



City of Santa Barbara

PLANNING COMMISSION

SPECIAL MEETING MINUTES

OCTOBER 28, 2021

1:00 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Deborah L. Schwartz, Chair
Gabriel Escobedo, Vice Chair
Roxana Bonderson
Jay D. Higgins
Sheila Lodge
Barrett Reed
Lesley Wiscomb

STAFF:

Tava Ostrenger, Assistant City Attorney
Allison DeBusk, Senior Planner
Gillian Fennessy, Commission Secretary

CALL TO ORDER

Chair Schwartz called the meeting to order at 1:00 p.m.

I. ROLL CALL

Chair Deborah L. Schwartz (until 5:06 p.m.), Vice Chair Gabriel Escobedo, Commissioners Roxana Bonderson, Jay D. Higgins, Sheila Lodge, and Barrett Reed

Absent: Lesley Wiscomb

STAFF PRESENT

Tava Ostrenger, Assistant City Attorney
Renee Brooke, City Planner
Allison DeBusk, Senior Planner
Brenda Beltz, Project Planner
Timmy Bolton, Project Planner
Jessica Grant, Supervising Transportation Planner
Adam Hendel, Principal Engineer
Ryan DiGuilio, Fire Inspector
Janet Ahern, City TV Production Specialist
Gillian Fennessy, Commission Secretary

II. PRELIMINARY MATTERS

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

No requests.

B. Announcements and appeals:

No announcements.

- C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. October 7, 2021 Planning Commission Minutes

MOTION: Bonderson / Escobedo

Approve the minutes as amended.

The motion carried by the following vote:

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

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

Public comment opened at 1:04 p.m., and as no one wished to speak, it closed.

III. NEW ITEM

ACTUAL TIME: 1:05 P.M.

ZONING ORDINANCE AMENDMENTS RELATED TO SENATE BILL 9

Proposed amendments to Santa Barbara Municipal Code Title 28 (Coastal Zoning Ordinance) and Title 30 (Inland Zoning Ordinance) to implement recently enacted state law (Senate Bill 9). The proposed amendments would allow a proposed housing development of no more than two units within a single-unit residential zone to be considered ministerially, without discretionary review or hearing, if the project meets certain objective requirements.

The Planning Commission will review the proposed amendments and forward a recommendation to the City Council.

Renee Brooke, City Planner, gave the Staff presentation. Brenda Beltz, Project Planner; Jessica Grant, Supervising Transportation Planner; Adam Hendel, Principal Engineer; and Ryan DiGuilio, Fire Inspector were available to answer questions.

Public comment opened at 1:36 p.m., and the following individuals spoke:

1. Alex Pujo
2. Carla Navarro Woods
3. Rob Fredericks
4. Sharon Byrne
5. Steve Fort
6. Steve Johnson
7. Lisa Carlos
8. Linda Honikman
9. John Capanella
10. Fred Sweeney
11. Mary Ellen Brooks
12. Trish Allen

Public comment closed at 2:05 p.m.

Written correspondence from Laurie and Thad MacMillan; Thoms D. Fogel; Eugene C. and Wanda K. Johnsen; Charles Croninger; Kathleen M. Weinheimer; Allied Neighborhoods Association; Shelley Bookspan; Judy Robinson; Roger and Joan Craton; Gregory R. Pynn; Richard Page; Alan Katz and Jerry Simmons; Michael Millhollan (The Riviera Association); Theodore Plute; Bruna Trip; Dale Fathe-Aazam; Marell Brooks (Citizens Planning Association); Debbie Shaw; Tiffany DiMarco; Jan Everote; Loy Beardsmore (Eucalyptus Hill Improvement Association); Cynthia Evarts Ziegler; Fred L. Sweeney; Vijaya Jammalamadaka (League of Women Voters of Santa Barbara); Lisa Carlos; Jim Knight; Steve Tiches; Helen Couclelis; Janell Goodrow Tiches; Nadia Lee Abushanab; David and Kathleen Rauber; Sharon Byrne (Montecito Association); Steve Brown; Lori Rafferty; and Carla Navarro Woods was acknowledged.

