



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

OCTOBER 14, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

Absent: Commissioner June Pujo

STAFF PRESENT:

Beatriz Gularte, Senior Planner
Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Dan Gullett, Supervising Transportation Planner
Marck Aguilar, Project Planner
Marisela Salinas, Project Planner
Brenda Beltz, Associate Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

Chair Campanella opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

III. WORKSHOP:

ACTUAL TIME: 1:02 P.M.

COMMUNITY/PLANNING COMMISSION WORKSHOP FOR NEW ZONING ORDINANCE EFFORT

The purpose of the workshop is to present and receive Planning Commission and public input on the **Module 3: Administration, Parking, and Temporary Uses**. Prior to the 1:00 P.M. Planning Commission meeting, an informal open house was held from 10:00A.M. to 12:00 P.M. where the community could view material and ask questions of planners and consultant.

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A joint presentation was given by Marck Aguilar, Project Planner, Danny Kato, Senior Planner, and Martha Miller, Consultant.

Marck Aguilar noted that additional comments had been received from Amy Taylor; Alec Bruice, President, Santa Barbara Association of Realtors; Joe Rution; and Carolle Van Sande.

Chair Campanella opened the public hearing at 1:11 P.M. for general comments on the New Zoning Ordinance (NZO). The following people provided public comment:

1. Cameron Gray, Community Environmental Council, appreciated the NZO committee's efforts and lauded the committee and Commission's support of solar standards to commercial zones when they can create shade over residential areas. CEC is concerned that opportunities are missing to implement key policies and recommendations for sustainability that were laid out in the General Plan Update and the Climate Action Plan. It is important that the new NZO support smart development today to meet the goals of tomorrow, especially with the recent legislation of SB 32 that has created more stringent targets. The City needs to be looking at sustainability and climate smart ordinance amendments, perhaps folding them into the Climate Action Plan so that Santa Barbara is positioned as a State and National sustainability leader.
2. Trish Allen, of Suzanne Elledge Permit Processing Services, encouraged decision makers to consider this opportunity to fold Local Coastal Plan updates into this effort. She asked that the City continue to treat the Funk Zone as special business district, perhaps with its own set of design criteria. Consider expansion of a parking zone benefit in the Funk Zone. The direction of the NZO efforts is very welcome in simplifying the code in being able to go to one place and see all that is needed. Support was offered for boundary Option 2 in the Central Business District. In the area of non-conforming parking, she supports removal of the 50% rule and not have additional regulations. We have the Floor Area Ratio (FAR), and we have the Single Family Design Board (SFDB) that do an excellent job of reviewing expansions. She supports Option 2 (one parking space for 250 square feet of floor area) for Food Service Uses. It provides the most flexibility to promote adaptive reusability.
3. Fred Sweeny, Single Family Design Board Chair (SFDB), requested improved communication between boards. SFDB missed the Module 2 workshop and learned of the Module 3 workshop the day. One of the challenges of SFDB is limited purview, and that they do not have sufficient tools to deal with many issues, primarily zoning, that leave the average citizen frequently aggravated. He would like the 50% rule go away. There are already enough issues with the FAR in a geographically challenged portion of the city with regard to the zoning code. A third or more of the city is at a steep slope while the zoning code is a two dimensional issue. When applied to areas such as the Riviera, or the bluffs by the ocean, it presents huge challenges in terms of

FAR, size, bulk, and scale as it relates to putting individual residences on property. SFDB would like to see accessory buildings remain as is and not combined. He requested that staff visit the SFDB to observe the challenges that SFDB is facing at almost every meeting and the issues faced with approving and not approving projects. The biggest challenge that SFDB faces is second floors. They cannot deny a second floor, yet have to address neighbors that want to keep single-story neighborhoods.

Dan Kato, Senior Planner, stated that NZO staff will be visiting the three Design Review bodies before the year is over.

