



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of August 6, 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 Lisa Figueroa

PLEDGE OF ALLEGIANCE

Chair Lisa Figueroa

ROLL CALL

Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Vice Chair Foster Reif and
Chair Lisa Figueroa

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of July 2, 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

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

2. **Resolution No. 15-08 – “A Resolution of the Planning Commission of the City of Buellton, California, approving the Mitigated Negative Declaration (15-MND-01) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project which includes a Bowling Alley/Entertainment Center and Warehouse Facility on 5.08 acres located at 39 and 41 Industrial Way, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”;**
and
Resolution No. 15-09 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (13-FDP-03), a Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02), and for the same project at the same location, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”
❖ *(Staff Contact: Contract Planner John Rickenbach)*
3. **Resolution No. 15-10 – 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-01) By Adding Regulations Regarding a Definition of a Fast Food Restaurant and Locational Restrictions for Fast Food Restaurants, and Making Findings in Support Thereof”**
❖ *(Staff Contact: City Manager Marc Bierdzinski)*

OTHER BUSINESS

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, August 20, 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.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of July 2, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Vice Chair Reif led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Vice
Chair Foster Reif and Chair Lisa Figueroa

Staff: City Manager Marc Bierdzinski
City Attorney, Steve McEwen via telephone
Contract Planner Irma Tucker
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of June 18, 2015

MOTION:

Vice Chair Reif moved and Commissioner Padilla seconded the motion to approve the Minutes of June 18, 2015.

VOTE:

Motion passed by 5-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

2. **Resolution No. 15-07 – “A Resolution of the Planning Commission of the City of Buellton, California, Denying the Appeal of Brian Kuykendall, 431 Dogwood Drive, and Making a Determination that a Vacation Rental Use is Not a Permitted or Conditional Use in the Single Family Zoning District, and Making Findings in Support Thereof”**

RECOMMENDATION:

That the Planning Commission consider the adoption of Resolution No. 15-07 – “A Resolution of the Planning Commission of the City of Buellton, California, Denying the Appeal of Brian Kuykendall, 431 Dogwood Drive, and Making a Determination that a Vacation Rental Use is Not a Permitted or Conditional Use in the Single Family Zoning District, and Making Findings in Support Thereof”

DOCUMENTS:

Planning Department Staff Report with attachments (AirBnB Web Page, 431 Dogwood April 6, 2015, Code Compliance Letter, Zoning Clearance Request, April 28, 2015, Letter Denying Zoning Clearance, May 6, 2015, Appeal Letter)
Planning Commission Resolution No. 15-07

City Attorney, Steve McEwen, outlined the Public Hearing Appeal Process stating that during tonight’s proceedings time limits do not apply to the Applicant and stated that it is up to the Commission to determine if short term vacation rentals fall into any of the categories of permitted or conditionally permitted land uses in a single family residential zoning district.

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

Commissioner Reif asked for clarification on the shared living definition.

Chair Figueroa opened the Public Hearing at 6:15 p.m.

Brian Kuykendall, Applicant, asked the City Attorney if he agrees with the points made by the City Manager in the Staff Report and if it's customary to draft a denial before public comments are made? The City Manager clarified the process wherein staff makes a recommendation to the Planning Commission based on the information provided and how it relates to the Municipal Code. Mr. Kuykendall spoke in support of short term rentals stating that the Municipal Code is unclear and that the use could fall into the shared living category.

Melissa Kuykendall, Applicant, spoke in support of short term rentals.

The following residents spoke against vacation rentals citing noise and parking issues as well as being detrimental to the neighborhood.

- James Kinneavy, 471 Dogwood Drive, Buellton
- Steven Craig, 441 Dogwood Drive, Buellton
- Bonnie Fullmer, 460 Dogwood Drive, Buellton
- Lisa Goto, 471 Dogwood Drive, Buellton

The following residents spoke in favor of vacation rentals stating with proper regulations and guidelines in place, vacation rentals would benefit the City by generating revenue.

- Diana Paul, 591 Paula Ray Lane, Buellton
- Valerie Rogers, Buellton

Chair Figueroa closed the Public Hearing at 7:17 p.m.

The Commission concurred that short term vacation rentals do not fall into the shared living category or any other category of the Municipal Code and that they are not allowed in the single family residential zone.

MOTION:

Commissioner Mercado moved and Vice Chair Reif seconded the motion to adopt Resolution No. 15-07 by title only and waive further reading.

VOTE:

Motion passed with a 5-0 roll call vote.

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

PLANNING DIRECTOR REPORT

City Manager Marc Bierdzinski updated the Commission on recent City Council actions and various projects including the Village Townhomes and Avenue of Flags Specific Plan Workshop.

ADJOURNMENT

Chair Figueroa adjourned the meeting at 7:35 p.m. to the next regular scheduled meeting of the Planning Commission to be held July 16, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.

Lisa Figueroa, Planning Commission 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, Planning Director

Date: August 6, 2015

Subject: Resolution No. 15-08 – “A Resolution of the Planning Commission of the City of Buellton, California, approving the Mitigated Negative Declaration (15-MND-01) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project which includes a Bowling Alley/Entertainment Center and Warehouse Facility on 5.08 acres located at 39 and 41 Industrial Way, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”; and

Resolution No. 15-09 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (13-FDP-03), a Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02), and for the same project at the same location, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

Owner: Carol Leshler-Peterson
Agent: Sid Goldstien
General Plan Designation: Industrial and Open Space, Parks & Recreation
Zoning: M (Industrial and Manufacturing) and Open Space (OS)
APN: 099-690-045 and -046

Carol Leshler-Peterson, property owner, and Sid Goldstien, agent (“Applicant”) have submitted a Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02) and Conditional Use Permit (13-CUP-02). The 5.08-acre property is located at the south end of Industrial Way, on two parcels: Assessor’s Parcel Numbers 099-690-045 and 099-690-046 (see **Attachment 1** - Vicinity Map).

In accordance with the requirements of the California Environmental Quality Act (CEQA), a draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project was circulated for public and agency review and comment from **July 2, 2015 through August 3, 2015**. On July 2, 2015, a Notice of Availability of the IS/MND, including the time and place of the August 6, 2015 Planning Commission meeting to review the Application and conduct a public hearing on the proposed project and IS/MND was published in the local newspaper and posted in three public locations.

During the public review period, a discrepancy in the text of the project description was discovered regarding the total square footage of the building area. The IS/MND and related environmental analyses are being revised (as applicable) to correct the discrepancy, and the documents will need to be recirculated for public review and comment. The Planning Commission public hearing will be rescheduled to take place once the revised draft IS/MND has been recirculated.

RECOMMENDATION

That the Planning Commission: a) open the legally noticed public hearing regarding the project and IS/MND; b) state that the draft IS/MND is being revised and no public comments will be taken on the current agenda document; and c) close the public hearing and remove consideration of Resolution Numbers 15-08 and 15-09 from the August 6, 2015 agenda.

ATTACHMENT

Attachment 1: Vicinity Map

Attachment 1: Vicinity Map



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: Marc P. Bierdzinski, Planning Director

Date: August 6, 2015

Subject: Resolution No. 15-10 – 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-01) By Adding Regulations Regarding a Definition of a Fast Food Restaurant and Locational Restrictions for Fast Food Restaurants, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

The City Council directed staff and the Planning Commission to develop wording to provide locational restrictions for fast food restaurants and to develop a definition of fast food restaurants. The Planning Commission reviewed this item at two Planning Commission meetings and ultimately agreed on a definition and locational restrictions. The Planning Commission also wanted some flexibility added to the wording to allow the Planning Commission to make interpretations if a project may or may not fit the definition. Exhibit A to Resolution No. 15-10 is the proposed new regulations regarding fast food restaurants.

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. 15-10 – “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-01) By Adding Regulations Regarding a Definition of a Fast Food

Restaurant and Locational Restrictions for Fast Food Restaurants, and Making Findings
in Support Thereof

ATTACHMENTS

Resolution No. 15-10 with Exhibit A

Planning Commission Resolution No. 15-10

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-01) By Adding Regulations Regarding a Definition of a Fast Food Restaurant and Locational Restrictions for Fast Food Restaurants, and Making Findings in Support Thereof

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

SECTION 1: Pursuant to City Council direction, and with consultation with the Planning Commission, staff has developed a definition of a fast food restaurant and developed locational restrictions for fast food restaurants. 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 August 6, 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 August 6, 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 July 23, 2015 (the “Public Notice”), a minimum of ten (10) days in advance of the August 6, 2015, Public Hearing.

2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on July 23, 2015, a minimum of 10 days before the August 6, 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 as it promotes a closer planning review of fast food restaurants that have been identified as a concern by the Buellton community and City Council.
- 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 6th day of August 2015.

Lisa Figueroa, Chair

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. 15-10 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 6th day of August 2015, by the following vote, to wit:

AYES: 0

NOES: 0

ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of August 2015.

Clare Barcelona
Planning Commission Secretary

EXHIBIT A

Section 19.02.210 Commercial and industrial zone allowable land use and permit requirements

Land Use Type	CN	CR	CS	M	See Section
Restaurants, fast food	MUP	CUP	CUP		19.02.230

Section 19.02.230 Fast food restaurant locational restrictions

A. Locational Restrictions. Fast food restaurants, as defined in subsection B below, shall only be located in the following area of the City:



Fast food restaurants, as defined in subsection B, are prohibited outside this area. If necessary, an operator of a restaurant or proposed restaurant located outside this area may request the Planning Commission to determine that such restaurant does not fall within the definition set forth in subsection B.

B. Fast food restaurant definition. A fast food restaurant is any establishment which dispenses food for consumption on or off the premises, and which has two or more of the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping, containers, or bags.

C. Planning Commission determination. If the planning director or his or her designee determines that a restaurant or proposed restaurant located outside of the boundary described in subsection A is a fast food restaurant and is therefore prohibited, the operator of such restaurant may request the Planning Commission to determine whether the restaurant falls within the definition set forth in subsection B.