



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of November 5, 2015 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Chair Foster Reif

PLEDGE OF ALLEGIANCE

Commissioner Padilla

ROLL CALL

Commissioners Brian Dunstan, Dan Heedy, Joe Padilla, Vice Chair Art Mercado and Chair Foster Reif

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of October 15, 2015**

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

None

NEW PUBLIC HEARINGS

2. **Resolution No. 15-13 – A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Revise Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-03) By Adding Regulations Prohibiting Short-Term Lodging in Residential Zoning Districts**
❖ *(Staff Contact Marc Bierdzinski, City Manager)*

CONTINUED PUBLIC HEARINGS

3. **Resolution No. 15-12 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a General Plan Amendment (15-GPA-03) and Zoning Ordinance Amendment (15-ZOA-02) for the Vacant Property to the East of Industrial Way (APN 099-690-048)”**
❖ *(Staff Contact Andrea Olson, Assistant Planner)*

OTHER BUSINESS**WRITTEN COMMUNICATIONS****PLANNING COMMISSIONER COMMENTS****PLANNING DIRECTOR REPORT****ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, November 19, 2015 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

AFFIDAVIT OF POSTING

I, Clare Barcelona, City of Buellton Planning Department, declare as follows:

On Thursday, October 29, 2015 by or before 6:00 p.m., I posted a true and correct copy of the Agenda for the Regular Planning Commission Meeting at **6:00 p.m. on Thursday, November 5, 2015**. That in compliance with City Resolution No. 98-19 adopted June 9, 1998, the above listed document was caused to be posted in three (3) places in the City of Buellton.

City Hall
107 West Highway 246
Buellton, CA 93427

Buellton Library/Council
Chambers
140 West Highway 246
Buellton, CA 93427

Albertson's Market
Buellton Town Center
222 East Highway 246
Buellton, CA 93427

Executed on October 29, 2015, at Buellton, California. I declare under penalty of perjury that the foregoing is true and correct.



Clare Barcelona
Planning Commission Secretary

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the Planning Department Office at (805) 688-7474 at least 48 hours prior to the meeting to insure that reasonable arrangements can be made to provide accessibility to the meeting.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

**Regular Meeting of October 15, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

Vice Chair Mercado called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Dunstan led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Brian Dunstan, Dan Heedy and Vice Chair Art Mercado

Absent: Commissioner Joe Padilla and Chair Foster Reif

Staff: Contract Planner Irma Tucker
Assistant Planner Andrea Olson
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of October 1, 2015

MOTION:

Commissioner Dunstan moved and Vice Chair Mercado seconded the motion to approve the Minutes of October 1, 2015.

VOTE:

Motion passed by a 2-0 voice vote with abstention by Commissioner Heedy due to his absence from the meeting.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

Commissioner Heedy recused himself from the Dais due to the proximity of his residence to the project.

2. **Resolution No. 15-12 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a General Plan Amendment (15-GPA-03) and Zoning Ordinance Amendment (15-ZOA-02) for the Vacant Property to the East of Industrial Way (APN 099-690-048)”**

Vice Chair Mercado continued the item to the November 5, 2015 Planning Commission meeting due to lack of a quorum.

Commissioner Heedy returned to the Dais.

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

The Commission welcomed newly appointed Commissioner Dan Heedy who stated he is happy to be back on the Planning Commission.

PLANNING DIRECTOR REPORT

Contract Planner Irma Tucker reminded the Commission of the upcoming Avenue of Flags Specific Plan workshop to be held on October 21st, 2015 at 6:00 p.m. at Pea Soup Andersens Buffet Bar.

ADJOURNMENT

Vice Chair Mercado adjourned the meeting at 6:03 p.m. to the next regular scheduled meeting of the Planning Commission to be held November 5, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.

Art Mercado, Planning Commission Vice Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request.

