

**Response to Public Comment: City Council NZO Adoption Hearing of December 3, 2019**

<b>Public Comment</b>	<b>Staff Response</b>
<p>Ken Alker.</p> <p>1) Commented related to the vesting provisions. Noted the timeline of entitlements is not under the developer's control and that the water moratorium may be extended. Also noted that only three projects would be impacted by the vesting language and that this would be an unfair and unjust hardship.</p>	<p>1) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting beyond what is already allowed, including vesting under a Tentative Parcel Map. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. Vesting is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</p>
<p>Jason Chapman.</p> <p>1) Spoke regarding parking requirements. Asked for consideration of reducing required parking and noted that increased parking leads to increased costs of construction and impacts to other forms of transportation.</p> <p>2) Requested that parking be discussed at a future meeting.</p>	<p>1) Parking requirements increased by Planning Commission during the recommendation hearings. Parking requirements is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</p> <p>2) Parking requirements is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</p>
<p>Joanna Kaufman, COAST.</p> <p>1) Spoke regarding parking requirements. Noted that increased parking increases the cost of affordable housing and does not match City's sustainability goals.</p> <p>2) Requested that parking be discussed at a future meeting.</p>	<p>1) Parking requirements increased by Planning Commission during the recommendation hearings. Note that there is a parking reduction in Table 17.38.040(A) for income-restricted units.</p> <p>2) Parking requirements is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</p>
<p>Troy White, representing Storke Road II.</p> <p>1) Noted that the Airport Environs Overlay would prevent the remodel sought by his client.</p> <p>2) Commented that it appears the NZO would cede authority to SBCAG and the City of Santa Barbara for development.</p> <p>3) Noted that historically, under the existing zoning ordinance, only projects requiring a legislative act were required to be referred to SBCAG's Airport Land Use Commission and that discretionary approval of projects were within the City's purview.</p> <p>4) Questioned why all projects must be referred to the ALUC and City of Santa Barbara.</p> <p>5) Questions why there is a reference to ALUP Table 4-1, which disallows most uses in the City where the City has allowed them.</p> <p>6) Asked the City Council have staff study this issue and consult and reconsider the impacts of the proposed policies on redevelopment and development projects within the approach zone of the City.</p>	<p>1) No response needed. True interior remodels are exempt from zoning.</p> <p>2) Comment noted. The City adopts and implements the current Airport Land Use Plan, as required by the General Plan. The NZO implements the General Plan.</p> <p>3) The existing zoning ordinances require ALUC consultation where City staff determines a development inconsistent with the existing overlay.</p> <p>4) Section 17.16.030 requires staff to consult with ALUC and Airport staff. This is also an existing practice.</p> <p>5) In the adopted 1993 ALUP, Table 4-1 specifies compatible uses. New incompatible uses would not be approvable. Changes to an existing, permitted use that does not change the nature of the use or result in new square footage (e.g., façade improvements to an existing retail center) would not create a compatibility issue. Proposals that result in a change of use or additional floor area would need to be reviewed on a case-by-case basis.</p> <p>6) The Airport Environs Overlay is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</p>
<p>Mark Linehan, Camino Real Marketplace.</p> <p>1) Surprised that consultation with the ALUC and the City of Santa Barbara is required in Section 17.16.030 and expressed concern about ceding authority.</p> <p>2) Pointed out that non-residential uses prohibit anything over 25 people per acre, which he noted was most of Goleta.</p>	<p>1) The consultation required in 17.16.030 is not with the ALUC and the City of Santa Barbara City Council, rather the consultation is with their respective staffs to receive input. This codifies an existing practice.</p> <p>2) Projects over this density threshold would need ALUC consultation. There is no explicit prohibition over this density. It is merely a trigger for ALUC consultation.</p>

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<p>April Reid.</p> <ol style="list-style-type: none"> <li>1) Expressed support for a sunset clause in the vesting language.</li> <li>2) Supported the Planning Commission recommendation for parking, with one change, for multiunit of 2+ bedrooms.</li> <li>3) Spoke in support of a minimum 100-foot creek setback, if not more, and in opposition to waivers and exceptions for developers.</li> </ol>	<ol style="list-style-type: none"> <li>1) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting beyond what is already allowed, including vesting under a Tentative Parcel Map. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. Vesting is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</li> <li>2) Parking requirements increased by Planning Commission during the recommendation hearings. Parking requirements is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</li> <li>3) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> </ol>
<p>Steve Amerikaner, SyWest.</p> <ol style="list-style-type: none"> <li>1) Spoke regarding the vesting language. Noted that timing of projects is often out of the applicant's control.</li> <li>2) Requested Council review Ken Alker's letter regarding this issue.</li> <li>3) Asked how many projects would be impaired and how much public good would occur by imposing these projects to the NZO.</li> <li>4) Suggested that if there is sunset language, it be longer, something around 5-6 years.</li> </ol>	<ol style="list-style-type: none"> <li>1) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting beyond what is already allowed, including vesting under a Tentative Parcel Map. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. Vesting is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</li> <li>2) No response needed.</li> <li>3) City staff is currently reviewing potential impacts to existing projects.</li> <li>4) See response #1 above.</li> </ol>
<p>Linda Krop, EDC.</p> <ol style="list-style-type: none"> <li>1) Explained the law on vesting and noted that giving applicants two years beyond what is required is not the norm.</li> <li>2) Suggested finding out what projects are within the 2-year time frame and how the new ordinance would affect those projects versus the existing ordinance noting there may not be substantive changes as the General Plan has not changed.</li> <li>3) Noted that no GPA was needed to incorporate EDC and Coastal Commission's proposed Streamside Protection Area (SPA) buffer reduction language in Section 17.30.070.</li> <li>4) Requested the City not wait until the Creek and Watershed Management Plan to resolve the SPA language.</li> <li>5) Requested that if Council not use the EDC language on SPA buffers, then leave a placeholder for later development.</li> <li>6) Identified a compromise if Council was to support the City Attorney's Office language for SPA buffers, which would be to delete the definitions.</li> </ol>	<ol style="list-style-type: none"> <li>1) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting beyond what is already allowed, including vesting under a Tentative Parcel Map. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. Vesting is an item flagged by staff for Council consideration (see the December 17, 2019 Key Topics and Other Items Worksheet).</li> <li>2) City staff is currently reviewing potential impacts to existing projects.</li> <li>3) Staff's position is that a GPA would be needed to incorporate EDC's proposed language.</li> <li>4) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>5) See response #4 above.</li> <li>6) See response #4 above.</li> </ol>

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<p>Tara Messing, EDC.</p> <ol style="list-style-type: none"> <li>1) Requested the City coordinate with California Coastal Commission staff prior to NZO adoption and noted that this was the preference of Coastal Commission staff.</li> <li>2) Suggested to Council adoption of the Planning Commission recommended EDC language for SPA buffer reductions and urged the City Council to adopt proposed revisions to section 17.01.040 regarding property takings. Noted the recommended language is consistent with and implements General Plan Policy CE 2.2 and is based on language created by the Coastal Commission and adopted in neighboring jurisdictions without controversy.</li> <li>3) Requested that if Council not use the EDC language on SPA buffers, then leave a placeholder for later development and not adopted the City Attorney's Office proposed language.</li> </ol>	<ol style="list-style-type: none"> <li>1) Staff intends to informally consult with Coastal Commission staff after the adoption of the NZO but prior to the City's formal submittal of a Local Coastal Program application.</li> <li>2) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>3) See response #2 above.</li> </ol>
<p>Brian Trautwein, EDC.</p> <ol style="list-style-type: none"> <li>1) Noted the application of CE 2.2 with respect to the Kellogg Crossing self-storage project as an illustration of the need for a clearer process in how to evaluate when, under the limited circumstances allowed in CE 2.2, an SPA buffer reduction is allowed.</li> <li>2) Requested the same SPA buffer standards be applied Inland and Coastal.</li> </ol>	<ol style="list-style-type: none"> <li>1) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>2) As proposed, the NZO SPA buffer regulations would apply equally in both the Inland and Coastal areas.</li> </ol>
<p>Dan McCarter, Urban Creeks Council.</p> <ol style="list-style-type: none"> <li>1) Reported attending the Goleta Watershed Management Workshop and noted the positive public attendance and participation and that many prioritized biodiversity, clean water, recreation, and safety all of which would benefit from an effective ordinance guiding implementation of CE 2.2.</li> <li>2) Encouraged the City to use the EDC and the California Coastal Commission language for SPA buffer reductions.</li> <li>3) Requested the same SPA buffer standards be applied to the Inland and Coastal areas of the City to ensure equal protections for all creeks.</li> </ol>	<ol style="list-style-type: none"> <li>1) No response required.</li> <li>2) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>3) As proposed, the NZO SPA buffer regulations would apply equally in both the Inland and Coastal areas.</li> </ol>
<p>Scott Cooper, Audubon Society.</p> <ol style="list-style-type: none"> <li>1) Noted that CWMP outreach showed public support for creek and riparian zone preservation and restoration.</li> <li>2) Noted setbacks from streams and riparian zones minimize the loss of life and property during floods and debris flows and reviews of the literature on stream setbacks show the minimum 100-foot setback backed by scientific studies protect water quality, biodiversity and wildlife migration.</li> <li>3) State that Audubon supports EDC and UCC's proposed language for SPA buffer reductions.</li> <li>4) Requested the same SPA buffer standards be applied Inland and Coastal.</li> </ol>	<ol style="list-style-type: none"> <li>1) No response required.</li> <li>2) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information. One of the required findings for any buffer reduction is: "The reduction in the SPA upland buffer will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream."</li> <li>3) See response #2 above.</li> <li>4) As proposed, the NZO SPA buffer regulations would apply equally in both the Inland and Coastal areas.</li> </ol>
<p>Bryant Baker.</p> <ol style="list-style-type: none"> <li>1) Commented on the science of a minimum 100-foot setback that is needed for protecting streams adequately and that the ordinance for creek setbacks is only as powerful effective as the process and threshold for making exceptions to that ordinance.</li> <li>2) Urged the City Council to either adopt the proposed EDC language that incorporates the California Coastal Commission's language or taking other options such as placeholder text.</li> <li>3) Requested the same SPA buffer protections standards be applied Inland and Coastal areas.</li> <li>4) Requested staff consult with Coastal Commission staff before moving forward.</li> </ol>	<ol style="list-style-type: none"> <li>1) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information. One of the required findings for any buffer reduction is: "The reduction in the SPA upland buffer will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream."</li> <li>2) See response #1 above.</li> <li>3) As proposed, the NZO SPA buffer regulations would apply equally in both the Inland and Coastal areas.</li> <li>4) Staff intends to informally consult with Coastal Commission staff after the adoption of the NZO but prior to the City's formal submittal of a Local Coastal Program application.</li> </ol>

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<p>Shirin Tolle, UCC.</p> <ol style="list-style-type: none"> <li>1) Supported EDC's proposed SPA buffer reduction language.</li> <li>2) Noted the need for a clear process for buffer reductions.</li> <li>3) Noted the environmental benefits to the 100-foot stream buffer and commented that the buffers are going to be increasingly more important to public safety and for the protection of property as climate change, including increased fires and intense rain events, occurs.</li> </ol>	<ol style="list-style-type: none"> <li>1) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>2) See response above.</li> <li>3) One of the required findings for any buffer reduction is: "The reduction in the SPA upland buffer will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream."</li> </ol>
<p>Barbara Massey.</p> <ol style="list-style-type: none"> <li>1) SPA buffer should be a minimum of 50 feet rather than 25 feet.</li> <li>2) Spoke in support of a 100-foot creek setback and EDC's proposed language for SPA buffer reductions.</li> </ol>	<ol style="list-style-type: none"> <li>1) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>2) See response #1 above.</li> </ol>
<p>George Relles, Goodland Coalition</p> <ol style="list-style-type: none"> <li>1) Commented that the Goodland Coalition supports EDC's language for SPA buffer reductions.</li> <li>2) Pointed out the upcoming election of the City Council could change the interpretation of CE 2.2.</li> <li>3) Expressed concern for leaving a placeholder for SPA buffer reduction for a later time.</li> </ol>	<ol style="list-style-type: none"> <li>1) SPA buffer reduction language discussed at length at the December 3, 2019 hearing. Council provided direction to staff to include the City Attorney's Office proposed language for Section 17.30.070 without the inclusion of subsection E, which included definitions. See Errata Sheet for more information.</li> <li>2) No response required.</li> <li>3) See response #1 above.</li> </ol>