as the solar access ordinance, and additional setbacks on upper floors/stories. Development standards have become more complex, with more regulation on different aspects of a building. The various layers can impose too much rigidity for development. NZO proposes removing the distance between buildings standard and allow the more sophisticated standards to take hold.

There are different separation standards for buildings on the same lot. The required separation between a residential main building and accessory building is five feet (5'). Separation between main buildings ranges from 10-feet to 20-feet depending on the zone and number of stories.

The purpose of building separation is no longer clear. The Building Code requires a minimum separation for safety that can be reduced if designed for a given fire rating. Buildings can be constructed abutting each other. There is no purpose or intent noted in the zoning ordinance so it is inferred that the purpose is for light and air. This has been more of a community design standard than a health and safety issue.

PUD overlay zone is a good example of overly complex setback calculations that can result in a nonconforming setback if a conforming addition to height is made. NZO seeks to simply this by specifying a particular distance, not a variable distance dependent on height. A PUD goes through many discretionary reviews and design findings are typically required.

The Solar Access Ordinance currently applies within residential zones, which does not protect a residence if adjacent to a southerly commercial zone.

PUBLIC COMMENT:

Trish Allen:

- Supportive of simplifying distance requirements and proposed changes.

QUESTIONS:

- 6a. Shall minimum distance requirements between main buildings and other main buildings, and between main buildings continue to be required for zoning purposes?

COMMITTEE'S COMMENTS:

- Commissioners Pujo, Campanella, Council Member Murillo were in support of changes.

Commissioner Lodge:

- Remains concerned with distance separation in residential and referenced a condo project example in Carpinteria where she felt squeezed and wanted to see more light/air/space.

Commissioner White:

- Agreed with Commissioner Lodge on distance in residential.
- Agrees as long as compatible and good design.
- Likes the flexibility as long as there are good findings of good design.
- Solar access is at a critical point.
- Residential in a commercial zone makes no sense to him and he would like the opportunity to look more closely at that.

6b. Shall the PUD continue to specify distances between buildings?

MOTION Murillo/Pujo

No. PUD should not continue to specify distances between buildings.

Ayes 5 Noes 0

7. **HEIGHT AND SETBACK CHANGES FOR NONRESIDENTIAL BUILDINGS ADJADENT TO RESIDENTIAL ZONES AND THIRD STORY SETBACKS IN MULTI-UNIT ONES**

Consultant/Staff Overview:

Proposal to replace all variable setbacks with a constant, replace a “rear” setback with “interior” and reduce setbacks for garages on lots with less than 3 units from 6’ to 3’. The rear setback is different from interior setback in R-3/R-4 zones in that it only affects a second story location. NZO proposes to remove the “rear” setback designation.

Proposed changing the setback for garages from 6-feet to 3-feet maybe 10 years ago. Perhaps 5-6 years ago, staff suggested that since a 3’ setback is allowed for garages in R-2 zone, why not allow the same in the R-3/R-4 zones. Council/PC did not support a wholesale change because in the R-2 zone, we would expect smaller garages; whereas in the R-3/R-4 zones garages could be very large for a multi-unit development. Taking this into account the NZO would allow smaller setbacks for development of no more than two units in the R-3/R-4 which would still respect the previous direction..

COMMITTEE’S COMMENTS:

- Concern was expressed that maintenance of a narrow 3-foot strip of land between a garage and property line fence/wall would be difficult. Carports would be treated the same as garages with regard to setbacks.
- Removal of the variable setback results in a clearer standard for neighbors, designers, developers. Perhaps consider “banking” the setback area taken up by garages/carports for use elsewhere on the site, similar to the County’s variable setback approach.

PUBLIC COMMENT:Bonnie Freeman, neighbor:

- Wanted to know differences between rear and interior setbacks. Staff explained.
- Wanted to know if the 3-foot garage setback is residential or commercial. Staff confirmed that this applies to residential. And whether there any restrictions or designs that would not allow landscaping within the 3-foot setback.

Trish Allen:

- Supports the simplification of these modifications.
- Appreciates the elimination of the rear yard, especially helpful with corner lots, where it has been an issue.
- To have it all interior will allow for fewer mistakes and allow for more consistency.

QUESTIONS:

- 7a. Is the replacement of variable measurements to a constant standard for building height and setbacks in nonresidential zones adjacent to residential zones an acceptable solution?

MOTION Campanella/Pujo Accept Staff recommendations

Ayes 5 Noes 0

Commissioner Lodge added that she is supportive as long as the amount of open space on a parcel remains the same.

- 7b. Shall the front setback for three story buildings in various multi-family residential and commercial zones be changed to 10 feet for the ground floor, 10 feet for the second floor, and 20 feet for the third floor instead of the existing Zoning Ordinance requirements of 15 feet for the entire building, without requiring the floor area of the third floor to be less than 50% of the floor area of the ground floor?