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No: 2

To: The Honorable Chair and Commission Members

From: Marc P. Bierdzinski, City Manager/Planning Director

Meeting Date: November 5, 2015

Subject: Resolution No. 15-13 – A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Revise Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-03) By Adding Regulations Prohibiting Short-Term Lodging in Residential Zoning Districts

BACKGROUND/DISCUSSION

Both the Planning Commission and City Council determined earlier this year through the appeals process that the Buellton Municipal Code does not allow short-term lodging in residential zoning districts. Short-term lodging is the use of a lodging unit or dwelling for a period of 30 consecutive days or less.

Staff proposes an express prohibition of short-term lodging in the Municipal Code in order to avoid the burden and expense of future appeals. Exhibit A to Resolution No. 15-13 sets forth the proposed express prohibition of short-term lodging units in residential zones.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of Resolution No. 15-13 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Revise Title 19 (Zoning) of the Buellton Municipal

Code (15-ZOA-03) By Adding Regulations Prohibiting Short-Term Lodging in Residential Zoning Districts”

ATTACHMENTS

Resolution No. 15-13 with Exhibit A

Planning Commission Resolution No. 15-13

A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Revise Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-03) By Adding Regulations Prohibiting Short-Term Lodging in Residential Zoning Districts

THE PLANNING COMMISSION OF THE CITY OF BUELLTON DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1: The Planning Commission finds that visitors and tourists who rent short-term lodging units can increase the demand for city services and create adverse impacts in residential zoning districts. Incidents involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic and parking congestion, and accumulations of refuse can be linked directly to short-term lodging units. Such incidents require responses from law enforcement and other city services. The Planning Commission finds, therefore, that short-term lodging in residential zoning districts presents a threat to the public welfare. The restrictions in this section are necessary to prevent the burden on city services and adverse impacts on residential neighborhoods posed by short-term lodgings. Attached Exhibit A is the proposed wording of these regulations.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on November 5, 2015 (“Public Hearing”).
 2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing.
 3. The following informational documents which, by this reference, are incorporated herein.
 - a. That staff report submitted by the Planning Department dated November 5, 2015 (the “Staff Report”).
- B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:

1. A notice was published in a newspaper on October 22, 2015 (the "Public Notice"), a minimum of ten (10) days in advance of the November 5, 2015, Public Hearing.
2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on October 22, 2015, a minimum of 10 days before the November 5, 2015, Public Hearing.

C. **Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

D. **Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:

1. **Zoning Ordinance Amendments.**

a. **Findings:**

- i. The Amendment is in the interests of the general community welfare in that visitors and tourists who rent short-term lodging units can increase the demand for city services and create adverse impacts in residential zoning districts. Incidents involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic and parking congestion, and accumulations of refuse can be linked directly to short-term lodging units. Such incidents require responses from law enforcement and other city services. For these reasons, short-term lodging in residential zoning districts presents a threat to the public welfare.
- ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendment is consistent with good zoning and planning practices.

SECTION 3. The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 of the Buellton Municipal Code in accordance with the changes noted on Exhibit A to this resolution.

SECTION 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

PASSED, APPROVED, AND ADOPTED this 5th day of November 2015.

Foster Reif, Chair

Exhibit A – Draft Ordinance Wording

ATTEST:

Clare Barcelona, Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) **SS**
CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 15-13 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 5th day of November 2015, by the following vote, to wit:

AYES: 0
 NOES: 0

ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November 2015.

Clare Barcelona
 Planning Commission Secretary

EXHIBIT A

Section 19.02.110 Residential zone allowable land use and permit requirements

| Land Use Type | RS | RM | PRD | MHP | See Section |
|--------------------|----|----|-----|-----|-------------|
| Short-Term Lodging | | | | | 19.02.150 |

Section 19.02.150 Short-Term Lodging

A. The City Council finds that visitors and tourists who rent short-term lodging units in residential zoning districts can increase the demand for city services and law enforcement and create adverse impacts, including excessive noise, disorderly conduct, vandalism, overcrowding, traffic and parking congestion, and accumulations of refuse. The City Council finds, therefore, that short-term lodging in residential zoning districts presents a threat to the public welfare. The restrictions in this section are necessary to prevent the burden on city services and adverse impacts on residential neighborhoods that result from short-term lodgings.

