



**PLANNING COMMISSION  
SPECIAL MEETING MINUTES  
Thursday, April 11, 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, Commissioner Fuller, Commissioner Maynard  
Commissioner Shelor  
Absent: Vice Chair Miller

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, with Best, Best & Krieger; Winnie Cai, Assistant City Attorney; and Deborah Lopez, City Clerk.

**PUBLIC FORUM**

No speakers.

## AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

### **A. ADMINISTRATIVE AGENDA**

#### **A.1 Planning Commission Minutes for the Special Planning Commission Meeting of March 12, 2019**

**Approve the Planning Commission Minutes for the Special meeting of March 12, 2019.**

[Planning Commission Minutes for the Special Planning Commission Meeting of March 12, 2019](#)

**MOTION:** Commissioner Shelor/Commissioner Maynard to approve the Planning Commission Minutes for the Special Meeting of March 12, 2019, as submitted.

**VOTE:** Motion approved by the following voice vote: Ayes: Chair Smith, Commissioner Fuller, Commissioner Maynard, Commissioner Shelor. Noes: None. Absent: Vice Chair Miller.

### **B. PUBLIC WORKSHOP**

#### **B.1 Revised Draft New Zoning Ordinance - Housing, Community Assembly, Mobile Vendors, Accessory Uses, and Energy**

**Recommendation:**

**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 67-73 of the Key Issues Guide (Housing, Community Assembly, Mobile Vendors, Accessory Uses, and Energy).**

[B.1 PC NZO Workshop 6 CAR 4-11-19](#)

**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 6 of 7, Presentation By: Peter Imhof, Anne Wells, Andy Newkirk, J. Ritterbeck, April 11, 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 topic.

## **TOPIC: HOUSING**

### **Public Speakers:**

Cheryl Rogers, representing the League of Women Voters, stated that the League is concerned with insufficient affordable housing in the region and commented on the following items: 1) rental housing projects should provide the same 20 percent inclusionary affordable units as for-sale units; 2) requested affordability for 55 years for each rental unit similar to that used for for-sale units under Federal guidelines; 3) in-lieu payments and land transfers from developers who cannot provide on-site affordable units should be designated solely for affordable housing projects and funds be managed by the City in a transparent process; 4) spoke in support of streamlining the permitting for beneficial projects and prioritizing affordable housing projects which include universal design, child care facilities, and other benefits; and 5) the League of Women Voters will provide additional comments regarding the New Zoning Ordinance.

Barbara Massey commented with the following requests: 1) all SR zoned properties should have a Conditional Use Permit requirement for animal keeping and public quasi and public uses as these uses could have serious impacts on adjacent homeowners with traffic, noise, air, and chemical pollution; 2) maximum building heights should be 25 feet for all residential areas; with no provisions for an increase in height; 3) the front setbacks for RP should be 20 feet, the same as the RS district if housing is single family; 4) the front yard setbacks should be 20 feet for the RP district, and the same as the rest of the residential zones; 5) all residential districts should keep the current 15-foot rear setback; 6) Section 17.07.050 should be deleted, noting she believes height increases in residential zones and decreased parking is not what is wanted; 7) mobile homes should be set back 10 feet from another mobile home in any configuration; 8) maximum building heights in CR zones should be 30 feet if next to residential areas; 9) all commercial zones should have a maximum of 5 percent landscaping with an exception for 10 percent in Visitor-Serving; 10) the duration of affordability should be set at the maximum length legally allowable; 11)

developers should be required to either provide affordable housing onsite or offsite in the community, and it must be available before the new units are occupied; 12) the tradeoff should be removed, there is no reason for tradeoffs; and 13) more Very-Low and Low units are much-needed.

George Relles commented that he believes the “granny units” should be owner occupied as long as possible, and at least 10 years if allowed under state law. He expressed a concern over the duplexification of Goleta. Mr. Relles recommended a conservative approach initially with regard to the number of ADUs built in Goleta. Mr. Relles noted there are already “granny units” and converted garages in the city and problems can be dealt with by enforcement.

Ken Alker pointed out that he believes the height limit should be preserved at 35 feet, at least on the DR properties because that height is needed in that area. He requested allowing multiple ADUs on properties that were DR zoned; allowing more than 800 square feet; and allowing both guest housing and ADUs. (Mr. Alker noted his comments are included in several letters he has submitted previously). He questioned how the 5-year owner-occupancy requirement for ADUs is enforced. Also, he spoke in support of considering small-scale units, noting there are a lot of people in Goleta who could use an inexpensive place to live and many use bicycles for transportation.

Dr. Ingeborg Cox agreed with a comment from George Relles that ADUs should be owner-occupied. She spoke in support of restricting affordable housing for the maximum amount of years possible, and suggested that permanent affordability would be the best. Also, she suggested a conservative approach initially to the amount of ADUs permitted. Dr. Cox requested stopping the building of units close to the freeway that the units because of health concerns, including exposure to PM 2.5. She noted that she does not believe that open spaces that are close to the freeway are open spaces, in her opinion. She agreed with the comment today from public speaker Barbara Massey supporting a 25-foot height limit in all residential areas.

Jason Chapman commented with regard to addressing the need for housing in Goleta and addressing commuter traffic issues: as follows: 1) allowing more density, including in the RS district by ADUs, would be a way to provide more housing slowly; 2) he would be open to the owner-occupancy requirement though he is not sure about the process and feasibility; 3) supported the parking reduction for the small-scale incentive units and suggested the developer should participate in mitigating for the reduced parking by supporting transit; and 4) supported including rental units in the inclusionary housing requirements.

## **Housing questions for consideration by the Planning Commission:**

### **1. Should the NZO keep the small-scale unit incentive?**

Commissioner Maynard generally supported the direction the small-scale unit incentive policy is moving; however she believes it needs to be combined with some transportation management guidelines or proximity to a bus line. She recommended that the parking requirements should not be reduced simply based on the size of the unit and low income, noting that the size of the unit may not be related to the resident's transportation options.

Commissioner Fuller agreed with Commissioner Maynard's comments and suggested that adding large bike facilities could be useful. He appreciated the idea of providing lots of small units that would increase the opportunities for people living by themselves but at a lower cost. He supported potentially having a sliding scale that addresses the square footage of the unit versus the number of units allowed on site.

Commissioner Shelor commented that the small-scale unit incentive should be kept, but only if it results in quantifiable actual affordable housing. He suggested reaching out to housing professionals to get an understanding of what incentives would create a real affordability and if these incentives can be worked with.

Chair Smith commented that determining whether or not the small units would provide affordability is worth exploring. She agreed with comments by Commissioner Maynard and believes the incentives can be kept but there needs to be some tweaking. She noted it would be interesting to get other perspectives as to whether incentives would be meaningful. She commented that there is a need for smaller units or a desire for people to occupy smaller units.

### **2. Are there other Housing issues to be discussed?**

Commissioner Shelor expressed his belief that the General Plan inclusionary policy is out of date and should be reviewed.

Commissioner Maynard suggested removing the "artist studio" from the list of items on a lot that would restrict adding an ADU on a lot.

Commissioner Maynard suggested considering more than one ADU on larger lots.

Commissioner Fuller stated that he does not support reducing the rear yard setback when it abuts onto open space in residential zones, referring to Section 17.07.030.D.

Chair Smith commented that she believes the inclusionary section is well done and an important part of the Code. She suggested discussion that looks at setbacks where there are changes from current practices. In terms of ADUs, Chair Smith stated she is comfortable with the ordinance as proposed; however, she expressed openness to reconsidering the term of the owner-occupancy requirement.

Commissioner Maynard supported adding setbacks as one of the issues for discussion at a future workshop.

Commissioner Maynard stated she appreciates the opportunity to look at some of the Housing guidelines in the future. She noted that some of her concerns for future discussion include tradeoffs, particularly for low and very-low housing, and the reduction requirements, as well as considering increasing the percentage of inclusionary units across the board and expanding into rentals.

Chair Smith supported looking at expanding the inclusionary units into rentals. She expressed interest in the comment today from Cheryl Rogers, representing the League of Women Voters, that suggested in-lieu payments and land transfers from developers who cannot provide on-site affordable units should be designed solely for affordable housing projects.

Commissioner Shelor requested staff research and clarify the language regarding whether the farmworkers must work on the housing site.

## **TOPIC: COMMUNITY ASSEMBLY AND MOBILE VENDORS**

### **Public Speakers:**

Barbara Massey commented that she believes Community Assembly should be prohibited in RS zones, noting that public assembly brings a lot of traffic and noise, and is inappropriate for a neighborhood area. Ms. Massey also stated that she believes a CUP should be required.

Dr. Ingeborg Cox stated that mobile vendors who sell and work with food must be checked somehow to ensure they are wearing gloves and are current on Hepatitis A and Hepatitis B immunizations so there is no transmission to the public.

**Community Assembly & Mobile Vendors questions for consideration by the Planning Commission:**

1. Is there support for requiring a Conditional Use Permit for Community Assembly:

Commissioner Maynard would support a Minor CUP for Community Assembly in the residential districts. She recommended Community Assembly be permitted in the 3 commercial districts that allow Community Assembly, noting that she does not think a Minor CUP would need to be required in the commercial districts since Cultural Institutions and Facilities are permitted without a requirement for a CUP. Also, Community Assembly should be permitted in Public and Quasi-Public Districts without requiring a Minor CUP.

Commissioner Fuller supported Commissioner Maynard's comments.

Commissioner Shelor expressed concern that there could be impacts on parking and circulation in neighborhoods or areas that are close to the assembly, and he believes there needs to be some scrutiny and a quick determination so it does not take a large deposit for the project to be approved.

Chair Smith supported the draft as written and recommended for Community Assembly.

Commissioner Maynard recommended streamlining the process so it is more cost effective for community groups in commercial and quasi uses by focusing on the parking and not requiring a Minor CUP.

2. Are there other Community Assembly issues to be discussed?

None.

3. Is the NZO approach adequate for Mobile Vendors?
  - TUP requirement?
  - Possible tiered requirements?

Commissioner Maynard supported the Temporary Use Permit and partially supported it moving up to a Minor CUP, but she thinks the Major CUP for a food truck seems excessive.

Commissioner Fuller and Commissioner Shelor both agreed with Commissioner Maynard's comment.

Commissioner Fuller suggested considering allowing Mobile Vendors in IG and IS districts as the vendors would provide food for workers who are onsite therefore reducing potential traffic.

Commissioner Maynard agreed with Commissioner Fuller's suggestion to consider allowing Mobile Vendors in IG and IS districts.

Commissioner Fuller suggestion consideration regarding the size of the business that is being served by a food truck as to the number allowed.

Commissioner Maynard requested that staff check whether mobile vending of cannabis is listed as prohibited.

4. Are there any other Mobile Vendors issues to discuss?

Chair Smith suggested exploring whether a limit to the number of trucks might be appropriate and possibly an allowance for a specific event.

Commissioner Maynard supported Chair Smith's comment and suggested considering a higher level of permit for applications for several trucks at a special event rather than a food truck servicing a specific location regularly.

Recess held from 8:18 p.m. to 8:26 p.m.

**TOPIC: ENERGY**

**Public Speakers:**

Barbara Massey requested that Section 17.37.030.C.4.e be deleted, noting that she believes that an oil pipeline corridor setback should never be less than 25 feet. Also, she believes the setbacks should be increased to 100 feet for pipelines that go through residential areas for the protection of the residents. Ms. Massey commented that battery storage is a new issue that needs to be processed as a unique land use issue with its own regulations; and due to the associate health and safety issues it should be limited to industrial zones, and also prohibited as an accessory use.

Dr. Ingeborg Cox commented with regard to battery storage facilities: 1) battery storage facilities should not be placed near multi-family residential areas, senior living facilities, and elementary schools, specifically if all of these facilities are located all together and nearby; 2) she believes battery storage facilities should not be un-manned, noting if there is a high pressure gas line nearby, there could be a major disaster if there is a runaway event; 3) in her opinion, a General Plan Amendment should not be used to place



battery storage facilities in these areas she just mentioned; 4) a Major CUP with an EIR should be required, but not a Minor CUP; and 5) noted that in a runaway event there would be concerns regarding a toxic plume that could endanger residents and water runoff from battling the event that would be hazardous and could cause an environmental disaster if the water enters into creeks and storm drains.

### **Energy questions for consideration by the Planning Commission:**

1. Are there other incentives or standards that should be added to support renewable energy use in the City?

Commissioner Fuller spoke in support of having the minimum requirements for EV charging on certain developments and stated he also believes there should be requirements for EV charging infrastructure in residential units for at least the infrastructure if not the actual installation of the units. He noted that he anticipates there will be high demand in the future for residential EV charging.

Commissioner Maynard supported including EV charging stations for single-family residences. She recommended increasing the requirement for multiple-unit development from five percent to at least 10 percent to plan for the future and not just be catching up.

Commissioner Maynard spoke in support of not blocking sun rays on an existing solar panel on an adjacent property when reviewing projects. She also recommended consideration of expanding the requirements for solar energy on non-residential buildings.

Chair Smith agreed to consider Commissioner Maynard's recommendation to increase the EV charging facility requirements to 10 percent, and noted that this requirement may continue to be looked at and updated in the future. She also supported Commissioner Maynard's recommendation to consider including EV charging stations for single-family residences.

Chair Smith spoke in support of considering the comments today by public speaker Barbara Massey with regard to setbacks for oil pipelines.

Commissioner Maynard commented that she would support a Major CUP with an EIR for battery storage until there is more information

2. Are there other Energy issues to be discussed?

Commissioner Maynard proposed consideration some way to build in flexibility for permitting micro turbines.

## **TOPIC: ACCESSORY USES**

### **Public Speakers:**

Barbara Massey commented that battery storage facilities should be added to the list of prohibited accessory uses.

Dr. Ingeborg Cox commented that the Accessory Use Size should be less than 25 percent of the space, such as approximately 10 or 15 percent, for the Total Structure or Tenant Space that is less than 1,000 square feet of floor area.

### **Accessory Uses questions for consideration by the Planning Commission:**

1. Are there other accessory uses that should be prohibited?

Commissioner Maynard commented that battery storage can be an accessory use but the Major Conditional Use Permit is needed until there is additional discussion regarding battery storage. She supported battery storage and stated she wants it to be done in the right way.

Commissioner Fuller commented that battery storage is pretty much inevitable because of the requirement to offset the intermittency of the resources. He spoke in support of the concept for accessory uses and supported limits on square footage and flexibility for diverse business types. Commissioner Fuller suggested that a Major CUP would be appropriate if an accessory use is an excessive size.

Chair Smith generally supported the recommendation. She suggested considering adding smoke and vape shops to the list of prohibited uses, and possibly adding massage businesses.

Commissioner Maynard supported adding smoke and vape shops to the list of prohibited uses and not adding massage businesses.

2. Are the size limits for accessory uses appropriate?

Commissioner Fuller questioned whether a smaller accessory use, approximately less than 1,000 square feet of floor area, is practical

Chair Smith shared the concern of Commissioner Fuller regarding the practicality of smaller accessory uses that are approximately less than 1,000 square feet of floor area.

Commissioner Maynard commented that an accessory use less than 1,000 square feet would be acceptable, for example, for use as a small counter for a business.

3. Are there other Accessory Uses issues to be discussed?

None.

**NEXT STEPS:**

Anne Wells, Advance Planning Manager, reported that Workshop 7 will be held on April 18, 2019. Workshop 8 and Workshop 9 have been added, with the dates to be publicly noticed, to discuss remaining issues and other issues.

Commissioner Maynard requested that Setbacks be added to the next Workshop.

**C. ADJOURNMENT**

Adjournment at 9:14 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>