CONSENSUS

Yes for 10 feet for ground floor; 10 feet for second floor; and 20 feet for the third floor.

- 7c. Is it acceptable to remove “rear” setback designation– which would change the second-story setback from 10-feet to 6-feet for the second story building?

CONSENSUS

Yes.

Ayes 5 Noes 0

- 7d. Is a reduction of the required interior setback from 6 feet to 3 feet for parking in the Multi-Unit Zones, for up to two residential units, supportable?

CONSENSUS

Yes.

Ayes 5 Noes 0

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

8. ALLOWED ENCROACHMENTS

Consultant/Staff Overview:

Changes include allowing some existing encroachments to go from 2 feet to 3 feet and allowing some new encroachments such as porches and waste receptacles. Porch encroachments would only be allowed for buildings existing at time of ordinance adoption. Associated stairs would also be allowed. Limit of 50 square feet of elements in the front setback is a simple approach to prevent excessive obstructions in the

front setback. Consider a sliding scale such as percentage that would allow more square footage on larger lots for front yard elements.

PUBLIC COMMENT:

Trish Allen:

- Supportive. It looks good. Suggests a sliding scale of square footage for larger properties as 50 square feet may be too limiting.

Ben Werner:

- Suggested that perhaps a percentage is better than a 50-foot requirement for front yard. Recommended proportionality.

COMMITTEE'S COMMENTS:

Council Member White, Commissioner Campanella, Commissioner Pujio

- Support proportionality and screening from public view for mechanical equipment.

QUESTIONS:

- 8a. Is the change from 2-feet to 3-feet for most encroachments acceptable?
- 8b. Are the two exceptions (balconies and windows) acceptable?
- 8c. Should the same encroachments be allowed on non-conforming buildings as conforming buildings, provided the minimum distance to the property line is met?

MOTION Murillo/Campanella

Support 8a-c with exception to allow proportionality for Front Yard Elements in the front setback.

Ayes 5 Noes 0

CONSENSUS

Yes to allow screened trash enclosures in the front setback.(These are not included in Front Yard Elements and therefore are not included in the 50 square feet limitation.)

City Planner Renee Brooke arrived at 12:00 p.m. and left at 12:32 p.m.

9. OPEN YARDS

Consultant/Staff Overview:

NZO proposes to consolidate and refine the open yard requirements for residential properties. The current ordinance allows lots of 6,000 square feet and less to provide 850 square feet of the required 1,250 square feet open yard requirement in the remaining front yard (between the front setback area and the front of the house). NZO proposes to expand this to lots of 7,500 square feet and less, and would reduce the portion allowed in the remaining front yard from 850 to 400 square feet maximum. The existing provision has only been employed in a handful of properties. Loosening up the parameters may help more sites.

Two options are available for provision of Open Yard in multi-unit zones: Private Outdoor Living Space (POLS) Method and Common Open Yard Method. Under the POLS Method, with more units, more private outdoor space is required. With the Common Method, once the 20'x20' area is provided, no further additional open yard area is required if the number of units increases. NZO proposes to more closely align and make for equitable the yard areas required by the two methods and that is the basis for the additional 50 square feet per unit above three units. Have attempted to reduce confusion but, may have fallen short.

COMMITTEE'S COMMENTS:

Commissioner Campanella:

- Expressed that possible consequences of adding 50 square feet of usable area per unit might be that it forces additional units to upper floors while also reducing the area available for parking. Ms. Miller responded that only a certain portion would be needed at grade, the additional open yard can be provided at above-ground levels.

Commissioner Pujo:

- Supportive with recommendation that proposed changes do not result in additional requirement added to AUD projects during this initial 8-year trial period.

Commissioner Lodge:

- Would like to ensure that there is adequate open space for higher density development.

Commissioner Campanella:

- Would like to see analysis of changes of how the additional square footage for the Common Method would affect building footprint, parking, etc.

QUESTIONS:

- 9a. Is the tradeoff of slightly reduced open space with no minimum dimensions to more usable space with minimum dimensions and a simpler ordinance supported?
- 9b. Is the proposed 50 square feet per unit in (four or more units) in the Common Open Yard Method supported?

MOTION Murillo/Campanella

Support 9a-b with protection for AUD.

Ayes 5 Noes 0

Commissioner Pujo added that no additional requirements should be added to AUD projects during the AUD test period. The committee consensus was that AUD should be protected.

Ayes 5 Noes 0

10. INDUSTRIAL M-I ZONE USES PROPOSED FOR REMOVAL (CURRENT M-Z ZONE)

Consultant/Staff Overview:

Offices are often a core function of businesses so the “the M-I zone has been revised to allow ancillary office use. This would address Marborg’s concern. Religious institutions may remain, and new would be allowed with a Conditional Use Permit.

