

**PLANNING COMMISSION**

- Resolution of February 13, 2014
- Meeting Minutes of February 13, 2014
- Meeting Minutes of January 16, 2014



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 005-14

#### CITY WIDE

#### RECOMMENDATION TO CITY COUNCIL ON AIR QUALITY DESIGN STANDARDS FOR DEVELOPMENT NEAR HIGHWAY 101 FEBRUARY 13, 2014

### AIR QUALITY DESIGN STANDARDS FOR DEVELOPMENT NEAR HIGHWAY 101

The Planning Commission held public hearings on January 16, 2014 and February 13, 2014 on a draft ordinance to establish air quality design standards for new development of sensitive uses within 250 feet of Highway 101, to implement adopted General Plan Policy ER7. The intent of the ordinance is to reduce health risks from highway vehicle exhaust for any future development of residences, nursing or retirement homes, schools, or family day care close to the freeway. Project design criteria involve site layouts, vegetative screening, and interior air filtration. The Planning Commission considered recommendations to City Council regarding ordinance adoption. Public comment was welcomed.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the City Staff was present.

**WHEREAS**, no one appeared to speak in favor of the recommendation, and no one appeared to speak in opposition thereto or with concerns at the February 13, 2014 hearing, and the following documents were presented for the record:

1. Staff Report with Attachments, January 9, 2014.
2. Staff Report with Attachments, February 6, 2014.
3. Draft Public Handout to assist understanding of the ordinance.
4. Staff memorandum summarizing phone call from Cynthia Ruano in support of ordinance, February 13, 2014.
5. Correspondence received in opposition to the recommendation or with concerns:
  - a. Mary Rose Bryson, via email
  - b. Steve Johnson, via emails
  - c. Azam Mirtorabi, via emails and hand-delivered letter
  - d. Tracy Hernandez, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission recommended to City Council the following actions:

- I. Adopt the Ordinance establishing Air Quality Design Standards for Development near Highway 101, as provided in Exhibit A of the Staff Report dated February 6, 2014, with the following revisions:  
Amend Title 22 of the Santa Barbara Municipal Code by adding Chapter 22.65 titled "Design Standards for Development Near Highway 101" to read as follows:

**22.65.010 Purpose and Intent.**

It is the purpose of this section to limit and regulate development within close proximity to Highway 101 in a manner that promotes the health, safety, and welfare of the residents of the City of Santa Barbara.

Pursuant to 2011 General Plan Policy ER7, the design standards in this Chapter are intended to limit the number of people, including Sensitive Individuals, who receive Extensive Exposure to potential air pollution hazards from highway vehicle exhaust including diesel particulates by limiting the development of new sensitive land uses within close proximity of Highway 101 or by modifying the design of new sensitive land uses to reduce the amount of air pollution exposure received, until such time as statewide diesel particulate levels are reduced by planned State regulations or other means.

**22.65.020 Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

- A. **Accessory Building.** As defined in Section 28.04.010 of this Code.
- B. **Extensive Occupancy or Exposure.** Substantial time periods involving daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years, as experienced with residential land uses and schools.
- C. **Main Building.** As defined in Section 28.04.145 of this Code.
- D. **Required Outdoor Living Space.** Outdoor living space or open yard area required in accordance with City residential zoning standards as specified in Title 28 of this Code.
- E. **Sensitive Individuals.** Persons most susceptible to adverse affects of poor air quality (including from diesel particulates) including children, the elderly, and people who are ill or have serious chronic respiratory, heart, or other medical conditions that are exacerbated by air pollution.
- F. **Sensitive Land Uses.** Land uses that involve Extensive Occupancy or Exposure by Sensitive Individuals, including residences; nursing homes, retirement homes, and other community care facilities; schools; and large family day care facilities. Land uses not considered sensitive land uses include retail, commercial services, and offices.
- G. **State Highway Roadside Sound Wall.** A roadside sound wall constructed by the California Department of Transportation.