*** THE COMMISSION RECESSED FROM 3:00 P.M. TO 3:10 P.M. ***

Commissioner comments:

Commissioner Lodge:

- The 35 public letters received express their concern about safety with increased density and the ability to evacuate.
- She lives in a high fire zone and has evacuated three or four times in the last 13 years and believes it is easy to see how it could have been a disaster.
- Met with Senator Monique Limón and one of her staff members to talk about this issue and she [Limón] was unaware that the building code provision was a statewide building code and so all of the houses would be under that provision and it had no consideration of the streets in the areas with the high fire hazard zones and limited areas of roads to evacuate.
- Believes that perhaps the state's legislature thought they were including a ban in the High Fire Areas.
- The media was reporting SB-9 as banning high fire hazard zones, but it doesn't.
- Given that SB-9 is silent on penalties, the City should ban these projects in high fire zones.
- The Fire Department representative indicated that he had concerns with an increase in density in all of the high fire zones.
- In favor of the adoption of the proposed amendments as an urgency ordinance.
- Some affordability would make SB-9 more palatable.
- There have been too many cases where people were not able get out in time.
- Supports the amendments proposed by staff so that there is some sort of control, affordability, and a ban in high fire zones.
- The AUD ordinance tripled the density allowed and increased it even more so she doesn't think that it is true to say that the City has tried to stifle the development of housing.

Commissioner Reed:

- Unable to find that the amendments to Title 30 are consistent with the General Plan or that the amendments to Title 28 are consistent with the Local Coastal Program (LCP).
- Needs more information about the amendments to Title 28 to determine consistency with the LCP, but for Title 30 it is very clear to him that it is in no way consistent with the General Plan.
- Takes issue that SB-9 supersedes the General Plan while it does not supersede the LCP.
- The General Plan provides a vision for the City's future and it guides land use and development decisions to ensure the health, safety, and welfare of the community.

- SB-9 is not a good vision for the City's future and does not ensure the health, safety, and welfare of the community.
- Under the City's Historic Resources Element, SB-9 does not ensure all development within the City respects rather than detracts from individual historic resources as well as the neighborhood and the overall historic character of the City.
- SB-9 and the double density it represents, especially when using objective rather than discretionary standards, detracts from the historical significance of the neighborhoods and the overall historical character of the City.
- Respectfully disagrees with Staff's interpretation of the implementation of SB-9 in all fire hazard zones.
- Recommends that the City precludes SB-9 development in all of the City's fire hazard zones.
- The General Plan's Safety Element policy S-33 directs the City to continue to implement programs that reduce the risk of wildland and structure fires and minimizes the short- and long-term effects of fires including limiting residential development in fire hazard areas.
- SB-9 does the opposite of this because it adds density in every fire zone and it will increase the chances of lives lost and destruction of property.
- Will never recommend something that puts people's lives at risk.
- While he appreciates Staff's recommendations to reduce new unit sizes, adopt high fire construction standards, increase parking and access, etc., these measures clearly do not successfully or adequately mitigate fire danger or life and safety threats in high fire zones.
- Recommends that Mr. DiGuilio's comments be noted.
 - o It was said that the additional mitigation is the best we are going to get and SB-9 will not improve the already clogged evacuation routes and wildfire threats in the area.
 - o Given the unique nature of fire hazard areas, SB-9 makes fire danger more of a life and safety issue that it needs to be.
- If City Council finds that the amendments to Title 30 are consistent with the General Plan, he recommends:
 - o That the Title 30 amendments, at a minimum, mirror the Title 28 amendments including two onsite parking spaces per unit and that one of the two primary units per parcel must be restricted to rent levels affordable to low-income households or possibly very-low-income households.
 - o Prioritizing new historic districts and buffer zones and their expansion in single family neighborhoods.
 - o Adopting and maximizing development impact fees exclusive and specific to SB-9 projects.

Commissioner Escobedo:

- Respects Commissioners Lodge's and Reed's comments.
- Agrees that he has concerns about high fire areas of the City and what SB-9 could mean to those areas if it came to fruition.
- However, he believes that the effects of SB-9 are vastly overstated.
- Doesn't think that we're going to find SB-9 having any real substantive difference in areas like the Rivera.
- In an analysis by the Turner Center for Housing Innovation on SB-9 and effects on single family zones in Santa Barbara County, they found that 75,000 single family lots would be eligible for SB-9 and of those 75,000, a little under 2% of those would actually be feasible.