B. Definitions

(1) “Lodging unit” means any structure, building, or dwelling or portion of any structure, building, or dwelling that is rented, leased, or subleased for occupancy, dwelling, lodging or sleeping purposes or overnight stays.

(2) “Short-term” means occupancy of a lodging unit for a period of 30 consecutive days or less.

C. Short-term lodging units are prohibited in all residential zoning districts.

D. Property owners, renters, lessees, subtenants, property managers, and people or entities in charge of a property are responsible for complying with this Section.

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No.: 3

To: The Honorable Chair and Commission Members

From: Andrea Olson, Assistant Planner

Date: November 5, 2015

Subject: Resolution No. 15-12 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a General Plan Amendment (15-GPA-03) and Zoning Ordinance Amendment (15-ZOA-02) for the Vacant Property to the East of Industrial Way (APN 099-690-048)”

BACKGROUND

Peter Hauber (“Applicant”) has requested that the City initiate a General Plan Amendment/Zone Change for the property located east of Industrial Way and south of Rivergrove Mobile Home Park on Assessor’s Parcel Number 099-690-048 (Attachment 1, Vicinity Map). The north portion of the property is zoned CR (General Commercial), with a General Plan designation of General Commercial, and the south portion is zoned OS (Open Space), with a General Plan designation of Open Space. Staff has submitted the following applications for the above referenced property:

- **General Plan Amendment (15-GPA-03):** A change is proposed for the General Plan designation from General Commercial to Industrial. The property that is designated Open Space (OS) will remain as OS.
- **Zoning Ordinance Amendment (15-ZOA-02):** A change to the Zoning Designation for the CR (General Commercial) property to M (Industrial and Manufacturing). The property that is zoned OS (Open Space) will remain as OS.

The property located on Assessor’s Parcel Number 099-690-048 is the site of the previously-approved project for the Santa Ynez Valley Inn and Racquet Club. This project never moved forward. The project had a condition that if it did not move forward it would be changed back to industrial by the City. Therefore, staff is recommending that the property be returned to the Industrial and Manufacturing (M) General Plan and Zoning designations. Due to its limited vehicular access, the industrial designation is the most appropriate designation for the property and is what the property has been historically designated.

A General Plan Amendment (GPA) and Zoning Ordinance Amendment (ZOA) would change the General Plan designation to Industrial and the Zoning Designation to M (Industrial and Manufacturing). The change only applies to the land that is currently designated General Commercial and zoned CR. The land that is designated Open Space and zoned OS will remain with those General Plan and Zoning designations.

ENVIRONMENTAL REVIEW

No development activity is proposed with this application. Any future development on the site will be subject to full review under the California Environmental Quality Act. This project is therefore exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolution No. 15-12, "A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a General Plan Amendment (15-GPA-03), and Zoning Ordinance Amendment (15-ZOA-02) for the Vacant Property located to the East of Industrial Way (APN 099-690-048)".

ATTACHMENTS

Attachment No. 1 – Vicinity Map
Attachment No. 2 – General Land Use Map
Attachment No. 3 – Zoning Map
Resolution No. 15-12



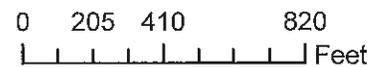
Attachment 1 - Vicinity Map



Legend

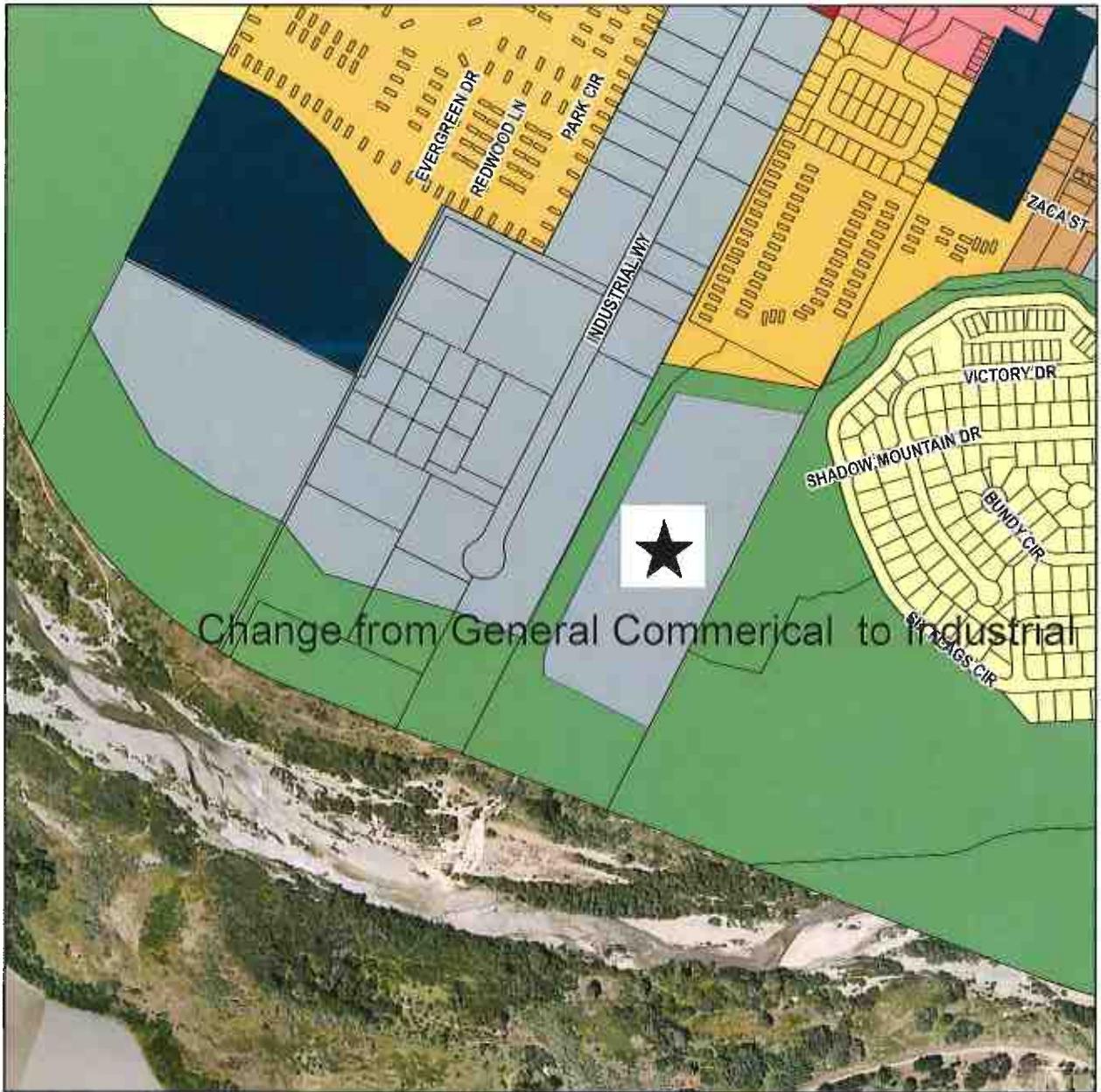
 City Parcels

 Project Location



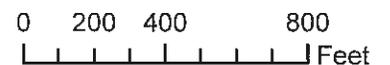


Attachment No. 2 - General Land Use Map



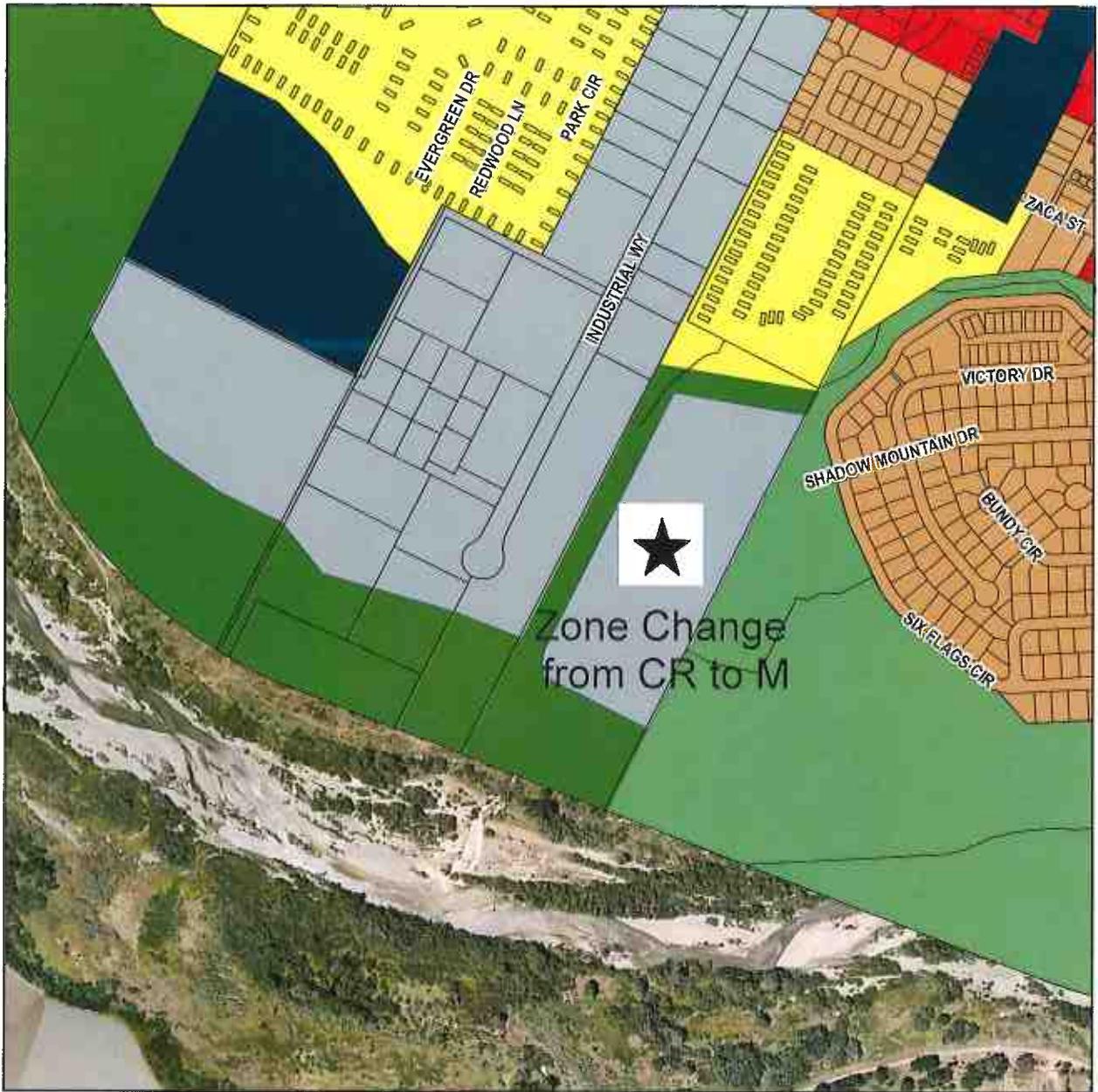
Legend

- City Parcels
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MULTI_FAMILY RESIDENTIAL
- OPEN_SPACE_PARKS_RECREATION
- PUBLIC_QUASI_PUBLIC
- SERVICE COMMERCIAL
- INDUSTRIAL
- GENERAL COMMERCIAL
- ★ Project Location



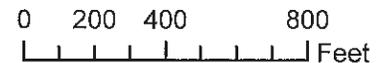


Attachment 3 - Zoning Map



Legend

- City Parcels
- ZONE_CR
- ZONE_CR-SP
- ZONE_CS
- ZONE_M
- ZONE_MHP
- ZONE_OS
- ZONE_PQP
- ZONE_PRD
- ZONE_PRD-OS
- ZONE_REC
- ZONE_RM-8
- ZONE_RS-10
- Project Location



Planning Commission Resolution No. 15-12

A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a General Plan Amendment (15-GPA-03), and Zoning Ordinance Amendment (15-ZOA-02) for the Vacant Property to the East of Industrial Way (APN 099-690-048)

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Peter Hauber, property owner, and Thomas Hauber, agent, hereinafter referred to as “Applicant”, requesting a General Plan Amendment/Zoning Map Amendment for the property located east of Industrial Way (APN 099-690-048). The subject property is currently zoned CR and OS (Open Space), with General Plan designations of General Commercial and Open Space.

SECTION 2: The proposed Project consists of two land use applications:

- A. General Plan Amendment (15-GPA-03):** A change to the General Plan Designation for the General Commercial designated property to Industrial.
- B. Zoning Ordinance Map Amendment (15-ZOA-02):** A change to the Zoning Designation for the CR property to M.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. Record.** Prior to rendering a decision on the Project, the Planning Commission considered the following:
 - 1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on November 5, 2015 (“Public Hearing”).
 - 2. All oral, written and visual materials presented by City staff in conjunction with that certain Public Hearing.
 - 3. The following informational documents, which by reference, are incorporated herein:
 - a. That certain written report submitted by the Planning Department dated November 5, 2015 (the “Staff Report”).

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:

1. A notice of Public Hearing was published in a newspaper of general circulation on September 17, 2015 (the "Public Notice"), a minimum of 10 days in advance of the Public Hearing conducted on November 5, 2015.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on September 17, 2015, a minimum of 10 days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on September 17, 2015, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Review. No development activity is proposed with this application. Any future development on the site will be subject to full review under the California Environmental Quality Act. This project is therefore exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), and (ii) testimony and comments received in connection with the Public Hearing, the Planning Commission does hereby declare as follows:

1. General Plan Amendment/Zoning Ordinance Map Amendment.

a. Findings:

- i. The request is consistent with the general plan, the requirements of state planning and zoning laws, and this title.
- ii. The request is consistent with good zoning and planning practices because a higher intensity use is not appropriate for this site due to circulation and access issues.

SECTION 4: Based on the findings set forth in Sections 2 and 3, the Planning Commission hereby recommends that the City Council approve a General Plan Amendment (15-GPA-03), and Zoning Ordinance Map Amendment (15-ZOA-02) for the project as shown on Exhibit A (General Plan Amendment) and Exhibit B (Zoning Ordinance Map Amendment).

PASSED AND ADOPTED this 5th day of November 2015

Foster Reif, Planning Commission Chair

Clare Barcelona, Planning Commission Secretary

Exhibits

Exhibit A – General Plan Amendment Map

Exhibit B – Zoning Ordinance Map Amendment

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) SS
CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 15-12 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 15th day of October 2015, by the following vote, to wit.

AYES: ()

NOES: ()

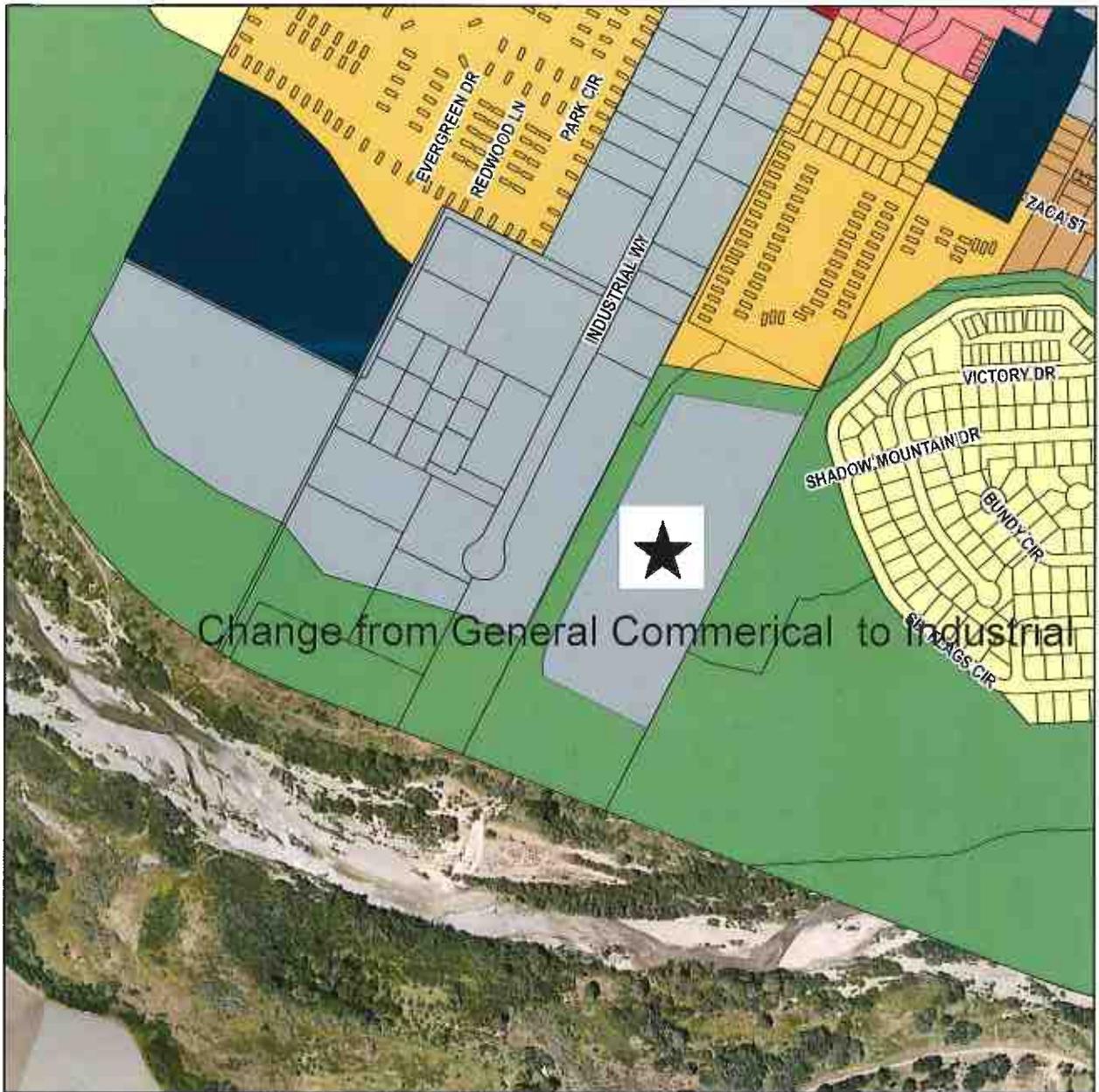
ABSENT: ()

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November 2015.

Clare Barcelona
Planning Commission Secretary



Exhibit A - General Land Use Map



Legend

- City Parcels
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MULTI_FAMILY RESIDENTIAL
- OPEN_SPACE_PARKS_RECREATION
- PUBLIC_QUASI_PUBLIC
- SERVICE COMMERCIAL
- INDUSTRIAL
- GENERAL COMMERCIAL
- Project Location

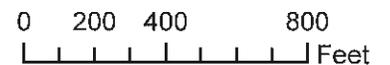
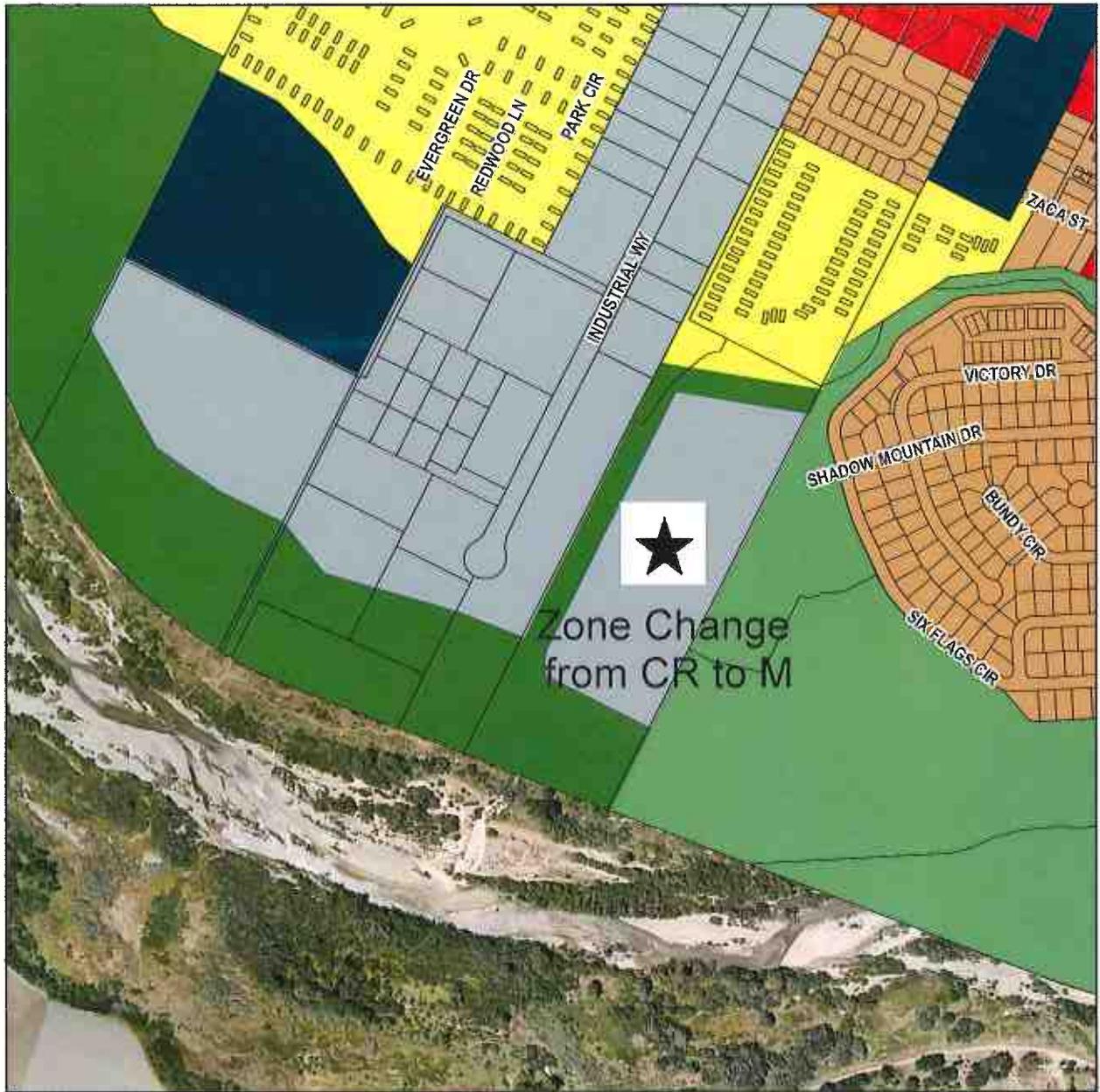




Exhibit B - Zoning Map



Legend

- City Parcels
- ZONE_CR
- ZONE_CR-SP
- ZONE_CS
- ZONE_M
- ZONE_MHP
- ZONE_OS
- ZONE_PQP
- ZONE_PRD
- ZONE_PRD-OS
- ZONE_REC
- ZONE_RM-8
- ZONE_RS-10
- Project Location