**22.65.030 Applicability and Exemptions.**

**A. Applicability.**

- 1. **Location.** Any property that is located in whole or part within 250 feet of Highway 101 as measured from the outer edge of the nearest highway travel lane (excluding highway on- and off-ramps) is subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030.
- 2. **Types of Development.** The following types of development are subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030:

- a. The development of one or more new residential units on a lot.
- b. An addition to an existing residential unit that increases the net floor area of the residential unit by more than 50% of the net floor area that existed within the residential unit as of December 1, 2011. If multiple additions are made to a residential unit during the time this Chapter is in effect, the amount of the additional floor area shall be measured in the aggregate.
- c. The development of a new main building that will be occupied by a Sensitive Land Use.
- d. The demolition of an existing building and its replacement with a main building that will be occupied by a Sensitive Land Use.
- e. A change of use of an existing main building from a use not defined as a Sensitive Land Use to a Sensitive Land Use.
- f. A change of use of an existing Main Building from a Sensitive Land Use that existed on the effective date of the ordinance adopting this Chapter to a different Sensitive Land Use.

**B. Exemptions.** The following projects are exempt from this Chapter:

1. Projects on sites where a State Highway Roadside Sound Wall is located between the highway and project site.
2. Projects with applications submitted to the City before December 1, 2011 for development permits including a Master Application, building permit plan check, or for other development approval, where the application has not expired.
3. Projects that received a final approval from the City prior to December 1, 2011 where the approval remains valid.
4. Projects where the property owner submits a site plan that demonstrates that no new Main Building or required outdoor living area that is to be occupied by a Sensitive Land Use will be located within 250 feet of Highway 101, as measured from the outer edge of the nearest highway travel lane.
5. Projects where the property owner can demonstrate to the satisfaction of the Community Development Director or the Director's designee that site-specific climatic or topographic conditions avoid or address the air quality risks from Highway 101 on the site such that the site specific conditions present a health risk of less than 10 excess cancer cases per one million persons.

Nothing in this Subsection B prevents an applicant from incorporating the design standards specified in Section 22.65.040 to exempt projects on a voluntary basis.

**22.65.040 Design Standards for Air Quality.**

The following design standards apply to development and occupancy of main buildings to which this Chapter applies. The location, design, and filtration standards specified in this Section are not required for accessory buildings or areas on the lot where Sensitive Individuals would not be subject to Extensive Occupancy or Exposure (e.g., parking).

- A. Proximity to Highway 101 and Project Design Features.** Main buildings that will be occupied by Sensitive Land Uses are prohibited from locating within 250 feet of Highway 101 unless the City

Community Development Director or designee determines that project design features satisfactorily address air quality risks. When determining whether the project design features satisfactorily address air quality risks, the Director shall consider the following factors:

1. **Distance from Highway 101.** Main buildings and outdoor living areas that will be extensively occupied by Sensitive Land Uses should be located as far from Highway 101 as feasible. For projects that have a mixture of Sensitive Land Uses and non-sensitive land uses, Main Buildings and areas expected to have Extensive Occupancy or Exposure by Sensitive Individuals should be located furthest from the highway, while facilities for non-sensitive populations and/or involving short-term use (such as parking facilities) should be placed closer to the highway.
  2. **Building Orientation and Outdoor Living Areas.** Main Buildings for occupancy by Sensitive Land Uses should be oriented with doors and outdoor living areas on the side of the building away from the highway in order to provide physical screening by the building.
  3. **Vegetative Screening and Physical Barriers.** Project sites to be occupied by Sensitive Land Uses should incorporate dense, tiered vegetative plantings between the highway and the Main buildings and outdoor living areas that are to be occupied by Sensitive Land Uses, which helps to remove air pollutants and reduce diesel particulate concentrations. Vegetation should largely entail trees with complex foliage (leafy vegetation or with needles) that allow substantial in-canopy airflow; preferably in multiple rows, using tree plantings of tall and uniform height that retain foliage year-round and have a long life span. Inclusion of physical barriers such as walls and solid fences between the highway and the project also help to reduce air pollutant exposure levels.
  4. **Air Infiltration.** In addition to a filtration system as required in Section 22.65.040 B, Main Buildings occupied by Sensitive Land Uses should be designed to locate air intake vents on the side of building away from the highway and use double-paned windows throughout.
  5. **Other Measures.** An applicant proposing a Sensitive Land Use that will be located within 250 feet of Highway 101 may propose other measures that have a demonstrated ability to reduce highway air pollution exposure.
- B. **Interior Air Filtration System.** Main Buildings intended for occupation by a Sensitive Land Use that are located within 250 feet of Highway 101 and are not exempt pursuant to Section 22.65.030.B shall incorporate a central ventilation system with air filtration rated at Minimum Efficiency Reporting Value of "MERV13" or better for enhanced particulate removal efficiency. The owner of any development subject to this requirement shall attach a copy of the operator's manual for the central ventilation and filtration system as an exhibit to every lease of the building or any portion of the building.