COMMITTEE’S COMMENTS:Commissioner Campanella:

Inquired whether Eating and Drinking Establishments would include wine or beer production with tasting rooms? Mr. Kato responded that mostly includes restaurants, a tasting room is ancillary use to production operation. Staff is prepared to explain to the Planning Commission why the uses proposed for removal are a threat to manufacturing.

Murillo:

Concerned about gentrification in the Funk Zone.

Kato: Higher rent uses tend to move into the M-1 zone to pay lower rent which in turn increase rent overall, in a cyclical patter. Manufacturing uses can no longer afford area rents and move out.

Council Member White:

- Need to clarify that retail portions of Food and Beverage Manufacturing land use [defined in Module 1] is limited to ancillary use.

Council Members Murillo and White:

- Concerned that Food Production land use should not include outdoor tables. Some limited retail sales is acceptable. The “101 Deli” cited as a good example of what is appropriate for the zone.

PUBLIC COMMENT:

Ben Werner: Business owners would want to maximize their income but, prohibit the same nearby as that would result in a rent increase. Is there a record or public input from the property owners in the M-I zone and their expressed preference for uses in the zone?

D. Kato: What the property owners may want - to maximize returns – such as offices, restaurant, etc., may not be consistent with what the City/community wants for the zone.

Ben Werner: Would businesses be allowed to continue?

Council Member White: Yes. Legal allowed uses and legal nonconforming uses can continue but, there are limitations for nonconforming uses.

QUESTION:

10. What is the Committee’s view of the land uses currently identified for removal?

- Commissioner Pujo supports allowing retail sales, but no table service.
- Council Member White supports retail sales but does not want to lose anymore.
- Council Member Murillo stated that the 101 Deli is OK. Supports small lunch counters. She cannot support the addition of one more winery.

MOTION Lodge/Campanella

Forward list of uses proposed for removal from the M-I zone.

Ayes 5 Noes 0

11. **MOBILE FOOD VENDORS (MODULE 1)**

Marck Aguilar provided an update on a public workshop held on December 3, 2015. More time is needed to review all comments received and provide a later update. Some suggestions that came out of the meeting included:

- Proposed standard would limit mobile vending trucks to one per parking lot. Beyond that number, a Temporary Use Permit would be required. Audience recommended 5 per parking lot.
- Three hours in one off-street location was considered too limiting by the audience which recommended 6 hours in one location.
- One hour to park on the street was considered inadequate, and up to 6 hours was suggested.
- Limited number of days to 90 per year at an off-street location. Audience proposed increasing to 180 days.
- There was not a discussion on retail.
- Health Department regulates mobile food vendors.

COMMITTEE'S COMMENTS:

- Council Member Murillo would like to see more public outreach done and outreach to Spanish speaking vendors.
- Commissioner Lodge asked for clarification on the need for additional set up time when there are mobile trucks that drive up to locations and are already set up to sell to consumers.
- Commissioner Pujo stated that this needs to pass the test of temporary and transitory. If it becomes 365 days a year plus all day business hours, then it is no longer a mobile use.

12. **BUILDING STORY LIMITATION:**

Consultant/Staff Overview:

Currently, all zones include a standard for maximum height and maximum number of stories. Can be difficult to have these somewhat overlapping standards. Additionally, this comes into play specifically for partial, subterranean parking structure and when is it a story and how does it play into the height limit. NZO proposes removal of the story limitation but, would not affect the height limitation. Story limitations were removed from AUD projects. Helps with flexibility of residential use in commercial zones, i.e. mixed use.

COMMITTEE'S COMMENTS:

Commissioner Pujo:

Strongly supports removal of story limitation. Number of stories is a false parameter.

PUBLIC COMMENT

Trish Allen

- Advocates strongly. Story has been a constraint to certain developments and does not lend itself to good design. There are still neighborhood compatibility and mass, bulk and scale considerations.

QUESTION:

12. Is there support of staff to explore removal of the maximum building story limitation *if* other related definitions for building height are clarified?

MOTION Lodge/Campanella

Forward list of uses proposed for removal from the M-I zone.

Ayes 5 Noes 0

13. **OTHER**

Solar Access – Applies only in residential zones, so if a commercial building shades a residential zone, the ordinance does not apply.

QUESTION:

13. Is there consensus of applying solar standards that now apply to residential zones to commercial zones that shade residentially zoned property?

MOTION Lodge/Pujo

Apply solar standards to commercial zones where the building shades residential zoned property.

Ayes 5 Noes 0

Committee Chair White adjourned the meeting at 12:48 p.m.