



**PLANNING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, March 06, 2019**

6:00 PM
City Hall
130 Cremona Drive, Suite B
Goleta, California

Members of the Planning Commission

*Jennifer R. Smith, Chair
Robert K. Miller, Vice Chair
Ed Fuller, Commissioner
Katie Maynard, Commissioner
Bill Shelor, Commissioner*

*Peter Imhof, Secretary
Winnie Cai, Assistant City Attorney
Linda Gregory, Recording Clerk*

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Chair Smith at 6:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL OF PLANNING COMMISSION

Present: Chair Smith, Vice Chair Miller, Commissioner Fuller,
Commissioner Maynard, Commissioner Shelor
Absent: None

Staff Present: Peter Imhof, Director of Planning and Environmental Review; Anne Wells, Advance Planning Manager; Andy Newkirk, Senior Planner; J. Ritterbeck, Senior Planner; Shannon McAlpine, Intern, Advance Planning; Winnie Cai, Assistant City Attorney; and Linda Gregory, Recording Clerk.

PUBLIC FORUM

No speakers.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. PUBLIC WORKSHOP

Revised Draft New Zoning Ordinance - Review Authorities and Permit Procedures Part I

A.1 NZO Workshop 2 - Staff Report

A.1 NZO Workshop 2 PUBLIC COMMENTS 11-12

A.1 NZO Workshop 2 -- PRESENTATION

Staff Speakers:

Peter Imhof, Director of Planning and Environmental Review
Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner
J. Ritterbeck, Senior Planner

The staff report was presented by Anne Wells, Advance Planning Manager, Andy Newkirk, Senior Planner; and J. Ritterbeck, Senior Planner; including a PowerPoint presentation entitled "City of Goleta Revised Draft New Zoning Ordinance, Planning Commission Workshop 2 of 7, Presentation By: Peter Imhof, Anne Wells, Andy Newkirk, J. Ritterbeck, March 6, 2019."

Staff responded to questions from the Planning Commissioners and public speakers during the workshop. The Planning Commissioners provided feedback at the close of the discussion of each item.

REVIEW AUTHORITIES

Public Speakers:

Barbara Massey commented that she does not see any good reason for a Zoning Administrator and expressed concerns about possible issues when the authority is granted to a single person. She noted that the Zoning Administrator is often not as good at the DRB, PC, and CC at dealing with the public and not as knowledgeable as the Director. Ms. Massey added that she believes the New Zoning Ordinance revised draft is generally very good but feels there are things that are wrong with it.

Dr. Ingeborg Cox commented with regard to the review authority of the Director, that there should be at least one body of persons for the public to go to for review, not just one person, for check and balances.

Planning Commission Comments:

Review Authorities Questions for Consideration:

1. NZO proposes to retain or reinstate many existing Discretionary Actions on projects. Is this appropriate?

Commissioner Maynard commented: Keeping a balance between providing some discretion but also giving some clarity with regard to details would seem appropriate, with further discussion. Does feel that some detail in places should not have been removed.

2. The Administrative Hearing Officer is currently discussed in the GMC and handles Administrative Citations.

Commissioner Maynard commented: From the information presented, it would make more sense to move the appeals from the Administrative Hearing Officer to the Planning Commission to allow for a public meeting, and possibly to the Zoning Administrator (regarding the 3 Planning Permits).

3. Zoning Administrator to be added in Title 2 of GMC.

Commissioner Maynard commented: Adding a Zoning Administrator to Title 2 of GMC is fine.

4. Are there any other Review Authority issues that need to be discussed?

Commissioner Maynard commented: Recommended moving the large format retail in Community Commercial category from a permit to a Conditional Use. She requested discussion regarding implementing an optional Preliminary review process for both the Design Review Board and the Planning Commission.

(Staff will look into a preliminary review process.)

Commissioner Shelor commented that he appreciates Commissioner Maynard's comments and noted he believes it is advantageous for the applicant and for the City to set projects off on the right foot at the beginning. He suggested more discussion and clarification regarding a conceptual review more broadly than just for design elements in order to improve the process.

Chair Smith commented she would be open to the concept of an Administrative Hearing Officer; however, she questions whether it would be a final review or appealable. Also, the concept of having a reviewer who is not connected to the original decision would seem more ideal.

Commissioner Fuller commented that the term “certain development plans” is ambiguous and recommended more specificity regarding the kind of development plans for review by the Administrative Hearing Officer. He suggested referencing where this description is located in the Zoning Ordinance. Also, he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.

Vice Chair Miller commented that it sounds like a Zoning Administrator would create greater efficiencies in the system. He noted that he is not persuaded by the idea of an Administrative Hearing Officer but suggested a panel of experts to serve as Administrative Hearing Officers would work well. He noted that his idea of a panel would be a pool of people from which one could be called upon.

Commissioner Fuller commented that he believes the quality of the decisions are going to depend on the quality of the individual filling the Administrative Hearing Officer position and also on the type of permit that is reviewed.

Commissioner Maynard suggested first clarifying how the Administrative Hearing Officer would be designated prior to making a recommendation regarding the position. She noted she would not support the Administrative Hearing Officer because the flexibility allows for it to be a staff person; however, another type of situation may be considered.

(Staff suggested additional discussion later in today’s workshop regarding the Administrative Hearing Officer. The current Municipal Code has the Administrative Hearing Officer acting on appeals of citations for smaller project such as building or zoning violations.)

DESIGN REVIEW BOARD:

Public Speakers:

Barbara Massey supported the Design Review Board making a Finding and granting Preliminary Approval of a project so the project has an approval that is appealable when it is forwarded for review by the Planning Commission or City Council.

Dr. Ingeborg Cox 1) Noted the AHO would not have an appeal; 2) commented with regard to Chapter 17.52.070 Findings for Approval that the developer should also

bring an up-to-date service letter to verify that water and power are available; 3) expressed concern regarding information that background exposure to environmental stressors can impair children's health and cognitive their development, specifically, reading comprehension; and that schools exposed to high levels of airplane noise are not healthy educational environments; 4) She believes the Design Review Board should be reviewing height which is important and should not be deleted.

(Staff commented that the New Zoning Ordinance changes the height methodology and will be discussed in more detail).

Planning Commission Comments:

Design Review Board Questions for Consideration:

1. Are there additional or fewer types of projects that should be exempt from Design Review:

Commissioner Maynard commented: Overall, she supports the idea that the Planning Commission would review projects after the Preliminary review and before the Final review, and that the projects would always return to the Design Review Board for Final review. The list of types of projects that should be exempt from Design Review is fine.

Commissioner Fuller commented: Agreed.

Commissioner Shelor commented: It is important for the Design Review Board's recommended findings to be presented to the Planning Commission.

Commissioner Shelor commented: Item #1 is heading in the right direction.

2. When is the appropriate point for an Appeal of a DRB action?

Commissioner Maynard commented: The Planning Commission is the appropriate point.

Commissioner Fuller commented: The point for an appeal of a DRB action should be a final action by the DRB when the DRB is the final discretionary authority. Preliminary would go as a recommendation to another discretionary authority, and the public would still have the opportunity to appeal.

Commissioner Shelor commented: Item #2 is heading in the right direction.

3. Is the distinction for DRB as both decision-maker and recommending body clear?

Commissioner Maynard and Commissioner Fuller commented. Yes.
Commissioner Shelor commented: Item #3 is heading in the right direction.

4. Does DRB crafting draft findings help the review process?

Commissioner Maynard and Commissioner Fuller commented: Yes.
Commissioner Shelor commented: Item #4 is heading in the right direction.

5. This process recognizes DRB action as a “Discretionary” action that requires CEQA.

Commissioner Maynard and Commissioner Fuller commented: Agreed.
Commissioner Shelor commented: Item 5 is heading in the right direction.

6. Are there other DRB issues that need to be discussed?

Commissioner Maynard and Commissioner Fuller commented: No.

Commissioner Shelor commented regarding Item #6:

1. It is important for the DRB’s recommended findings to be presented to the Planning Commission.
2. Recommended adding a Consent Calendar on the DRB agenda for when minor details need to be presented for Conformance review of an approved project.
3. Requested consideration of a joint review process with the DRB and Planning Commission during the Conceptual review for appropriate projects such as projects which require a development plan, where no actions are taken.
4. Neighborhood compatibility is limiting as a DRB finding, and he believes that a broad overview of a project by the DRB should consider adequate infrastructure, parking, circulation, water, noise, public viewsheds, and creation of greenhouse gas, noting that these items should be vetted prior to review by the Planning Commission.

Commissioner Maynard commented that some of the proposed findings suggested by Commissioner Shelor in the above paragraph may be more appropriate for the Planning Commission. She suggested adding compliance with the Visual Element of the General Plan to the Design Review Board findings and commented that considering a preliminary review by the Planning Commission would be helpful, not necessarily as a joint meeting with the Design Review Board.

Commissioner Fuller commented that some of the items recommended by Commissioner Shelor could be placed on an application.

Chair Smith commented that the Design Review Board considerations are proceeding in the right direction. She suggested a mechanism for projects to be presented to the Planning Commission with a more robust review and vetting, and is also open to other considerations. She is open with staff coming back with other consideration. With regard to Design Review Board Finding #J, Chair Smith recommended adding language that would include reference to potential new technologies and similar innovations in addition to solar access.

Commissioner Fuller commented that it is important that the staff reports incorporate basic information for a project including General Plan conformance and Zoning Code issues.

Commissioner Maynard recommended adding the modified wording “and solar and renewable energy access” to Item #J of the Design Review Board Findings, with regard to solar.

(Staff will review with the City Attorney comments from Planning Commissioners on the value of preliminary review of a project with the Planning Commission to ensure there may not be any constraints in the process).

RECESS HELD FROM 8:22 P.M. to 8:27 P.M.

PUBLIC NOTIFICATION:

Public Speakers:

Barbara Massey expressed the following concerns: 1) with regard to Chapter 17.52.050.C.2 Newspaper Notice, there is only one newspaper in the area that qualifies as a newspaper of general circulation (the News-Press) but it is not widely read; however, she requested the city use this newspaper because it is better circulation than the current newspaper being used; 2) the noticing area for mailing should be increased to 500 feet for both inland and coastal projects; and 3) the printing on the yellow noticing signs fades within about five days, and should last for at least two weeks

Dr. Ingeborg Cox commented: 1) with regard to Chapter 17.52.050 Public Notification, she requested that the rest of the residents of Goleta be notified and not only the people living in the coastal zone; and 2) requested staff update the General Plan documents and the New Zoning Ordinance materials including the amendments and maps at the Goleta Library. Dr. Cox agreed with comments from Barbara Massey, public speaker, regarding Public Notification.

(Staff commented that the General Plan documents will be updated at the Goleta Library).

Planning Commission Comments:

Commissioner Shelor suggested considering posting notices on Nextdoor.

Commissioner Maynard commented regarding Public Notification:

1. Questioned the difference between the public noticing for Administrative Hearing Officer and Zoning Administrator reviews.
2. Consider a practice of other cities that requires the proponents of a project to knock on doors of at least 10 residences with regard to a project in the immediate vicinity.
3. Consider requiring a press release that a project is moving forward when there is a development permit.
4. Electronic notices should not replace mailings as not all residents have access to electronic noticing. There should not be an alternative to mailings when there is a large number of people that need to be notified.
5. Posting in both the *Santa Barbara News-Press* and *Santa Barbara Independent* makes sense. She noted that the *Santa Barbara Independent* is free and available on the street at many locations, and free access is critical.
6. Signs should be posted for 2 weeks.
7. At least 2, possibly 3 posting signs per project should be posted. One sign may fall down.
8. Two-week postings for sign notifications is supported.
9. Consider the size of the noticing posters.
10. Use appropriate pens on the posting signs to avoid fading.
11. Any project with a development permit should be required to notice for 1,000 feet rather than 300 feet.
12. Recommended including language in the New Zoning Ordinance referring to story pole requirements that indicates there are no detailed guidelines yet.
13. Full Spanish translation should be required for public notifications.

Commissioner Miller commented:

1. Recommended 500 feet to 1,000 feet for noticing, noting 300 feet is not adequate.
2. Supported dropping off public notices and considering whether it is not necessary to knock on doors and simply drop off leaflets.
3. While emails are helpful for communications, it is not a complete method.
4. Supported Spanish translation of notices.

Chair Smith commented:

1. Agreed with recommendations from Commissioner Maynard and Vice Chair Miller.
2. Language translation is important to consider. Suggested adding language in the Ordinance that references a certain threshold of speakers in the future that would require translating notices into that language.

3. Mailing of notifications is important to continue, although technology is changing to the extent that staff can engage in multiple ways of noticing that are helpful.
4. Consider the size and number of the on-site postings.

Commissioner Fuller commented:

1. For the largest projects, 1,000 feet make sense for noticing, and 500 feet might be fine for smaller projects. For a small project, such as ministerial appeal, 300 feet may be sufficient.
2. A 10-day requirement for posting a public notice seems too short. Recommended 15 days or 2 weeks.
3. Story poles are a good idea in the right place. Consider adding reference to story poles as requirements in the right places.
4. Press releases would be fine, depending on the type of permit or appeal.
5. Size, color, and placement should be considered for posting signs. He does not support visual pollution.

Commissioner Shelor recommended for larger projects, such as those requiring a development plan, objective standards with story poles as a requirement and the decision-maker would need to make findings to waive the story pole requirement. He supported story poles because they would be visible for the general public and serve as a way of noticing the public and explaining what is being proposed.

Commissioner Maynard supported Commissioner Shelor's comments regarding story poles. She also supported 1,000 feet noticing for large projects, 500 feet for medium projects, and 300 feet for small projects; and press releases only for large projects.

(Staff commented that the Administrative Hearing Officer proposal would need to be developed more fully).

REQUIRED FINDINGS:

Public Speakers:

Barbara Massey commented that she believes the Findings for Approval in Chapter 17.52.070.A Findings for Approval cannot be made at any time now. She believes the roads are substandard, water is lacking, and the Fire Department is not adequate to support additional development.

Dr. Ingeborg Cox commented that she agrees with the comment from Barbara Massey, public speaker, regarding Findings for Approval

Planning Commission Comments:

Noticing, Findings, Appeals Questions for Consideration:

Question #2: Are the required findings for approval/denial sufficient?

Commissioner Maynard commented that she believes some areas to be considered include: 1) if the project is a commercial use that is bringing in a lot of new jobs, consider if there is enough housing for new employees; 2) for residences, consider school capacity, health facilities, hospitals, and access to doctors; 3) for new uses that might have a bigger energy usage, consider enough energy access; and 4) consider road capacity.

Commissioner Shelor commented in his opinion there may be a disconnect between required findings and whether there is adequate infrastructure, for example whether there is adequate circulation and road capacity infrastructure at the Storke/Hollister intersection.

Chair Smith questioned whether the concept of services in Section 17.52.070.A Findings for Approval is just limited to public services or includes private services, and how the findings would be made. Also, she noted that the language “legal access” is vague and suggested clarifying language would be helpful.

Commissioner Maynard suggested possibly adding language that would indicate “could include things such as” with regard to her recommendation to consider adding additional services to the Findings for Approval for new residences. She suggested conversations with service providers including utilities and private companies would be informative.

Commissioner Fuller commented that it would be appropriate to contact the provider for details.

Commissioner Miller commented that it may be complicated to assess the impact needed to make the findings with regard to the additional items that have been suggested by Commissioner Maynard to be added for new residences, although it seems like a good idea.

(Staff will discuss options with regard to the suggestion for additional findings with regard to new residences and report back. Staff noted most of the concerns would be addressed during CEQA review).

Commissioner Maynard suggested an edit to Section 17.52.050.D Failure to Give Notice to add that the applicant must follow all noticing requirements and if the applicant follows all of the required noticing, then the failure of any person not to receive the notices does not invalidate the actions.

APPEALS:

Public Speakers:

Dr. Ingeborg Cox requested consideration be given that it may not be financially feasible for persons to hire a professional to identify development and design standards that are required when filing an appeal.

Planning Commission Comments:

Question #3: Should the City use the existing Administrative Hearing Officer to hear Appeals on stand-alone Ministerial Permits?

Commissioner Maynard would not support adding an Administrative Hearing Officer and would support the appeals going to the Zoning Administrator and being appealable to the Planning Commission because there is a noticing requirement for the Zoning Administrator hearing. She recommended Coastal Development Permit, Land Use Permit, and Temporary Use Permit should have an appeal to the Zoning Administrator with an appeal to the Planning Commission. Also, she suggested adding one additional appeal to the Zoning Administrator for Minor Change or Amendment and Substantial Conformity Determination permits.

Commissioner Fuller commented that he supports all appeals going to a hearing with different levels of notification. He supported a quicker path for appeals to the City Council and stated he believes the City Council should be the final appeal authority within the jurisdiction of the city and he does not see the necessity for the Planning Commission to have all appeal authority before the City Council.

Vice Chair Miller commented that he supports Commissioner Maynard's comments.

Chair Smith commented that she is supportive of the Zoning Administrator role rather than the Administrative Hearing Office and is open to Commissioner Maynard's comments.

After further discussion, Commissioner Maynard revised her comment to recommend that the Administrative Hearing Officer hearings should have all of the same public noticing requirements as a Zoning Administrator hearing would have, with the ability to appoint someone other than the Director of Planning and Environmental Review. The Administrative Hearing Officer should be the final decision-maker for the Temporary Use Permit, because it is temporary and short term. For the Coastal Development Permit and Land Use Permit, she would support going directly from the Administrative Hearing Officer to the City Council.

Chair Smith commented that from more discussion she is not sure there is a need for an Administrative Hearing Officer and suggested considering the way it was previously proposed.

Commissioner Maynard also supported Chair Smith's comment to consider the previous proposal.

(Staff will review and provide further information).

PERMIT TYPES:

Public Speakers:

None.

Planning Commission Comments:

Permits: Questions for Consideration:

Question #1: Should the NZO add, add back in, or remove any other types of permits?

Commissioner Maynard responded with "no" for Question #1.

Questions #2: Should the NZO consider changes to the permit triggers? More strict provisions, or more lenient allowances?

Commissioner Maynard commented that she believes the review authority for new structures and outdoor areas designated for sales or storage that do not exceed 10,000 square feet should be the Planning Commission, with regard to Section 17.59.020.B.1.a. She agrees with Section 17.59.020.B.1.b. and noted that the exemptions look fine.

Question #3: Are there other issues within these areas that need to be discussed?

Commissioner Maynard commented that one of the findings should be related to noise in Section 17.56, Temporary Use Permits.

Due to the time, Chair Smith noted that there will be an opportunity to comment on Permit Types at the next Workshop.

Anne Wells, Advance Planning Manager, reported that Workshop #3 will be held on Tuesday, March 12, 2019, at 6:00 p.m., in the Council Chambers, and noted this discussion will be continued at the workshop.

Chair Smith reported that the regular Planning Commission meeting will be held on March 11, 2019.

B. ADJOURNMENT

Meeting adjourned at 10:00 p.m.

Note: The video of the meeting is available on the City's website at <http://www.cityofgoleta.org/i-want-to/news-and-updates/government-meeting-agendas-and-videos>