**22.65.050 Maintenance of Design Features.**

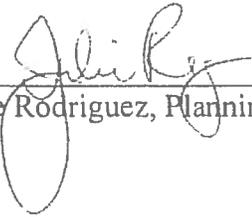
Design features incorporated into an approved project design pursuant to Section 22.65.040 shall be maintained as long as this Chapter remains in effect.

- II. As part of the City General Plan Adaptive Management Program, provide funding to conduct an air quality study of the Highway 101 corridor within 2-3 years and update the study as needed thereafter and, based on the study results or other available air quality information, consider whether to repeal or amend General Plan Policy ER7 and the implementing Ordinance.

This motion was passed and adopted on the 13th day of February, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jordan)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

February 13, 2014

### CALL TO ORDER:

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

### **I. ROLL CALL**

Chair Deborah L. Schwartz, Vice Chair Addison Thompson, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, and June Pujo.

**Absent: Commissioner Mike Jordan**

### **II. STAFF PRESENT:**

Bettie Weiss, City Planner/Acting Community Development Director

Renee Brooke, Senior Planner

N. Scott Vincent, Assistant City Attorney

Barbara Shelton, Project Planner/Environmental Analyst

Julie Rodriguez, Planning Commission Secretary

### **III. PRELIMINARY MATTERS:**

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

1. Draft Minutes of January 16, 2014
2. Resolution 001-14  
Recommendation to City Council on Urban Forest Management Plan

#### **MOTION: Pujo/Thompson**

Approve the minutes and resolution as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0. Absent: 1 (Jordan)

3. Draft Minutes of January 23, 2014
4. Resolution 002-14  
1732 Gillespie Street
5. Resolution 003-14  
150 S. La Cumbre Road

6. Resolution 004-14  
Recommendation to City Council on Municipal Code Amendments  
Regarding Fences, Screens, Walls and Hedges

**MOTION: Lodge/Campanella**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: As noted. Absent: 1 (Jordan)

Commissioner Pujó abstained from Item III, 1732 Gillespie Street, in the Minutes of January 23, 2014 and Resolution 002-14.

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

None.

- C. Announcements and appeals.

Ms. Brooke made the following announcements:

1. The regular Planning Commission meeting of February 20, 2014 will be cancelled.
2. The regular Planning Commission meeting of March 6, 2014 will be cancelled so that the Commission can attend the special Joint City Council and Planning Commission meeting on March 6, 2014.

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

Chair Schwartz opened the public hearing at 1:07 P.M.

Chris Bell spoke to the Commission regarding development near at 457 Hope Avenue and requested that triggers for design review be re-examined.

The Commission unanimously expressed interest in having this item discussed at a future lunch item, and suggested March 20, 2014, if possible.

With no one else wishing to speak, the hearing was closed.

IV. **RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 1:22 P.M.**

**AIR QUALITY DESIGN STANDARDS FOR DEVELOPMENT NEAR  
HIGHWAY 101 (Continued from January 16, 2014)**

The Planning Commission held a continued public hearing on a draft ordinance to establish air quality design standards for new development of sensitive uses within 250 feet of Highway 101, to implement adopted General Plan Policy ER7. The intent of the

ordinance is to reduce health risks from highway vehicle exhaust for any future development of residences, nursing or retirement homes, schools, or family day care close to the freeway. Project design criteria involve site layouts, vegetative screening, and interior air filtration. The Planning Commission will consider recommendations to City Council regarding ordinance adoption. Public comment was welcomed.

Case Planner: Barbara Shelton, Project Planner  
Email: BShelton@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4467.

Barbara Shelton, Project Planner, gave the Staff presentation.

Chair Schwartz opened the public hearing at 1:40 P.M., and with no one wishing to speak, the public hearing was closed.

A letter objecting to the ordinance was submitted at the hearing from property owner Azam Mirtorabi.

