



**UNAPPROVED
PLANNING COMMISSION
MEETING MINUTES
MONDAY, FEBRUARY 23, 2009**

6:00 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

Members of the Planning Commission

*Brent Daniels, Chair
Julie Kessler Solomon, Vice Chair
Doris Kavanagh
Bill Shelor
Jonny Wallis*

*Patricia Miller, Secretary
Tim W. Giles, City Attorney
Linda Gregory, Recording Clerk*

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

ROLL CALL OF PLANNING COMMISSION

Present: Planning Commissioners Daniels, Kavanagh, Shelor, and Wallis.
Absent: Planning Commissioner Solomon.

Staff present: Director of Planning and Environmental Services Steve Chase, Advance Planning Manager Anne Wells, Current Planning Manager Patricia Miller, Contract Planner Pat Saley, City Attorney Tim W. Giles, and Recording Clerk Linda Gregory.

Chair Daniels welcomed Paul Wack's environmental studies students from UCSB who were in the audience.

PUBLIC FORUM

No speakers.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. ADMINISTRATIVE AGENDA

A.1 Planning Commission Minutes for the Planning Commission meeting of February 9, 2009.

Recommendation:

- A. Approve the Planning Commission minutes for the Planning Commission meeting of February 9, 2009.

MOTION: Commissioner Wallis moved/seconded by Commissioner Kavanagh, to approve the Planning Commission minutes of February 9, 2009, as submitted.

VOTE: Motion carried by the following voice vote: Ayes: Chair Daniels; Commissioners Kavanagh, Shelor, and Wallis. Absent: Vice Chair Solomon. Noes: None.

B. DISCUSSION ITEM

B-1. General Plan Amendment Work Program Schedule.

- A. Receive and file the General Plan Work Program Schedule update and provide scheduling feedback to staff accordingly.

Staff speakers:

Anne Wells, Advance Planning Manager

Steve Chase, Director of Planning and Environmental Services

Anne Wells, Advance Planning Manager, presented the staff report and PowerPoint entitled "General Plan Amendment Work Program Status Report, City of Goleta, Planning Commission, February 23, 2009". She reported that staff anticipates LAFCO (Local Area Formation Commission) will adopt the Sphere of Influence of the City of Goleta Sphere on March 5, 2009.

Steve Chase, Director of Planning and Environmental Services, stated that the Draft Final Housing Element will be reviewed as a discussion item by the City Council before it is presented to the State Department of Housing and Community Development.

There being no objections, the Planning Commissioners agreed to work with staff to confirm the schedule for the future meeting dates.

B-2. General Plan/Coastal Land Use Plan Progress Report to OPR and HCD 2007-2008.

Recommendation:

- A. Receive and file the General Plan/Coastal Land Use Plan Progress Report to OPR and HCD 2007-2009.

Staff speakers:

Anne Wells, Advance Planning Manager

Steve Chase, Director of Planning and Environmental Services

Anne Wells, Advance Planning Manager, presented the staff report and PowerPoint entitled "General Plan Amendment Work, Program Status Update, City of Goleta, Planning Commission, February 23, 2009". She stated that the list in "Table 4 Development Applications of Interest (2007-2008)" will be updated with pending projects before the Progress Report is presented to the City Council.

Commissioner Wallis commented that the document is good and that she is not recommending changes. She emphasized it was not intended that staff would pursue all of the General Plan implementation actions and programs at once. She believes there are some of staff's efforts that are minimized in the report because there are studies that are underway with regard to resolving some of these items. An example is that studies that are underway, directed by the City Council, with regard to OS-IA-4 Preparation of Park System Master Plan. She also expressed interest in knowing the State's criteria for review of the Progress Report.

Commissioner Wallis commented that her only concern with regard to the Progress Report is Table 3 "Housing Objectives Update" because she is not sure it is an appropriate item to submit to the Department of Housing and Community Development because it focuses on the number of units rather than the zoning opportunities. She noted that Table 3 provides information that is useful for the City.

