



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

October 3, 2013

CALL TO ORDER:

Chair Jordan called the meeting to order at 1:04 P.M.

I. ROLL CALL

Chair Mike Jordan, Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, Sheila Lodge, and June Pujo.

Absent: Commissioners Campanella and Thompson.

STAFF PRESENT:

Paul Casey, Community Development Director
 Bettie Weiss, City Planner
 Renee Brooke, Senior Planner
 Danny Kato, Senior Planner
 Susan Reardon, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Stacey Wilson, Associate Transportation Planner
 Allison De Busk, Project Planner
 Andrew Bermond, Associate Planner
 Dan Gullett, Associate Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of September 5, 2013

Chair Jordan announced that Item II.A.1 would be moved to 2:45 P.M.

B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

C. Announcements and appeals.

Ms. Brooke announced that the Planning Commission meetings of October 10 and 17, 2013 would be cancelled.

- D. Comments from members of the public pertaining to items not on this agenda. Chair Jordan opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

III. RECOGNITION:

ACTUAL TIME: 1:05 P.M.

PLANNING COMMISSION 90TH ANNIVERSARY

The Planning Commission was created by Ordinance 1170 on August 27, 1923, and held its first meeting on September 28, 1923. To commemorate this anniversary Staff provided a brief presentation of the milestones achieved since the Commission's inception and recognized Past and Current Planning Commissioners and Staff in attendance. A light reception followed during a meeting break.

Planner: Bettie Weiss, City Planner

Email: BWeiss@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5509.

Bettie Weiss, City Planner, gave the presentation. Steve Wiley, City Attorney, acknowledged all present and returning Staff by name. Mayor Helene Schneider and Chair Mike Jordan recognized each returning Planning Commissioner with a certificate of appreciation for their service.

Six decades of returning Commissioners included Kenneth Kruger (1963) and Ernest Watson (1964). From the 1970's: Tomas Castelo, Jeanne Graffy, Sheila Lodge (also on current Commission), Judith Orias, Gerry DeWitt, Michael Hall Gray, and Virginia Robinson. From the 1980's: James Craig Johnson and Elinor Langer. From the 1990's: Marty Blum, Anita Perez Ferguson, Gregg A. Hart, Dr. Dan Secord, Irma Unzueta, Maurie McGuire, Carole Echt, Brian Barnwell, Barbara Chen Lowenthal, Bendy White, Bill Mahan and Grant House. From 2000 to present: Peter Ehlen, Charmaine Jacobs, Stella Larson, George Myers, Bruce Bartlett, Michael Jordan, Deborah L. Schwartz, and June Pujo.

City Attorney Steve Wiley acknowledged all returning Staff that included Community Development Directors Paul Casey and Dave Davis; City Attorneys Steve Amerikaner, Cynthia Goena, and Kathleen Weinheimer.

Returning Senior Planners included Jan Hubbell, Stephanie Lawson-Diaz, Liz Limon and Danny Kato. Past Planning Commission Secretaries attending were Mitzi Clayton, Mary Louise Days, Susan Gantz, Pamela Gartin, and Anita Leskie.

All Commissioners met on the dais for a group photograph before the Chair adjourned the meeting at 2:00 P.M for a light reception. City TV-18 interviewed some of the returning Commissioners.

Chair Jordan reconvened the meeting at 2:45 P.M.

ITEM II.A.1. was heard:

- A. Action on the review of the following Draft Minutes and Resolutions:
1. Draft Minutes of September 5, 2013

MOTION: Pujo/Bartlett

Approved the Minutes of September 5, 2013 as earlier revised.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Campanella, Thompson)

IV. NEW ITEM:

ACTUAL TIME: 2:47 P.M.

APPLICATION OF SANTA BARBARA CERTIFIED FARMER'S MARKET ASSOCIATION, 500 & 600 BLOCKS OF STATE STREET (NO APNS), 119 EAST COTA STREET (APN 031-151-018), 1100 & 1200 BLOCKS OF COAST VILLAGE ROAD (NO APNS) (MST2013-00149 & CDP2013-00006)

The project consists of permitting the Santa Barbara Certified Farmer's Market Association's continued operations of the existing Certified Farmer's Markets on the 500 and 600 blocks of State Street, at the Cota Commuter Lot (119 E. Cota St.), and on the 1100 and 1200 blocks of Coast Village Road. No operational changes are proposed.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2013-00006) to allow the Farmer's Market to operate on the 1100 and 1200 blocks of Coast Village Road in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44,150); and
2. A Conditional Use Permit Amendment to allow the continued operations of the State Street, Cota Commuter Lot, and Coast Village Road Farmer's Markets (SBMC §28.94.030.O).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15304(e) [Minor Alterations to Land – Minor Temporary Use of Land].

Case Planner: Daniel Gullett, Associate Planner

Email: DGullett@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4550.

Daniel Gullett, Associate Planner, gave the Staff presentation.

Sam Edelman, Farmers Market General Manager, provided appreciatory comments to the Commission.

Chair Jordan opened the public hearing at 2:54 P.M.

Mark Sheridan, resident, offered recommendations for revised conditions of approval, such as clarification of non-agricultural products, market staffing for pedestrian safety, and physically blocking vehicles from entering the State Street market.

With no one else wishing to speak, the public hearing was closed at 2:57 P.M.

MOTION: Pujo/Bartlett

Assigned Resolution No. 013-013

Approved the project, making the findings with a reference to fair market pricing, for the Coastal Development Permit and Conditional Use Permit Amendment, as outlined in the Staff Report, dated September 26, 2013, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Amend Condition I.A.1 to include corrected legal references and the clause "as laws are amended."
2. Amend Condition I.A.3 to list non-agricultural sales separately.
3. Remove individual references to 'Non-Agriculture Products,' 'Non-Agricultural Sales,' and 'Wine Sales' from Conditions I.A.21, 22, and 23 and move to the general condition section (I.A.) with wording similar to the Cota and State Street Markets.
4. Delete Condition I.A.23.d., "Prohibition of Alcohol Sales."
5. Amend Condition II to clarify that if the use of one market site is discontinued for a period of six months, then only the approved use of the one site would expire, not all market sites.

Commissioners Bartlett and Jordan stated that the cessation of operations for two weeks leading to expiration of the license agreement was an inappropriately short period that should be longer and also consider natural disasters.

Commissioner Jordan suggested that the City consider providing more permanent safety improvements, such as bollards, at the North and South entrances of the State Street Market.

Commissioner Pujo asked that the license agreement include a requirement for periodic reporting to City staff on compliance with Conditional Use Permit conditions and that Commissioners comments be forwarded to City Council at the time of license agreement renewal.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Campanella, Thompson)

Chair Jordan announced the ten calendar day appeal period.

Chair Jordan called a recess at 4:12 P.M and reconvened at 4:21 P.M.

V. **DISCUSSION ITEM – CONTINUED:**

ACTUAL TIME: 4:21 P.M.

ZONING INFORMATION REPORTS

The purpose of this discussion is for the Planning Commission to hear from staff and the public regarding issues that arise during the preparation of Zoning Information Reports and make suggestions to the City Council on possible Ordinance amendments and changes in the process to address these issues.

Case Planner: Susan Reardon, Senior Planner
Email: SReardon@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4555

Chair Jordan provided an introduction stating that Public Comment had already been heard on September 19, 2013, and instructed Staff to summarize the next steps.

Susan Reardon, Senior Planner, gave the Staff presentation that included an ordinance amendment timeline.

Steve Wiley, City Attorney, commented on discrepancies between ZIRs that in his experience, 9 times out of 10 the perceived discrepancy is due to unpermitted work having been done between the time the two ZIRs were prepared.

Bob Hart, speaking on behalf of the Santa Barbara Realtors Association, stated that Realtors encounter the attitude of having to prove innocence, and instead of being found innocent when something is not known by the city. Gave example of a neighboring city where if no permit records can be found, then it is deemed OK. Whereas in Santa Barbara, if supporting permit records cannot be found, then it is deemed wrong and in violation.

Laurel Abbot added that often realtors are met by counter staff saying that a report cannot be done within the contingency period and that an expedite fee must be paid. Clarification was given between the 17 day contingency period and the escrow period. The escrow period is longer than the contingency period. If the report is received after the contingency period, it could launch a new contingency period.

The Association appreciated the idea of a formal appeal process but was concerned with added cost to a client and suggested a nominal fee structure. The Association was open to participating in any future community forum for an exchange of dialogue.

Commissioners Comments:

- Commissioner Lodge understood the realtor's concerns about the properties not being sold within a year and suggested that consideration be given to extending the expiration of the ZIR to 18 months or 2 years to allow the applicant a longer window of time. Believes the ZIR's serve a useful purpose for the seller and the

- buyer. Staff is doing a good job and should continue in the direction they are going. Did agree that ZIR's should not be optional
- Commissioner Jordan reiterated Commissioner Thompson's comments of support for an appeal process; concerned with timeline and cost. Support of administrative approval process. Agreed that ZIR's should not be voluntary or optional; either have them or not. Concerned with unintended consequences on the current housing stock.
 - Commissioner Pujo agreed with many of Commissioner Lodge's comments regarding ZIR report value and extended expiration date. Supportive of retaining the ZIR system, just needs processing improvements. Supports a future workshop. Appreciated Thompson's comments, including a formal appeal process with quick turnaround, but not in favor of an appeal process that goes up the chain of appeal, perhaps include an administrative level. In the area of process improvement needs, found: 1) Non-conformities. (legal non-conforming). Need to deal with errors in older reports that were not correctly tagged as legal non-conforming, possibly due to not having the tools. Should be treated differently from each other. Both categories need attention at different levels. For example, buyer could go one step further and ask for determination of what that means if it is in an error category. Strongly supportive of SHO administrative approval, as described in the staff slides. Does not necessarily mean that it goes to a SHO hearing, can be handled administratively. 2) Forms and Submittals: Information about what to expect, timing of reports, clarification on what reports are and are not, could be greatly improved. 3) Fees: Perhaps a break could be given on fees if the new owner volunteers to fix violations that are found.
 - Commissioner Bartlett stated that we want to encourage people to go through a streamlined process to meet compliance. Supported an appeal process, including an administrative appeal that is not overly costly for applicant. Keeping things at the SHO level as much as possible is good. Clarifying what ZIR reports are and are not is critical. There should be a different process considered in the case of a voluntary ZIR where an owner wants to get an early look at what they may have, instead of a ZIR that comes back to hurt them when they sell. Fees need to be representative with the time allocation needed to prepare them. Fees need to be looked at double or nothing if not on time. Regarding timing, realtors should be more proactive, especially with increasing market. Support increasing the life of the ZIR. Suggested normal fee if applying early, others can pay the expedite fee if applying later. Believes we should keep ZIR as a requirement. It is a good process that serves a valuable purpose, just needs streamlining.
 - Commissioner Schwartz referenced a memo by Mayor Schneider and Councilman Francisco and sees potential amendments to the city's zoning ordinance. Also sees the need for a companion piece for what is not covered by the ordinance, such as human resource allocation, fees associated with the process, and the ZIR. Referenced the PowerPoint that Staff took to Council on August 13, 2013. If a municipality is to have zoning ordinances and code, we need tools to monitor and enforce them. Not sure what to do about existing ZIR reports that buyer and

seller once relied on that gave a clean bill of health and later issues are found. The City needs to take responsibility for the content and accuracy of the ZIR reports. To resolve discrepancies, suggested grandfathering inaccurate information, missing information, etc. at the point of contact with buyer/seller transaction, so that the city problem is not passed on to someone else. Not fair for it to be the burden of the community. Cost and Timeframe: Not sure what the remedy is for not delivering our product on time. Suggested that Realtors request reports early as possible. Supported extending the reports 18-24 months. Supported retaining ZIR's as required, if improvements are made. The Commission has periodically discussed illegal dwelling units and still has not had a robust working session on this reoccurring topic. Supports a streamlined administrative process that does not drag down the process. Commissioner Schwartz did her own research asking contractors and home inspectors with what fees they would charge and found they are in line with what the city charges now. If we maintain full cost recovery fees, we should be able to staff up/staff down to follow the markets fluctuations. Concurred with Commissioner Bartlett that we need to find processes and legal language that helps the city and real estate industry come together to find common ground to improve the ZIR process. Extended appreciation to staff and the real estate industry that has put four years into a collective benefit.

- Commissioner Jordan reiterated that there is little traction for a voluntary report versus mandatory report. Encouraged the Board of Realtors to get past that and engage their resources on suggestions for process improvements. Believes ZIR's should be mandatory and not optional. Will look for process expediencies and fee reductions in instances where we can and when it is shown that staff made a mistake. Supports the Staff Hearing Officer administrative stream as the way to go. There is a burden on the city to repair the good will that has been lost in this process. Felt that cleaning up P3 performance evaluations to match up goals with the ordinance should be done. Supports Commissioner Thompson's suggestion of a workshop.

Ms. Weiss thanked the Commission for its comments and acknowledged the work that has been done over the last four years. Work will continue with the Association and the Council.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:30 P.M.

- A. Committee and Liaison Reports.
 2. Staff Hearing Officer Liaison Report

None was given.

3. Other Committee and Liaison Reports

- a. Commissioner Jordan announced that it was First Thursday.

VII. ADJOURNMENT

Chair Jordan adjourned the meeting at 6:30 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary