



**SPECIAL
PLANNING COMMISSION
MEETING MINUTES
Tuesday, March 12, 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; David Pierucci, Counsel, Best, Best & Krieger; Winnie Cai, Assistant City Attorney; and Linda Gregory, Recording Clerk.

PUBLIC FORUM

Barbara Massey stated that she believes the review process for the Revised Draft New Zoning Ordinance is moving too fast, and also there should be more than three minutes for public comment. Ms. Massey questioned why current public comments are not on the

website and also requested that the format for current responses includes the wording that is being responded to. However, she commented that the New Zoning Ordinance is a good draft so far.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. PUBLIC WORKSHOP

A.1 Revised Draft New Zoning Ordinance - Review Authorities and Permit Procedures Part II

Receive a presentation, allow public comments, and provide feedback on the Revised Draft New Zoning Ordinance (NZO) with focus on the questions and issues that are highlighted on pages 31-42 of the Key Issues Guide (Review Authorities and Permit Procedures).

Please bring the color copy of the Key Issues Guide that was included as Attachment 1 to the Planning Commission staff report for the February 25, 2019 workshop. Alternatively, the Key Issues Guide is available in hard copy at City Hall and the Goleta Library, or can be downloaded at <http://www.GoletaZoning.com>.

[A.1 NZO Workshop 3 - Staff Report](#)

[A.1 NZO Workshop 3 -- PRESENTATION](#)

[A.1 NZO Workshop 3 -- PUBLIC COMMENTS 13-17](#)

Staff Speakers:

Peter Imhof, Director of Planning and Environmental Review

Anne Wells, Advance Planning Manager

Andy Newkirk, Senior Planner

J. Ritterbeck, Senior Planner

David Pierucci, Counsel, Best, Best & Krieger

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 Workshops 3 of 7, Presentation By: Peter Imhof, Anne Wells, Andy Newkirk, J. Ritterbeck; March 12, 2019.'

Staff responded to questions from the Planning Commissioners and public speakers during the workshop.

TOPIC: PERMITS

Public Speakers:

Barbara Massey commented: 1) 17.52.100.A.1.g Changes to Prior Permits and Approvals, Zoning Permit: expressed concern that controversial projects are approved without public review of substantial conformances; 2) 17.52.100.B.1 Discretionary Approval, Substantial Conformity Determination: there should be a provision that there is no increase in height of the ground level of the site; 3) Substantial Conformity Determination should be noticed; 4) 17.52.100.B.2.c Amendments: there should be noticing of all amendments; 5) 17.55.020 Land Use Permit Applicability: this permit should be retained; and 6) Lot line adjustments are both useful and provide necessary information on lot division and subdivision developments, and should be in the Zoning Ordinance.

Dr. Ingeborg Cox agreed with comments by Barbara Massey, public speaker. Dr. Cox commented: 1) Parcel Maps and oil drilling and production plans should not be removed from the Ordinance; and 2) upgrades that do not meet requirements for the limited exception determination need to be acknowledged, and if a project, it may be considered; and the improvement should not result in an expansion or extension of the life of a nonconforming use.

Michael Cheng expressed concern regarding the concentration of applications for cannabis shops in Goleta Old Town.

Eileen Monahan commented with regard to how the New Zoning Ordinance can positively affect child care for residents as well as employees of local businesses, as follows: 1) high quality licensed child care allows parents to work and be productive at their jobs and it is also good for children; 2) requested the creation of policies to encourage development of child care rather than create barriers; 3) requested allowing large family child care by right; 4) requested allowing child care centers by right or by the easier Conditional Use Permit; 5) requested allowing child care center in all commercial zones; 6) consider parking regulations that take away space from the child care center; and 7) a letter has been submitted with additional information.

TOPIC: NONCONFORMING USES, STRUCTURES AND LOTS

Public Speakers:

Dr. Ingeborg Cox, pointed out that if the Ellwood Onshore Facility (EOF) can continue to exist and something could still happen there.

Planning Commission Comments:

17.36.030.D Nonconforming Uses and Structures, Expansion of Nonconforming Uses:

Commissioner Maynard commented that language regarding Required Findings has been removed from this section and requested staff revisit and check it has been relocated, and report back.

17.36.020 Establishment of Nonconformity:

Commissioner Fuller requested staff review to see if 17.36.020.A and 17.36.020.B can be merged.

Commissioner Maynard encouraged the Planning Commissioners to review the track change version regarding findings for the nonconforming uses and expansion of nonconforming uses.

Commissioner Fuller stated that he believes the proposal for Nonconforming Uses and Structures is fair.

Commissioner Maynard commented that it would be important to discuss the zones where child care is allowed and the permits that are required.

TOPIC: CHANGE OF USE

Public Speakers:

None.

Planning Commission Comments:

Commissioner Maynard questioned whether a restaurant without deliveries switching to a restaurant with deliveries would trigger a Change of Use with regard to the traffic component.

Commissioner Maynard commented that she is comfortable with the proposed Change of Use chapter.

Chair Smith suggested staff consider if there are other items that can be added to the list of exceptions for Change of Use like seismic upgrades and ADA compliance.

Commissioner Fuller expressed concern that this seems like a trap for potential business that fall within the zoning land uses and could hinder new uses.

Commission suggested clarifying that the trigger should be additional floor area or square footage.

TOPIC: PERMIT PROCESS

Public Speakers:

Dr. Ingeborg Cox stated she does not support child care centers in Industrial zones. Dr. Cox noted that particulate matter of 2.5 [microns] can be a health hazard for children depending upon the exposure.

Ms. Monahan clarified that there are four conditions that a city can regulate with regard to large family child care centers. Also, she commented that allowing large family child care by-right is less work for the provider and less work for City staff. She referenced by-right examples from Santa Maria and Lompoc.

Planning Commission Comments:

None.

TOPIC: MINISTERIAL PROCESS

Public Speakers:

None.

Planning Commission Comments:

Chair Smith commented that she is open to considering potential options and changes in terms of the large family day care and noted she is mindful there is a shortage of child care in the community, particularly for infant care.

Commissioner Maynard commented she could be open to making child care as a ministerial permit with strong requirements for off-street parking and clear requirements for drop off and pick up in neighborhoods. She would not support child care in an Industrial zone because it seems like a poor fit and she has concerns regarding large noise. She believes the Land Use Permit makes sense for large family day care.

Commissioner Fuller commented that this is a place where a Zoning Clearance could be appropriate.

RECESS HELD: 7:55 P.M. to 8:02 P.M.

TOPIC: DISCRETIONARY PROCESS

Public Speakers:

Dr. Ingeborg Cox commented in her opinion it would be better if the Review Authorities for the Design Review and Development Plan actions are designated in the Review Authority columns to make the information more understandable (Table 17.50.020,Page 22). Dr. Cox questioned if the Director and Zoning Administrator are the same person, how will this be addressed, for example, will a Zoning Administrator be hired?

Planning Commission Comments:

Commissioner Fuller suggested including a table similar to Table 17.50.020 Review Authority for 17.58 Design Review and 17.59 Development Plans.

TOPIC: REQUIRED FINDINGS

Public Speakers:

None.

Planning Commission Comments:

Commissioner Shelor commented for further discussion, that there has been some concern that the amount of the in-lieu fee collected for a project does not result in the same tradeoff in terms if it was built on site.

Commissioner Maynard requested the definition of “infeasibility” with regard to in-lieu fees for housing at the Housing discussion.

Commissioner Maynard requested further discussion regarding Modifications and Exemptions.

17.62.040.A Required Findings:

Commissioner Maynard questioned how “necessary” is defined.

17.62.040.B Required Findings:

Commissioner Maynard questioned how the Modification “will result in a better site or architectural design” is defined and determined, noting the language seems broad, and Modifications can increase height by up to 50 percent.

17.62.040 Required Findings:

Commissioner Fuller commented that the Planning Commission would have the review authority for Modifications.

Chair Smith commented that overall the Required Findings seems clear.

Commissioner Maynard commented that she cannot understand that an increase by up to 50 percent of maximum height of structures is a minor Modification. She requested staff consider more specific language with regard to economic infeasibility and the necessity to make any change to a required standard; and review comments from public speaker George Relles and from the Environmental Defense Center comment letter regarding Stream Protection Areas.

Commissioner Maynard recommended staff review the language in the 2015 version of the draft Ordinance with regard to Modifications because it is more detailed and stronger. She also recommended that if larger Modifications would be possible, there should be specific benefits from the Modification, such as affordable housing. She also noted the possible Modification allowances percentages in the 2015 version of the Ordinance were smaller than proposed in the New Zoning Ordinance.

Chair Smith agreed with comments from Commissioner Maynard regarding Modifications.

Commissioner Maynard commented that she supports the letter from the Environmental Defense Center regarding Streamside Protection Areas and would like to see more rigorous Findings. She noted there was good suggested language in the letter that she supports.

Chair Smith supported Commissioner Maynard's comment regarding Streamside Protection Areas.

Public Speakers:

None.

TOPIC: ENVIRONMENTAL REVIEW

Public Speakers:

None.

Planning Commission Comments:

Commissioner Miller commented that the approach for separate Environmental Review makes sense and noted that CEQA apparently is an evolving law.

Commissioner Fuller commented that he believes the Environmental Review being separate from the NZO is the right approach.

Chair Smith commented that having separate CEQA and Environmental Review generally makes sense. She spoke in support of being proactive in certain situations in terms of energy or other areas.

TOPIC: CONDITIONS OF APPROVAL

Public Speakers:

None.

Planning Commission Comments:

Commissioner Maynard questioned why a section from the 2015 draft was not included in the New Zoning Ordinance regarding Conditions of Approval and that failure to fulfill any previous conditions allowing the decision-making body to withhold a requested approval if it determines the applicant has not fulfilled prior conditions of approval associated with another project on the site. Commissioner Maynard believes it would be worth considering retaining this section.

Commissioner Shelor reiterated that staff responses to some of the public comments will be very useful for him to review before the Planning Commission completes the deliberations.

Chair Smith questioned whether the New Zoning Ordinance should provide guidance on what “Good Cause” means.

Chair Smith commented that she has some concerns about the number of topics still to be discussed and whether an additional workshop needs to be added.

B. ADJOURNMENT

Adjournment at 9:06 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>