Commissioner Shelor pointed out that Table 4 "Development Applications of Interest (2007-2008)" indicates that there are applications of interest for only 10 housing units for low income. He commented that he believes more needs to be done with regard to workforce housing for the low income category when there is an opportunity.

Speaker:

Cecilia Brown, Goleta, stated that the language in LU-IA-6 Transfer of Development Rights Ordinance/Program, refers to transfer of development rights within Goleta. She asked staff whether the intent was that transfer of development rights would only be within the City. She commented that the Progress Report is a very nice document.

Anne Wells, Advance Planning Manager, stated that LU-IA-6 was amended when the Track 2 General Plan Amendments were adopted in June 2008, to include areas outside of Goleta, and that staff will research and make appropriate text edits.

Commissioner Shelor provided the following comments and questions, stating that he did not necessarily expect an answer at this time:

- a) LU-IA-5 Neighborhood Compatibility Ordinance/Program: Would the standards that may be included for residential districts pertaining to floor area ratios be recommended or absolute? (staff response: to be determined).
- b) CE-IA-3 Preparation of a Creek and Watershed Management Plan: Can this management plan be used to map and inventory Goleta's watersheds to help

- determine appropriate setbacks that can be set in advance? For example, the County of Marin has mapped and assigned setbacks based on specific criteria including slopes, flow and biological activity. (staff response: this subject is to be considered during Track 3 discussions).
- c) VH-1A-3, Preparation and Adoption of Story Pole/Visual Simulation Procedures: In addition to attempting to evaluate a project's affect on scenic resources, the effect on solar access for the neighbors should also be evaluated.
 - d) Policy 3.6 Transportation Element: Will the AB 1600 study be referenced in this updated report to show that there will be an analysis of traffic impacts that emanate from jurisdictions outside Goleta's boundaries?
 - e) 3.8 Noise Element: Can or will a minimum interior decibel threshold be established, and what is the process? (staff response: a number of communities have both exterior and interior monitoring for a certain distance from the point sources, but generally the exterior is monitored only when moving further away).
 - f) IP-4C, Review Accessory Dwelling Unit Development Standards and Permit Process: Is the City currently mapping all accessory dwellings permitted since AB 1866 to create an inventory and potentially the cumulative impacts of these accessory dwellings over time? (staff response: not yet).
 - g) IP-6F.c Adopt Standards for Transit-Oriented Development: Would Policy IP-6F.c mean that in lieu fees would not be acceptable?
 - h) IP-9B Promote Solar Design: In his opinion, projects are not being designed based on passive solar orientation yet, and this might become an important strategy in trying to meet the intent of AB 32 and SB 375, and subsequent legislation.
 - i) IP-10D Apply Density Bonus Zoning and Related Incentives; and IP-11B Monitoring and Long-Term Affordability: Have there been any studies on how the escalating costs of homeowner association fees or pass throughs affect the long-term affordability of housing? (staff response: no).

Steve Chase, Director of Planning and Environmental Services, responded to Commissioner Shelor's comment regarding IP-9B Promote Solar Design by stating that a good portion of non-residential and residential development have construction stub-outs to provide for solar array for solar water heating and photovoltaics. He noted that there are also a number of other opportunities that are available and being considered with regard to solar technology and also regarding establishment of a green building code.

Commissioner Wallis commented that it would be prudent for staff to look at the language in IP-6F.c, as suggested by Commissioner Shelor, because she does not believe the intent is to exclude the in lieu fee. Chair Daniels agreed that clarification would be appropriate.

Chair Daniels commented that there will need to be discussion in the future with regard to design review guidelines when individual households choose to add solar panels within their property or augment roofs because he has seen compatibility issues occur with respect to some locations of solar arrays and solar design.