4. Shelby Messer, On-Design Architects, thanked staff for making the code easier. The changing needs of the hotel industry are not being addressed by the NZO. Websites like Air BNB and VRBO have created a preference by people for wanting to stay at extended stay or vacation rental type units with cooking facilities. The current ordinance states that any hotel room designed with a cooking facility is subject to the lot area requirements per the R-4 zone. As far as today's parking discussion, they are also subject to multiple family parking requirements. This causes a lot of restrictions on hotel size that can be developed or the number of units that can be proposed when having to meet those two criteria. As NZO continues to be refined, she asks that staff look at that section of the code and possibly revise it to allow hotel units to be designed with some type of cooking facility and not be subject to the residential density or the multiple family parking standards, just as a hotel not proposing cooking facilities would be. This would allow for new hotels to be constructed and meet the needs of vacation renters coming to Santa Barbara.

With no one else wishing to speak, the public hearing was closed at 1:23 P.M.

CENTRAL BUSINESS DISTRICT:

Staff presented three options for discussion:

- Option 1: Extend the Central Business District (CBD) to Garden Street, then south to Gutierrez Street
- Option 2: Extend the CBD to Garden Street, then south to Gutierrez Street, and include CM parcels south of Gutierrez
- Option 3: Retain the CBD boundary along Santa Barbara Street

MOTION: Higgins/Schwartz

Support Staff's recommendation of Option 2: Extend the Central Business District boundary to Garden Street then south to Gutierrez Street and include CM parcels south of Gutierrez.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Pujo)

ACCESSORY BUILDINGS AND GARAGES

Staff presented proposed changes to expand the square footage for accessory buildings and garages so that they are more in scale with parcel sizes.

Mr. Sweeny expanded on what the SFDB has been finding during design reviews of proposed projects and why they do not recommend expanding size. As opposed to being on flat land, many of our homes are on inclines. Many of the Mesa ocean bluff homes have wanted to expand. Part of the challenge of the FAR and the size of the homes is that it can be applied to the total square footage of the legal lot, but if the home is on the bluffs one to two-thirds of the site cannot be built on because of topography and coastal restrictions. This results in very large homes being built on the street side with accessory buildings. Most people who build these homes want large accessory buildings to store vehicles, such as for auto collections. He sees that 500 square feet of livable space can quickly be turned into dwelling units. 1,750 square feet in many communities is a normal living space. Part of SFDB's challenge is addressing agitated neighbors that can clearly see what is going on with an application and do not want to hear that there is not a problem, and an applicant that has to hear that they cannot do it. It is a challenge for SFDB because they are limited to the use of the FAR, and in cases with a geographically challenged site, the FAR does not work.

MOTION: Higgins/Jordan

Support staff's recommendation of allowing proposed additional square footage to be used as garage or accessory building, whatever is desired by the Applicant, as long as required parking is provided.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Pujo)

PARKING

FOOD SERVICE PARKING:

Staff presented the issue of evolving food service uses and the challenge to staff in determining whether the venue should be categorized as a sit-down or fast food restaurant; whether a proposed business should be categorized as retail food sales or restaurant; and the plausibility of the number of seats. Staff presented two options for a parking requirement for food service uses:

Option 1: 1 space per 100 square feet

Option 2: 1 space per 250 square feet

Dan Gullett, Supervising Transportation Planner, stated that it has been the general policy to require parking demand for new development to be met off-street and that Transportation staff believes that practice should continue. Transportation staff therefore does not support Option 2: 1 space per 250 square feet of floor area. Option 2 would only affect commercial districts outside of the Central Business District, such as Coast Village Road, Milpas Street, Haley Street, the Funk Zone, the Mesa, San Andres Street, Upper State, and Upper De la Vina Street. Those areas interface with multi-family residential and other uses and there would not be ample street parking to absorb the additional parking demand burden resulting from the proposed reduction in parking for food service uses in Option 2. The only precedent of a policy where the City accepted less parking than demand was with City Council's approval of the Average Unit-Size Density (AUD) program where known that AUD did not provide for the parking demand of multi-family residential and City Council accepted the added burden of on-street parking from those units to help incentivize the program. Option 2 would place an additional burden in the some of the same neighborhoods that AUD is allowed, which Transportation staff thinks is inappropriate.

Commissioner Schwartz stated that we need to continue to evolve our transportation models to not assume the kind of individual automobile trips and parking needs as we have, especially as our demographics change in the City.

Commissioner Lodge is in favor of the 1/100 option because the Institute of Transportation Engineers (ITE) as a demand as more than 1/100. She cannot support 1/250. Businesses within the city that do not have adequate parking lose business to competition in neighboring areas that do.

Commissioner Jordan is in favor of 1/100 as a method to protect on-street parking, but also to address the negative consequence to businesses with off-street parking.

Chair Campanella opened public comment at 2:50 p.m. The following people spoke:

1. Kevin Moor lives downtown and is an architect. His firm has designed a lot of restaurants. He supports moving the part of the zoning ordinance that addresses parking. He does not support going to a 1/100 ratio. Restaurants are typically 2,000-4,000 square feet in size, which [between 1/100 and 1/250] is a huge difference in number of parking spaces. In addition to those being discussed, of the seven restaurants that he has designed over the past two years, three are remodels, and four are brand new conversions from retail or other use to restaurant. There are increasing demands from the county health department requirements and accessibility requirements that take away from square footage that would typically be seating area and becomes back of house area for storage or larger restrooms, etc. This is another impact to parking space loss.
2. Joe Caraza, property manager, converted two buildings that were retail space into bar and restaurant space. The difficulties in the funk zone not only include meeting the parking requirements but meeting use requirements. It might be desired to protect our industrial history, but the economics of our city do not make industrial use existent in

that neighborhood anymore. If an industrial tenant is found, it could not be put into a building because industrial zone is overlapped by the Ocean-Oriented Commercial (OC) Zone that makes it prohibitive to have industrial in the OC zone. What is wanted in that neighborhood and what is succeeding is restaurants and bars. He is not sure how you would balance a 1/250 in an area that has residential neighborhoods that might be impacted. It does not appear that it has been a problem in the Funk Zone. People are making use of Uber. There is a lot of square footage in a restaurant that is not seating.

3. Debbie Corral, owns property in the Funk Zone. She concurred that younger people use Uber. She does not support having a restriction of 1/100. Sonos said their employees would ride bikes, bus, or park offsite, but this has not been true. There are now offices where warehouses used to be. She does not know what will happen to off-street parking when La Entrada comes. For now, Uber is working and parking is not as impacted as people think it is.
4. Denise Adams, thanked the Commission, for all that has been done, and for sharing the big picture of all the new additional units and the impact on the neighborhoods. Appreciates the comment on the abuse of the surrounding areas and the burden on public streets and wondered about public safety and bike lanes. She lives by the Milpas corridor, which is heavily impacted, and with new units will be even worse. There are concerns from residents that are trying to improve their properties while parking is at a standstill. There are streets where cars cannot pass each other, such as Gutierrez Street from Alameda Padre Serra to Canada Street. She is concerned with public safety for seniors and children going between schools in the area. She questioned why City Council is "ghettoizing our neighborhood." Asked if there is any consideration for a city municipal lot if we are going to continue to bring in businesses. Neighborhoods will gladly support 1/100 spaces because we have ample provisions for grandfathering, modifications, and capable staff. She especially wanted to acknowledge Commissioners Lodge and Jordan and asked that the Commission please consider safety.

Chair Campanella closed the hearing at 3:01 P.M.

MOTION: Higgins/Schwartz

Support Option 2: use retail parking requirement (1/250) for all food service uses making the parking ratio for all food service uses the same and eliminate the "per seat" option.

Commissioner Higgins supports the 'one size fits all' approach. Would like staff to study restaurant use demands/parking demands. He would not want to create more non-conformities than we need.

Commissioner Thompson supports the flexibility provided by 1/250, but also would like to see something crafted to protect food services when we have changes in lease properties, so as not to trigger new parking requirements. He cannot support the 1/250.

Chair Campanella was initially supportive of the 1/250, but would now like to see something crafted between 1/100 and 1/250.

This motion failed by the following vote:

Ayes: 2 Noes: 4 (Thompson Lodge, Campanella, Jordan) Abstain: 0 Absent: 1 (Pujo)

MOTION: Lodge/Jordan

Support Option 1: use current fast food parking requirement (1/100) for all food service uses.

Chair Campanella could not support a 'one size fits all' approach.

This motion failed by the following vote:

Ayes: 3 Noes: 3 (Thompson, Higgins, Campanella) Abstain: 0 Absent: 1 (Pujo)

MOTION: Higgins/Thompson

Direct Staff to come back with changes to the non-conforming sections of the code with regard to restaurant and retail uses and provide maximum flexibility in the event that non-conforming uses are changing hands.

Jordan would like to see studies included in the motion. The motion was amended to include studies on restaurant demand.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Pujo)

CHANGE OF USE:

Staff proposed the elimination of nonconforming credit to preserve industrial uses.

MOTION: Thompson/Jordan

Support's Staff's recommendation for proposed approach to parking requirements for a change of use.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Pujo)

NONCONFORMING PARKING – LIMIT ON ADDITIONS:

Staff presented two recommendations for discussion addressing nonconforming parking:

Option 1: Remove the limit on additions, known as "the 50% rule."

Option 2: Instead of 50%, allow expansions of up to 80% of the FAR or other maximum overall size.

Mr. Sweeney was asked by the Commission to comment on situations seen by the Single Family Design Board. Mr. Sweeney stated that SFDB is challenged by lots where a large portion of the lot is not buildable. Then you are squeezing the whole FAR function, even

though the applicant can take advantage of the whole square footage, into a small footprint. He referenced homes on the Mesa that were build circa 1950's and are on very small lots. When the applicant wants to build on the lot, it is generally a two-story home, but only has a one-car garage. The challenge is that throws more cars on the street. Even if you provide the two-car garage, most garages are used for storage and again, more cars are parked on the narrow streets. The challenge and physicality of providing two parking spaces on the lot is impractical.

Dan Gullett talked about the base level of parking demand that is not being met onsite and results in being parked on streets. Residential lots are constrained and at some point parking cannot be added. The community has accepted adding one space on the street. While there are some neighborhoods that have parking problems, there are neighborhoods that have plenty of single-family parking available. The community character of some neighborhoods is single car garages.

MOTION: Higgins/Thompson

Support Option 1: Remove limit on additions (50% rule) up to the maximum FAR.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Lodge) Abstain: 0 Absent: 1 (Pujo)

Commissioner Lodge supports 80% FAR as preferable.

EATING AND DRINKING ESTABLISHMENTS – OUTDOOR SEATING:

Staff proposed to codify the existing policy, not currently addressed in the Zoning Ordinance, to require parking at the same rate as a restaurant when the outdoor seating area exceeds 50% of the indoor seating area.

MOTION: Thompson/Jordan

Support codification of the existing policy for outdoor seating parking requirements.

Commissioner Higgins cannot support 50% for what is a narrow time of year and stated the number is too large to park. He stated that the number should be larger but does not know what the demand is for an outdoor patio

Ayes: 5 Noes: 1 (Higgins) Abstain: 0 Absent: 1 (Pujo)

Commissioner Higgins asked that Staff look into the Hotel parking requirements that were commented on by Shelby Messer.

MOTION: Jordan/Thompson

Support Staff's proposed parking provisions, as listed in the Staff Report dated, October 6, 2016.

Chair Campanella supports car sharing but would like further study on what the substitution would be and asked that the motion be amended to include up to 5%.

The makers of the motion accepted the amendment.

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Pujo)

Chair Campanella called for a recess at 4:24 P.M. and reconvened the meeting at 4:38 P.M. Assistant City Attorney Scott Vincent did not return to the meeting.

OPEN YARD

Staff discussed Open Yard in Module 2, proposing to change the manner in which it is applied. Instead of being zone based, it would instead be based on use. In response to the Planning Commission's concerns over potential changes to the Average Unit-size Density Incentive Program (AUD), and acknowledging that since a larger community discussion about AUD has begun, staff affirmed that NZO would not propose any changes to AUD Open Yard at this time.

MOTION: Campanella/Schwartz

Support the NZO approach (as shown in table) for open yard, without reference to AUD.

Staff requested that the questions posed to the Planning Commission be withdrawn from further discussion and move forward with Staff's recommendation as described on page 21 of the Staff Report, dated October 6, 2016.

The Motion was withdrawn from consideration.

Commissioner Schwartz left the meeting at 5:20 p.m. and did not return.

NONCONFORMING OPEN YARD:

Presently, minor additions that do not affect open yard are allowed through the Modification process. Staff proposed allowing the Community Development Director to designate an area as the Nonconforming Open Yard and approve limited additions and alterations without the need for a Modification.

MOTION: Thompson/Jordan

Support the proposed nonconforming open yard provisions.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Pujo, Schwartz)

ADMINISTRATION

Staff reviewed all Administrative Procedures and worked at consolidating administrative procedures into one place, and eliminate redundancy.

Commissioners Thompson and Higgins questioned why Planning Authorities were solely Title 28 when they involve the review boards whose purview is in Title 22. Staff provided clarification on the cross references included to Title 22.

Commissioner Thompson questioned the differences between variances and modifications and asked if they could be consolidated instead of having both. Martha Miller said that they are separate because they require separate findings. Both are avenues for requiring relief to the requirements, but there is only a certain time when a variance can be granted. Mr. Kato added that a modification is like a mini-variance and is very limited. A variance has a broader range.

Commissioner Higgins requested a copy be made available that would show the red-line changes.

MOTION: Campanella/Higgins

Support the formatting, organization, and text of the Administrative Procedures.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Pujo, Schwartz)

MINOR ZONING EXCEPTIONS:

Staff has worked with the Santa Barbara Association of Realtors and the Planning Commission to come up with Minor Zoning Exceptions (MZE's) that have emerged to address discrepancies and errors in Zoning Information Reports (ZIR's). Staff has proposed retaining Minor "left-over" MZE items in the ZIR Chapter as Exceptions.

MOTION: Lodge/Thompson

Support proposed approach to addressing errors in ZIR's.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Pujo, Schwartz)

RULES OF MEASUREMENT AND DEFINITIONS

Staff reviewed the present Rules of Measurement and Definitions. Staff has updated to include modern terminology, graphics, and consolidation and consistency.

Commissioner Thompson asked if the purpose for setbacks could be included with definitions.

MOTION: Lodge/Campanella

Support the Rules of Measurement and Definitions

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Pujo, Schwartz)

TEMPORARY USES

Staff recognized that certain temporary uses benefit the community and should be allowed, provided that short-term negative effects are minimized. Temporary Uses were divided into four categories: 1. Exempt; 2. Subject to Zoning Clearance; 3. Subject to a Performance Standards Permit; and 4. Subject to a Conditional Use Permit.

Staff explained the difference between temporary and permanent uses. Mr. Kato explained that mobile food vendors could only serve for 90 days in a 12 month period on private property as a temporary use. If a vendor needed longer than a temporary use permit then a performance standard permit could be requested.

MOTION: Lodge/Higgins

Support the proposed provisions for temporary uses.

Ayes: 4 Noes: 1(Jordan) Abstain: 0 Absent: 2 (Pujo, Schwartz)

For all the time that Commissioner Jordan has spent on the looking at mobile food vendors, he is sensitive to the Eastside and Westside mobile food vendors who have economic necessity and are part of the cultural fabric in those areas of town. They are located in spaces where parking is allowed, but not in a circumstance to meet the approval tiers presented and he finds that unfortunate. Staff will revisit the setback criteria.

NEXT STEPS

Staff and the consultant will dovetail all three Modules together and review for correctness, as well as follow up on all new issues that have surfaced. A comprehensive draft ordinance will be released in January 2017, to be followed with Planning Commission meetings and open houses. Final adoption by City Council is targeted for June 2017.

The Commission expressed appreciation for the work done by Staff and looks forward to the draft ordinance.

IV. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:58 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