- If you map that out to what it means for the City of Santa Barbara, of the 12,500 eligible lots in the City only 250 lots would be feasible and those lots are not all going to be in high fire areas.
- By not allowing SB-9 in the City, we are saying that we are ready for litigation, to not have a say in how SB-9 operates in the City, and that we are going to defer to state law which is irresponsible.
- This law was written to address the exclusionary history of single family zoning.
- Before diving into the Housing Element, this Commission should have some discussion about the history of Single Family zoning.
- SB-9 omits any sort of relationship or stipulation regarding affordability.
- Supports the idea of having one of the primary units be restricted to moderate or workforce housing.
- Has concerns about gentrification in more affordable parts of the City as a result of SB-9, which is why he can support the affordability covenant for one of the units.
- Supportive of the owner occupancy covenant and hopes that it will be strict.
- Doesn't like the idea of weaponizing the Historic Resources Ordinance.
- The spirit of the Historic Resources Ordinance was to protect the City's historic resources, not to use it to undermine any sort of legislation.
- If we want to limit the effects of SB-9 on the City, we need to put it on the State ballot, take it to the voters, and talk to our representative because weaponizing the Historic Resources Ordinance would be a very dangerous precedent.
- Supports and can make the findings for the Ordinances with addition of the affordability covenant.
- The heart of this discussion is that the City has not developed enough housing and we have impeded developing housing.
- Questions why the current multi-unit housing zones, which happens to be the more affordable housing on the East and West side, should be carrying the brunt of where we are going to meet our RHNA numbers?
- It is more likely that a person looks at SB-9 and thinks of it as a headache then decides instead to demolish their current single family home and put a bigger one there.

Commissioner Higgins:

- CEQA has been weaponized to the benefit of NIMBYs for as long as it has been around.
- SB-9 is punishment for the conservative or anti-growth policies in Santa Barbara and throughout coastal California.
- But does not believe that the punishment [SB-9] fits the crime of slow growth and CEQA related environmental protection policies that have been placed on California for 40 years.
- Generally echoes the comments made by Commissioner Reed.
- Supports Escobedo's comment of looking at this in more detail when it comes back to Commission.
- Hopes City Council adopts this only as an emergency ordinance because we have to better understand the potential impacts in the different neighborhoods, as well as look at the City's water and sewer capacity.
- This ordinance and its potential is without any foundation or land use analysis.
- Understands using the ADU construct in the high fire areas for now because it is as good as we have in the short term, but believes that this really shouldn't be treated as an ADU because they are not ADUs.

- Excluding high fire areas will focus this intensity of density in San Roque, Samarkand, and La Cumbre neighborhoods.
- There is availability in the upper East Side, but believes that it will not happen because speculators are not going to buy up the upper Eastside.
- Believes that developers will buy up the upper Westside if in fact the high fire zones are excluded and for that reason he does not support excluding the high fire zones.
- Believes that we have to think regionally when doing land use planning.
- It is not just the City that is absorbing SB-9, analysis needs to include what the County is doing in the parts of neighborhoods that touch the City to better understand where the real growth is going to be so we can then mitigate with impact fees.
- He could support a low-income requirement if Council needs to encumber the emergency ordinance with that requirement to cool off investors.
- The Ordinance is not consistent with General Plan policies HR-2 or ER-3.

Commissioner Bonderson:

- Supports requiring low-, very-low-, and moderate-income affordability requirements so that if someone would like to have this type of development, they have to follow these rules to have more moderate-income and workforce housing developed in this way.
- Supports the covenants that were discussed because in both cases it makes it clear to a homeowner what is signing up for.
- Hopes Council will pay close attention to this particular topic of making sure at least one of the units be restricted to affordable housing in order to have more of this moderate-income and workforce housing in our community.
- Strongly agrees that staff should look at adding mitigation with development impact fees as part of the ordinance moving forward.
- Would like to see the maximum off-street parking added if it is not there yet.
- Agrees with Commissioner Reed and would like to see two off-street parking spaces if possible, and if not just one.
- Believes that we should mitigate as much as we can and would like to encourage staff to look at those opportunities.
- Appreciates the public comment made by Mr. Fort, and would like to see exceptions made available and opportunities not to limit development on a constricted site (e.g. paths for hardship, e.g. with a creek setback), and ultimately to allow as much inclusivity as possible so that we can use SB-9 to support new housing where acceptable.
- Would like to find ways to implement SB-9 in high fire areas and to not have a blanket statement banning it in all high fire areas.
- On board with making sure we are as safe and careful as possible, especially with human life and secondly when it comes to structures.
- Would like to revisit the idea of looking at the different neighborhoods and determining the possibility for this bill to be applicable in the neighborhoods that are high fire but can handle the density.
- Understands that we cannot add more structures in the Riveria because it would not be logical or rational.
- There are areas that have a lot more space and would like to find ways to potentially allow SB-9 in those areas.
- Supports this as an interim ordinance.
- Hopes that this is considered as an emergency ordinance and an interim plan is put into place with an understanding that as soon as possible we need to be working toward a

more clear and permanent ordinance that takes a lot of the Commissioners recommendations into consideration.

- Strongly agrees that public outreach needs to be part of this because when our community understands the information they will be a lot more supportive.
- The urban lot split standards should be discussed with the Commission.
- Would like to see the next version of this ordinance with time to discuss it and for staff not to be rushed so we can have the opportunity to work together to develop this properly.
- Commends staff for their work.
- Supports the amendments as proposed and happy to move forward with this.

Chair Schwartz:

- This is not a new situation in which bills go to the governor's desk for signature for immediate enactment or enactment on January 1 of the following year.
- If we are tracking legislation that is moving forward those bills will land on our desk for urgent action because if we don't take immediate action we find ourselves facing come January 1 a mosaic or difficult puzzle of interpretations.
- There is a pressure that comes with SB-9 that we must face.
- Commends staff for the effort they have made and the product they brought forward because they have brought together references from other regulations and other ordinances to the best of their ability with what they have to work with.
- Has concerns with taking these amendments to City Council's Ordinance Committee on November 16, 2021 because she truly does not know how they are going to be able to make sense of the ordinance in such a short meeting unless it is going to be a simple up or down vote.
- This is a very complex patchwork of amendments that has to be taken up.
- We need to take some action or we are going to get into that predicament where if we don't take any action that applies some new local controls that mitigate and protect the City, we leave ourselves more vulnerable.
- Recommends that staff help the Ordinance Committee with some type of structure in decision making that will go onto the Full Council; for example, a straw poll by amendment category.
- The whole state is a high fire area due to regular droughts and the State being a desert that was developed and redeveloped into something that never had the water resources available to match the development.
- The City will probably never fully agree on how to define high fire.
- Would like to know how we can balance defining high fire zones with other needs that the City has to provide for housing across different socio-economic groups, unit types, and so forth.
- Would only support a moderate-income affordability covenant because we need to address the workforce missing middle.
- Doesn't know if she would recommend a blanket exclusion for all of the mapped high fire areas because there are areas closer to the Coastal Zone that she doesn't view as high fire and is concerned about including them in a potential blanket exclusion.
- Recommends to Council that the fire hazard map be revisited because there are certain areas for this and other housing policy purposes that perhaps don't warrant being identified as high fire.
- For other purposes such as emergency preparation and responsiveness to health and safety threats we may want to consider them areas of threat, but for housing regulation she is not sure that that works.

- Believes that with a blanket exception we are using a very broad brush and is unsure that is the best balancing approach.

MOTION: Lodge /

Planning Commission recommends adoption of proposed amendments with addition of a provision for an affordability requirement on one of the units and that the high fire areas be removed from the program.

The motion failed for lack of a second.

MOTION: Escobedo /

Recommend the proposed amendments to Title 30 and Title 28 with the addition of an affordability covenant for one of the primary units on the lot to be restricted to moderate-income levels and forward the recommendation to City Council to approve this only as an interim urgency ordinance and give direction to staff to review the long term effects of SB-9.

The motion failed for lack of a second.

MOTION: Reed / Lodge

The Planning Commission cannot make the finding that the proposed Title 30 amendments are consistent with the General Plan, and recommends that, if City Council is able to make that finding and adopts the amendments, that all high fire areas be excluded and that an affordability requirement be added for at least one of the primary units at the low-income level.

AMENDED MOTION: Reed / Lodge

The Planning Commission cannot make the finding that the proposed Title 30 amendments are consistent with the General Plan, and recommends that, if City Council is able to make that finding and adopts the amendments, that all high fire areas be excluded and that an affordability requirement be added for at least one of the primary units at the ~~low~~ moderate-income level.

The motion carried by the following vote:

Ayes: 3 Noes: 2 (Escobedo and Higgins) Abstain: 0 Absent: 2 (Schwartz and Wiscomb)

Individual Comments:

1. Commissioner Higgins hopes that this only goes through as an emergency ordinance and we get the chance to provide better public notice and get input from all residential neighborhoods that will be affected by SB-9.
2. Vice Chair Escobedo opposed because he believes that to not move forward with an interim emergency ordinance as proposed today is irresponsible and opens the City up to unnecessary litigation liability. Could support the affordability covenant for the moderate-income level; however, increasing the parking requirement and trying to prioritize low-income level affordability covenant is just a way to prevent any sort of housing getting developed. Moving forward, we need to start thinking about how single family zoned areas can share the responsibility of generating housing. The way that the ordinance is written now, the effects on the high fire areas are overstated. Supports an interim emergency ordinance with the long-term ordinance coming back to the Planning Commission so that we can look into it a little bit deeper.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:26 P.M.

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report

Commissioner Higgins reported on the October 20, 2021 Staff Hearing Officer meeting.

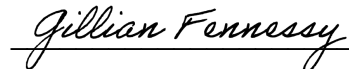
2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on a completed project that the Planning Commission reviewed in September of 2018 (Granada Paseo and murals).

V. ADJOURNMENT

Vice Chair Escobedo adjourned the meeting at 5:29 p.m.

Submitted by,



Gillian Fennessy, Commission Secretary