MOTION: Commissioner Shelor moved/seconded by Commissioner Wallis, to receive and file the General Plan/Coastal Land Use Plan Progress

Report to OPR and HCD 2007-2008; and direct staff to consider any appropriate comments or suggestions in the course of this process.
VOTE: Motion carried by the following voice vote: Ayes: Chair Daniels; Commissioners Kavanagh, Shelor and Wallis. Noes: None.

RECESS HELD FROM 7:35 P.M. TO 7:46 P.M.

C. PUBLIC HEARING

C-1. 09-020-GPA: City-Initiated Track 2.5 Building Intensity Standards - General Plan/Coastal Land Use Plan Amendments.

Recommendation:

1. Select a Preferred Project, either:
 - a. Proposed Project as recommended by the Planning Commission and Design Review Board; or
 - b. Alternative Proposed Project as recommended by staff.
2. Adopt Planning Commission Resolution No. 09-__ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the Goleta City Council Acceptance of a CEQA Addendum, Dated February 23, 2009, to the General Plan/Coastal Land Use Plan Final EIR, Adoption of CEQA Findings, and Adoption of the Track 2.5 Amendments to the Goleta General Plan / Coastal Land Use Plan (Case No. 09-020-GPA)".

Staff speakers:

Advance Planning Manager Anne Wells
Current Planning Manager Patricia Miller
Contract Planner Pat Saley
Director of Planning and Environmental Services Steve Chase
City Attorney Tim Giles.

Anne Wells, Advance Planning Manager, presented an overview of the staff report. She stated that the purpose of this hearing on the Tract 2.5 Amendments is to provide clarification with regard to the Track 2 process.

Pat Saley, Contract Planner, presented the details of the proposed General Plan Amendments, the content of the staff report, and actions to be taken by the Planning Commission; along with a PowerPoint entitled "Planning Commission Public Hearing, Building Intensity Standards, Track 2.5 General Plan Amendments, February 23, 2009".

Staff responded to questions from the Planning Commissioners.

Commissioner Wallis commented that she believes there was previous public testimony that was very concerned about the issues covered in the floor area ratio

standards, and that while addressing those issues could be undertaken with other tools, she is not sure there was support in public testimony for abandoning floor area ratios. She also expressed her concern that there is some confusion when changes are made to the General Plan to conform to the Zoning Ordinance at the same time there is agreement that the Zoning Ordinance needs work on its own.

Chair Daniels stated that it is his understanding that the current Zoning Ordinance addresses all of the building intensity standards that are being considered.

Pat Saley, Contract Planner, stated that she believes the only item not included in the Zoning Ordinance is floor area ratios. She clarified that floor area ratio guidelines for single-family residences are currently in an appendix of the Zoning Ordinance.

Commissioner Shelor suggested that an inventory be created of the history of the “good cause finding” in the City for reference purposes in the future. He noted that the staff report indicates this finding has been invoked seven times. He also expressed his concern that if there was a relationship between how good the “good cause” is and how much the recommended standard can be exceeded, there could be a pernicious effect if there were small incremental changes over time.

PUBLIC HEARING OPENED AT 8:43 P.M.

Speakers;

1. Cecilia Brown, Goleta, stated that it is very important to be specific with regard to the “good cause finding”, so it is not left to speculation. For example, affordable housing should be clarified and better defined, possibly by income category. She believes that a project should have high standards when there is a “good cause finding”, and the finding should meet the City’s needs and not be driven by what the developers provide. She is somewhat concerned regarding the language “major tax generators” and noted that staff has provided some examples. She expressed appreciation for the opportunity to participate, as a member of the DRB, in the joint workshops with the Planning Commission and DRB and hopes it will be done again in the future.
2. Carl Schneider, Goleta, representing himself as an architect who practices in the City, commented that it is somewhat difficult to consider General Plan issues knowing that the Zoning Ordinance is an item that will be updated in the future. He expressed concern with regard to the phrase “maximum building height”, stating that the maximum height would be at the ridge of the building, leaving no flexibility for design. An example of his concern is the Hampton Inn project, a three-story building that he believes could have been designed better if there were some flexibility with regard to the 35-foot maximum height requirement. If the “maximum building height” phrase is included in the General Plan, he would recommend increasing the maximum height by several feet to allow for some flexibility from a design standpoint. He pointed out that the current Zoning Ordinance definition of building heights allows for more flexibility. He agreed with most of the staff recommendations with regard to building heights. He noted that design constraints with regard to building height standards will vary with the number of floors and

depending upon the type of use of the building. While he appreciates that the “good cause finding” is proposed, it seems problematic by design and somewhat nebulous to define. Although requiring conceptual drawings of the proposal that meet the standards may be necessary, it would also be expensive as the architect would have to design a second project. He is also not sure how often it would be used because an applicant may choose not to make the effort without knowing whether there would be a “good cause finding” until much later in the process.

3. Gary Vandeman, Goleta, spoke in support of keeping the building intensity standards in the General Plan as tight as possible. He believes the floor area ratio standards work fine in residential context, stating that there is no real control in existing neighborhoods because the other zoning standards are not useful. He commented that there should be an excellent reason for exceeding the standards “for good cause”. With regard to building heights, he commented that averages can be deceiving and are not appropriate, and that there needs to be limits.

PUBLIC HEARING CLOSED AT 8:57 P.M.

Steve Chase, Director of Planning and Environmental Services, stated that 261 acres are identified as what is left of the undeveloped property in the City that is included in the General Plan to be developed, which is less than 95 percent of the space in the community. He noted that one of the directives in the General Plan is to consider how to round out certain neighborhoods and at the same time meet the needs of the community.

Commissioner Kavanagh commented that there has been a lot of time, effort, and community input with regard to this process. She noted that public comment has been received both in support and opposition to floor area ratios, and she believes the staff analysis seems appropriate from her experience on the Planning Commission. She commented that some building intensity standards need to be detailed in the Zoning Ordinance while the General Plan is general. She expressed support for the proposed recommended standards that have come out of the analysis, and expressed appreciation for the clarification in the staff analysis. Regarding the staff analysis of item #4, she concurred with the staff recommendation. With regard to item #5, she supported the Planning Commission and DRB recommendation to add maximum building height and lot coverage to Table 4 “Other Land Use Categories”.

Pat Saley, Contract Planner, clarified that the maximum building height and lot coverage standards are in the Zoning Ordinance, and that the question addressed in item #5 is whether these standards would also belong in the General Plan. Staff believes they should be in the Zoning Ordinance and should not be added to the General Plan.

Commissioner Shelor commented that the “good cause finding” is an example of subjective criteria replacing absolute standards, which he believes is problematic. He suggested replacing the “good cause finding” with a finding of “public/community necessity” to deviate from absolute standards. Being a relatively new member of the Planning Commission, he stated that he does have enough understanding to comment on the effect of having the floor area ratios in or out of the General Plan.

Commissioner Wallis commented with regard to items #1 & #2 in the staff analysis of the Planning Commission and DRB recommendations. Regarding staff's suggestion that there are standards in the General Plan, such as building height, that do not match the as-built status, she pointed out that a complete inventory has not been conducted, and also that most of these example projects were approved prior to the City's incorporation. She believes that the State General Plan Guidelines are discretionary by nature. She noted that she has not been provided information with regard to case law. Her recollection from attending many of the workshops and hearings on the General Plan is that the building intensity standards received a lot of attention and she does not believe residents wanted changes that would bring uncertainty, even with discretion. She also noted that many of the developers who commented at that time requested standards.

Commissioner Wallis provided the following suggestions that could be done instead of recommending changes to the building intensity standards regarding items #1 & #2:

- a) Recognizing that areas in the City have major differences in existing intensities, she believes a complete inventory is needed, which could be done in a way that is not so burdensome, by using estimates and relationships.
- b) Before one set of tools is removed from the General Plan, other items suggested by staff as better tools need to be refined and put in place.
- c) Rather than just deleting the floor area ratio, open space ratio and minimum lot size standards, she hopes that staff would be encouraged to restudy some of these issues. Consider setting a range, particularly if discretion is important.
- d) The "good cause finding" should be reexamined, perhaps in ways suggested by Commissioner Shelor, with emphasis on the City's point of view.

Commissioner Wallis also commented regarding the staff analysis as follows:

- a) Item #3: agreed with the staff recommendation not to change the height from 35 feet to 40 feet in the I-OI category if a mixed use project. She supported strengthening the "good cause finding".
- b) Item #4: the term "TBD" gives the impression of an increase in the maximum residential density; however, she believes the intent of the joint workshops was to decrease density. She believes Old Town has existing problems and cannot be looked at to accommodate all housing needs.
- c) Item #5: concurred with the Planning Commission and DRB recommendation to add maximum building height and lot coverage to Table 4.
- d) Item #6: she does not support the staff recommendation to add "recommended" because it would lessen the ability to enforce.

Chair Daniels commented with regard to the staff analysis of the summary of Planning Commission and DRB recommendations as follows:

- a) Item #1: concurred with the staff analysis. Floor area ratios are an important tool for the review process, along with other tools, but not as a regulatory component, and not in the General Plan.
- b) Item #2: concurred with the staff analysis.
- c) Item #3: concurred with the staff analysis. The staff recommendation with regard to the I-OI category is a creative way to retain the 35-foot height limit and include the "good cause finding" if there is a need.

- d) Item #4: concurred with the staff analysis.
- e) Item #5: concurred with the staff analysis.
- f) Item #6: concurred with the staff analysis. He believes that there is a basis for the “good cause finding” tool and that it will continue to evolve within the process.

MOTION: Commissioner Kavanagh moved/seconded by Chair Daniels, to adopt Resolution No. 09-03 entitled “A Resolution of the Planning Commission of the City of Goleta Recommending to the Goleta City Council Acceptance of a CEQA Addendum, Dated February 23, 2009, to the General Plan / Coastal Land Use Plan Final EIR, Adoption of CEQA Findings, and Adoption of the Track 2.5 Amendments to the Goleta General Plan/ Coastal Land Use Plan (Case No. 09-020-GPA); to select the Alternative Proposed Project as recommended by staff; and to include the language in the Zoning Ordinance update.

Pat Saley, Contract Planner, requested an amendment to the motion to direct staff to further clarify, prior to the City Council review, what constitutes the “good cause finding”, and consider the possibility of changing the finding to a finding of “public and/or community necessity”, and also provide more examples.

AMENDED

MOTION: Commissioner Kavanagh moved/seconded by Chair Daniels, to adopt Resolution No. 09-03 entitled “A Resolution of the Planning Commission of the City of Goleta Recommending to the Goleta City Council Acceptance of a CEQA Addendum, Dated February 23, 2009, to the General Plan / Coastal Land Use Plan Final EIR, Adoption of CEQA Findings, and Adoption of the Track 2.5 Amendments to the Goleta General Plan/ Coastal Land Use Plan (Case No. 09-020-GPA), to select the Alternative Proposed Project as recommended by staff; to include the language in the Zoning Ordinance update; and to direct staff to further clarify what constitutes the “good cause finding”.

VOTE: Motion carried by the following voice vote: Ayes: Chair Daniels; Commissioners Kavanagh, and Shelor. No: Commissioner Wallis. Absent: Vice Chair Solomon.

C. DIRECTOR’S REPORT

Patricia Miller, Current Planning Manager, reported that the next Planning Commission meeting will be on March 9, 2009.

D. PLANNING COMMISSION COMMENTS

No comments.

E. ADJOURNMENT: 9:40 P.M.