**MOTION: Pujo/Campanella**

**Assigned Resolution No. 005-14**

Recommended that City Council take the following actions:

- A. Adopt the Ordinance establishing Air Quality Design Standards for Development near Highway 101, as provided in Exhibit A of the Staff Report dated February 6, 2014, with the following revisions:
  1. In Section 22.65.020, Definitions, remove the words "such" and "typically" from Subsection B. Extensive Occupancy or Exposure; and remove the word "typically" from Subsection F. Sensitive Land Uses.
  2. In Section 22.65.030.B - Exemptions, add an exemption as Number 4 to read "Projects where the property owner submits a site plan that demonstrates that no new Main Building or required outdoor living area that is to be occupied by a Sensitive Land Use will be located within 250 feet of Highway 101, as measured from the outer edge of the nearest highway travel lane;" and renumber the general exemption involving a site-specific risk assessment as Number 5 in the list.
- B. As part of the City General Plan Adaptive Management Program, provide funding to conduct an air quality study of the Highway 101 corridor within 2-3 years and update the study as needed thereafter and, based on the study results or other available air quality information, consider whether to repeal or amend General Plan Policy ER7 and the implementing Ordinance.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:42 P.M.

E. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meeting held on January 22, 2014.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Historic Landmarks Committee meeting of February 12, 2014.
- b. Commissioner Lodge acknowledged the passing of long-time civic participant Paula Westbury with public tributes.
- c. Commissioner Campanella reported on the Downtown Parking Committee meeting that he and Commissioner Schwartz attended earlier on February 13, 2014.
- d. Commissioner Campanella reported on the Architectural Board of Review meetings of January 21, 2014 and February 10, 2014.
- e. Commissioner Bartlett reported on the Architectural Board of Review meeting of February 3, 2014.
- f. Commissioner Schwartz reported on the Transportation and Circulation Committee meeting of January 23, 2014.
- g. Commissioner Schwartz reported on attending the Storm Filtration Project ribbon cutting at Oak Park on January 29, 2014 with Commissioner Campanella.
- h. Commissioner Schwartz reported on the Water Commission meeting of February 10, 2014.
- i. Commissioner Schwartz reported on the Historical Museum's "State of the Museum" address on February 12, 2014.

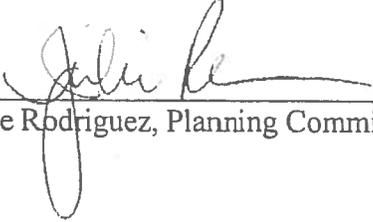
3. Report from the Chair.

Chair Schwartz reported that the Planning Commission will next meet on March 6, 2014 for a special Joint City Council and Planning Commission meeting at 630 Garden Street.

VI. ADJOURNMENT

Chair Schwartz adjourned the meeting at 2:59 P.M.

Submitted by,

A handwritten signature in cursive script, appearing to read "Julie Rodriguez", is written above a horizontal line.

Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

January 16, 2014

### CALL TO ORDER:

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

### I. ROLL CALL

Chair Mike Jordan, Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujó, and Addison Thompson.

### STAFF PRESENT:

Renee Brooke, Senior Planner  
Jill Zachary, Assistant Parks and Recreation Director  
N. Scott Vincent, Assistant City Attorney  
Barbara Shelton, Project Planner/Environmental Analyst  
Mandy Burgess, Parks and Recreation Planning Technician  
Julie Rodriguez, Planning Commission Secretary

### II. PRELIMINARY MATTERS:

Chair Jordan announced a change in the order of preliminary matters, with agenda item A being heard last.

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

None.

B. Announcements and appeals.

None.

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

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

D. Nominations and election of Chair and Vice Chair.

**MOTION: Bartlett/Lodge**

Nomination of Deborah Schwartz as Chair.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

**MOTION: Bartlett/Lodge**

Nomination of Addison Thompson as Vice Chair

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

**III. RECOMMENDATIONS TO CITY COUNCIL:**

**ACTUAL TIME: 1:03 P.M.**

**A. URBAN FORESTRY MANAGEMENT PLAN**

The Planning Commission reviewed the Urban Forestry Management Plan, and considered recommending that City Council adopt the plan.

Case Planner: Jill Zachary, Assistant Parks and Recreation Director  
Email: JZachary@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 5437

Jill Zachary, Assistant Parks and Recreation Director; and Mandy Burgess, Parks and Recreation Planning Technician, gave the Staff presentation.

Chair Schwartz opened the public hearing at 1:54 P.M., and with no one wishing to speak, closed the public hearing.

Commissioners' comments:

The Commission thanked Staff for developing guidelines and believes they will help applicants, property owners, and design review boards. Staff was encouraged to move forward after reviewing the document for editing, clarification, and some condensing.

The environmental benefits of trees to public health were acknowledged along with funding restrictions. Staff was encouraged to develop more public/private partnerships, especially when trying to fill empty street tree wells.

**MOTION: Jordan/Lodge**

**Assigned Resolution No. 001-14**

Recommend to City Council adoption of the Urban Forest Master Plan with the following recommendations:

1. Include neighborhood associations in public/private partnerships.
2. Develop a resource for the public, similar to the tool guide for Storm Water Management.
3. Make program a policy level process, rather than ancillary level process.
4. Correct last item in the chart on page 22 to read "Average Unit-Size Density".
5. Make sure the 60 foot height limit range in the overlay zone is the most current information.
6. Clarify solar access versus tree shading.
7. Include "tree pruning" in the glossary.
8. Benefits of the Urban Forest should be at the beginning of the document.
9. Encourage more of the 3,500-7,000 empty tree wells to be filled.
10. Include Parma Park in the Plan.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Schwartz called a recess at 2:19 P.M. and resumed the meeting at 2:27 P.M.

**ACTUAL TIME: 2:27 P.M.**

**B. AIR QUALITY DESIGN STANDARDS FOR DEVELOPMENT NEAR HIGHWAY 101**

The Planning Commission held a public hearing on a draft ordinance to establish air quality design standards for new development of sensitive uses within 250 feet of Highway 101. The intent of the ordinance is to reduce health risks from highway vehicle exhaust for any future development of residences, nursing or retirement homes, schools, or family day care. Project design criteria involve site layouts, vegetative screening, and interior air filtration. The Planning Commission will consider recommendations to City Council regarding ordinance adoption. Public comment is welcome.

Case Planner: Barbara Shelton, Project Planner/Environmental Analyst  
Email: BShelton@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4467.

Barbara Shelton, Project Planner/Environmental Analyst, gave the Staff presentation. Public comment received was acknowledged that included three new

letters and one phone call. An additional late communication from Cynthia Ruano was also acknowledged.

Molly Pearson and Carly Wilburton from the Santa Barbara Air Pollution Control District (APCD) were present to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 2:47 P.M.

The following people commented on the project:

1. Azam Mirtorabi, affected property owner, submitted written and verbal comments objecting to the ordinance and noting improvements in air quality.
2. Mary Rose Bryson, affected neighbor, was concerned with the ordinance impact on the ability to upgrade her 1902 home. She was also concerned with trees that were removed from buffering the freeway and asked the City to plant trees on City property.
3. Steven Johnson, affected property owner, submitted written and verbal comments objecting to underlying City air quality studies and supporting a wider corridor.

With no one else wishing to speak, the public hearing was closed at 2:56 P.M.

Commissioners' comments:

- Commissioner Pujo recommended changes to the ordinance to clarify that design measures apply to primary structures and not accessory structures.
- Commissioners Campanella and Schwartz appreciated Staff's time on the report. The ordinance implements the General Plan and the intent of City Hall, and represents the best job with information available.
- Commissioner Thompson requested clarification on whether the ordinance was addressing only particulates, and on the effectiveness of Caltrans sound walls. He recommended clarifying applicable types of fences.
- Commissioner Bartlett expressed concern about the overall benefits of the policy and ordinance for residents. He requested clarification regarding application of the ordinance to new vacant lots created through subdivision; whether properties become legal non-conforming under the ordinance; and why the ordinance does not apply to temporary stay facilities. He suggested that the hedges and fences ordinance establish a different standard for the highway corridor.
- Commissioners Bartlett and Jordan suggested addition of an automatic sunset clause based on time frame and/or specific air quality criteria. Commissioner Schwartz was not entirely comfortable with the absence of a sunset clause but would not push for it.

- Commissioner Lodge requested clarification for the public that a single-family home could be upgraded under the ordinance (i.e., remodels and minor additions would be exempt, and substantial additions and new units could be permitted with design compliance). She would have preferred a 500 foot corridor, as other communities have used, but thinks that 250 feet is as good as we will get. She recommended that Caltrans be encouraged to build additional sound walls in those areas without, such as by Mission Terrace and the nearby nursery school.
- Commissioner Campanella confirmed with Staff that walls, vegetation, and other design measures have precedents in other communities and are supported by evidence of effectiveness. He requested confirmation that off-site structures may be used as a measure toward compliance with ordinance design standards.
- Commissioner Jordan expressed concern that design boards might apply ordinance provisions outside of the 250 foot corridor, and recommended an upfront exemption for parcels partially within the corridor when applicable new development is outside of it. He suggested clarification of the general exemption based on site-specific conditions, so that the submittal analysis and basis of determination is clear. He expressed concern about the ordinance, asserting that tangible benefits and quantifiable criteria are unclear.
- Commissioners Jordan and Bartlett could support a recommendation to Council with the following exceptions: 1) Ordinance needs an exemption when the parcel is partly within the corridor but the project is outside; and 2) Ordinance needs a sunset provision.
- Commissioner Schwartz noted a questionable benefit of interior filtration given the local climate

Scott Vincent, Assistant City Attorney, stated that the ordinance would apply to lots that are in whole or in part within 250 feet of the freeway, but that the design standards would only apply to new development within 250 feet. He will address accessory uses in the ordinance language found in Section 22.65.040 Design Standards for Air Quality, subsection A (Proximity to Highway 101 and Project Design Features), on page 3 of the draft ordinance dated January 9, 2014 with inclusion of "...that will be occupied by or for Sensitive Land Uses..." in the first sentence. He noted that the provision for exempting one new unit on a vacant lot could be changed because ordinance design measures provide for a means of permitting potentially precluded development such that a property taking is not a concern.

Chair Schwarz left the dais at 4:34 P.M and returned at 4:36 P.M.

- Commissioner Campanella recommended that the ordinance purpose and intent be clarified.
- Commissioner Thompson could accept the ordinance without a sunset clause, and would support a recommendation moving it to Council.
- Commissioner Lodge supports the ordinance and sending it to Council.
- Commissioner Jordan supports the ordinance philosophically and supports the applicability provisions and flexibility exemption. He cannot support recommending the ordinance without an exemption for development outside of the 250 foot corridor and a sunset clause.
- Commissioner Bartlett supports Mr. Vincent's revised wording of the draft ordinance language regarding accessory structures; and supports use of the property as trigger for applying the ordinance. He does not support the "*in whole or part*" provision without an exemption for development outside of 250 feet; or the lack of a sunset provision.
- Commissioner Pujo felt that the ordinance needed more clarity on what we are trying to capture and the workability of the ordinance. She does not support subsection C, applying the ordinance to substantial residential additions and suggested removing it. Commissioner Pujo felt that in the absence of a sunset clause, tracking and monitoring are needed as a part of adaptive management.
- Commissioners Pujo and Schwartz commented that the ordinance is flexible and open-ended and can be interpreted differently, and recommended templates or handouts for applicants with examples of what would fit some of the design standards.
- Commissioner Schwartz noted that air pollution monitoring and air quality control measures are an ever changing issue, and a number of national studies of this issue are underway. She requested more clarity in the site-specific analysis exemption. She noted the tie-in with the Urban Forest Plan, and agreed with Commissioner Lodge that adding vegetation should be the preferred mitigation over hardscape solutions, and provides for more visual compatibility and other benefits.

**MOTION: Jordan/Bartlett**

Continue indefinitely for Staff to return with ordinance refinements that could be supported by a Commission majority.

Commissioner Pujo asked that when this item returns to the Commission, examples be provided to show applicants and homeowners how design standards apply.

Commissioner Bartlett asked Staff to review Page 6 of the Staff report dated, December 12, 2014, requesting that the sentence "*Following such studies, the*

*City may reassess the Ordinance provisions for amendment or appeal.*" to add something more quantifiable rather than "may".

This motion carried by the following vote:

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

Commissioners Lodge and Thompson believed the ordinance should be forwarded to City Council.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:16 P.M.

Chair Schwartz prefaced the Commission's reports with comments from the Chair.

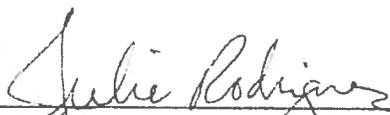
A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report  
None.
2. Other Committee and Liaison Reports
  - a. Commissioner Thompson reported on the Single Family Design Board meeting of January 13, 2014.
  - b. Commissioner Thompson reported on the Airport Committee meeting of January 15, 2014.
  - c. Commissioner Schwartz reported on the Downtown Parking Committee meeting of January 15, 2014.
  - d. Chair Schwartz summarized agenda items of upcoming January 23, 2014.

V. ADJOURNMENT-

Chair Schwartz adjourned the meeting at 5:25 P.M.

Submitted by,

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary