



City of Santa Barbara
Community Development Department

Memorandum

DATE: October 13, 2016
TO: Planning Commission
FROM: Marck Aguilar, Project Planner *Marck Aguilar*
SUBJECT: New Zoning Ordinance – Additional Public Comments

Following preparation of the NZO Module 3 staff report, additional public comments were received from:

- Amy Taylor, re: driveway screening (October 7, 2016); and
- Santa Barbara Association of Realtors, re: location of required parking and parking in driveways (October 7, 2016).

Attachments

Aguilar, Marck

From: MAguilar@SantaBarbaraCA.gov
Sent: Friday, October 07, 2016 7:25 AM
To: Aguilar, Marck
Subject: New Zoning Ordinance (NZO) Website Feedback

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Amy Taylor

Email Address: : amyarchitect@cox.net

Comments: : Can the triangle area of screening at driveway be increased for SFR lots where residential property line is located at the curb? 10' back from curb is inadequate on Marilyn Way, in direction facing one-way traffic.

This is an automated email sent from the City of Santa Barbara **New Zoning Ordinance (NZO) Website Feedback** web form. If you feel have received this email in error, please contact the City Webmaster, **Webmaster@SantaBarbaraCA.gov**.

: NULL



Santa Barbara Association of REALTORS®

October 7, 2016

Marck Aguilar, Project Planner
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
OCT 07 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

RE: New Zoning Ordinance – Parking in Driveways

Dear Mr. Aguilar,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,200 REALTORS® throughout the South Coast and our mission includes engaging in real estate related community issues affecting our members and/or their clients. As you know, SBAOR has been following the New Zoning Ordinance process and we have concerns with 28.26.060: Location of Required Parking and 28.26.090 Parking Area Design and Development Standards.

28.26.060 Location of Required Parking

Front Setback. Required parking shall not be located within any front setback.

28.26.090 Parking Area Design and Development Standards

Driveways. Driveway access to the required off-street parking area shall be consistent with the City Access and Parking Design Guidelines and the California Fire Code as amended and adopted by ordinance of this City. Driveways, fire lanes, or other required vehicular maneuvering areas in any parking lot shall not be used for parking of vehicles or other storage that prohibits access.

Our understanding is that these two sections will not change within the New Zoning Ordinance which we do not understand. Why is the City keeping draconian rules which dictate that one cannot park within ones driveway? The purpose of the New Zoning Ordinance is to restructure the code to make it easier to understand; make it modern and current; create flexibility in administering the code, including staff administrative authority for minor items; and make it more responsive to nonconforming situations. By maintaining that it is illegal to park in ones driveway goes against everything this New Zoning Ordinance is trying to achieve.

There are several other issues surrounding the retention of this archaic law. People within this City have been parking in their driveways for decades and during this period the majority of them did not know that this was illegal. People park within their driveway because it is convenient, they are off the street, and they are on their own property. The City should be applauding residents for parking in their driveways instead of on the street because this frees up what little public street parking there is. The City has not, nor do we believe that you will enforce this ordinance which begs the question on why you are keeping it. If the reason is because of neighborhood aesthetics, there are other laws within the ordinance that can address nuisance issues and vehicles parked for an extended amount of time.

Please follow the intention of the New Zoning Ordinance and making it modern and current and remove the illegality of parking on one's own driveway.

Santa Barbara Association of REALTORS® | 1415 Chapala Street | Santa Barbara, CA 93101
(805) 963-3787 | (805) 966-9664 FAX | www.sbaor.com



REALTOR® is a registered trademark that identifies a professional in real estate who subscribes to a strict code of ethics as a member of the National Association of REALTORS®

Thank you for your consideration on this matter.

Sincerely,




Alec Bruice
2016 President





City of Santa Barbara
Community Development Department

Memorandum

DATE: October 14, 2016
TO: Planning Commission
FROM: Marck Aguilar, Project Planner 
SUBJECT: New Zoning Ordinance – Additional Public Comments

Following preparation of the NZO Module 3 staff report, additional public comments were received from:

- Joe Rution, re: modifications and variances (October 13, 2016); and
- Carolle Van Sande/Reicker, Pfau, Pyle & McRoy LLP, re: uses permitted in the current C-O Medical Office Zone compared to the NZO proposed O-M Medical Office Zone (October 12/13, 2016).

Attachments

Aguilar, Marck

From: MAguilar@SantaBarbaraCA.gov
Sent: Thursday, October 13, 2016 3:10 PM
To: Aguilar, Marck
Subject: New Zoning Ordinance (NZO) Website Feedback

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : joe rution

Email Address: : joerution@cox.net

Comments: : MODIFICATIONS & VARIANCES Since condensing, simplifying and streamlining the ZO was the purpose of this exercise, the following may be an appropriate revision: The ZO contains two devices that facilitate relief from strict application of the ordinance: the Variance and the Modification. They are substantially similar in purpose (the Modification permits application to a broader range of situations). As currently drafted, it is very difficult for anybody but a professional to glean the distinction between the two. The Modification is somewhat of an anomaly - not common to most zoning ordinances. In Santa Barbara, we have been told, the Modification's primary necessity stemmed from inequities (in lot area requirements) created by the early 70s "downzone"(or stricter lot and yard area requirements). Since then, the Modifications have been used much more liberally, and at times have given rise to objections that too much discretion is allowed in their granting, or that they are available for too many situations. One of the problems with the Modification, I have heard, is that the criteria for its use are so amorphous that they grant staff and review bodies almost unbridled discretion. (For example: "The modification is necessary to accomplish any one of the following: a. Secure an appropriate improvement on a lot...)" This permits the appearance, at best, of lack of consistency in application, and, at worst, of impropriety. My suggestion is that we: a) merge the Variance and Modification into one single device, including in the new device only the most appropriate or compelling features and requirements of the current two devices (or eliminate the Modification and assign to the Variance the provisions worth retaining from the Modification), and b) tighten up the degree of discretion permitted in judging applications, including limiting the criteria for the granting the Modification to those situations and inequities that gave rise to the need for the device in the first place (I.e the "downzone" and similar Zoning Ordinance revisions that created inequities). In any case, the current language is so obscure as to make it nearly impossible for the average person to grasp the distinction between the Variance and Modification. Submitted by Joe Rution, 607 East Sola Street (joerution@cox.net)10/13/2016

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: NULL

Aguilar, Marck

From: Carolle Van Sande <carolle@bristolsb.com>
Sent: Thursday, October 13, 2016 3:20 PM
To: Aguilar, Marck; Kato, Danny
Cc: Ellen Bildsten
Subject: NZO - proposed changes C-O 200 N. La Cumbre Road Property
Attachments: NZO 2016 - LCOP 200 N. La Cumbre Rd Property.pdf

Greetings Mark and Danny

I manage a small medical / dental office property located at the above referenced address. The NZO recently came to my attention through the outreach efforts of the SB AIA (thank you Ellen). The proposed changes to the zoning for this small complex (about 12,000 GLA) could have dire economic impact on this property. We currently have several long standing vacancies and despite extensive effort (incentive, free rent, below market rent) we have not been able to lease up the vacancies. The medical industry to changing dramatically, due to the changes in the insurance industry.

Please see the attached letter from our counsel.

I sincerely appreciate you taking the time to consider our request.

I am available to meet with either or both of you at your convenience and would be happy to meet you at the property if that would be of any assistance.

Regards,
Carolle

Carolle Van Sande, CSM
Bristol Property Management, Inc.
2920 De la Vina St.
Santa Barbara, CA 93105
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October 12, 2016

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www.reickerpfau.com

GARY J. HILL, RETIRED
KURT H. PYLE, RETIRED

RUSSELL D. TERRY
[Admitted in Washington and Oregon]
LAUREN B. WIDEMAN

VIA HAND DELIVERY

City of Santa Barbara
Planning Division
630 Garden Street
Santa Barbara, CA 93102

Re: New Zoning Ordinance – Module 1

Dear Sir or Madam,

I am writing on behalf of La Cumbre Office Partners, LLC ("La Cumbre") to express concern regarding additional zoning restrictions proposed for the existing C-O Medical Office Zone. Under the proposal the existing zone would be reclassified under the New Zoning Ordinance ("NZO") as Proposed Zone O-M (Office Medical). Currently, "Uses Permitted" in the C-O Zone include "[p]rofessional offices offering medical and related services," and "[o]ther businesses and occupations that are substantially similar to the uses enumerated above." (*Santa Barbara Municipal Code section 28.51.030(B), (J)*)

Although proposed section 28.02.010 states that "[t]he O-M zone is intended to provide sites for medical, dental, and related professional offices, complementary uses, and residential development near a major medical facility," Table 28.05.020 indicates that "business and professional offices" use would be "not allowed" in Proposed Zone O-M. Such restrictions do not make sense. By way of example, according to Table 28.05.020, offices for AARP, for the Alzheimer's Association, or for Senior Care Services would not be allowed in the O-M Zone. Such professional offices are clearly compatible uses in a medical complex and welcomed by medical tenants and building owners.

Furthermore, the proposed restrictions constitute an unnecessary hardship on medical and dental office building property owners. Given the recent changes in the medical industry landscape, without the ability to lease to "business and professional offices" tenants, properties such as the medical and dental office property owned by La Cumbre located at 200 N. La Cumbre Road, would no longer be economically sustainable. This is true because those changes

Planning Division
Date: October 12, 2016
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make it increasingly difficult for individual medical and dental practitioners to survive. Consequently, restricting an owner of medical and dental office building property in such zones to leasing only to a medical or dental business will increase vacancies. That increase in vacancies will ultimately diminish the value of the properties, which in turn will reduce the City's tax base, among other adverse effects.

Accordingly, we encourage you to reconsider the use restrictions for Proposed Zone O-M after taking into account the adverse economic impact of such zoning restrictions on, and the likely devaluation of La Cumbre's property, as well as other similarly situated properties. *Specifically, we urge you to revise the NZO to clearly include as permitted uses in the proposed O-M Zone "other business and occupations that are substantially similar" to "professional offices offering medical and related services," as such uses are currently allowed in the C-O Zone under Santa Barbara Municipal Code section 28.51.030.*

Sincerely,

REICKER, PFAU, PYLE & McROY LLP



By:
Timothy J. Trager, Esq.

TJT:mg
cc: Client