ALLIED
Neighborhoods Association

BOARD OF OFFICERS

Cathie McCammon
President

Anna Marie Gott
Co-Vice President

Jo-Ann Shelton
Co-Vice President

Judy Orias
Treasurer

Jean Holmes
Secretary

John DeVore
Webmaster

MEMBER ASSOCIATIONS

Bungalow Haven Neighborhood Association

Citizens for Livable Neighborhoods

Citizens Planning Association

Grove Lane Area Neighborhood Association

Hidden Valley Residents Association

Hitchcock Ranch Association

La Mesa Neighborhood Association

Mesa Protection Alliance

Oak Park Neighborhood Association

Samarkand Neighborhood Association

Santa Barbara Upper East Association

Veronica Springs Neighborhood Association

April 26, 2017

RECEIVED
MAY 30 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Draft NZO
28.49.370 - Retail Sales, Neighborhood Market,
Table 28.07.020 Land Use Regulations-Residential Zones
Neighborhood Markets proposed as a **New** allowed use in Single Family Residential Zones

To: NZO staff (Danny Kato, Marck Aguilar)

Neighborhood Markets are not an allowed use in single family zones in our existing Zoning Ordinance. **We strongly oppose Neighborhood Markets as a proposed new allowed commercial use in single-unit residential zones in the NZO.**

These markets should not be allowed in single-unit residential zones. Basically right next door, an existing home can become a market (and can also include a restaurant of up to a certain size), which creates numerous serious compatibility issues, concerns, and impacts that cannot be mitigated by a CUP (and the proposed development standards). Additionally, it is unrealistic and just not possible to meet the stated purpose of this section in 28.49.370, A.5, "Ensure that the character of the surrounding neighborhoods is protected."

Markets (with or without restaurants) in the single family neighborhoods are an erosion of the intent of single family zoning and character of our neighborhoods, and this commercial use is not appropriate.

Some impacts markets in single family neighborhoods bring, include:

- Outside tables and chairs are allowed in the front yard, back yard, patios, etc., outside the interior yard setbacks. As single-unit zoning has the most generous front yard setbacks and required open yard on each parcel, it provides numerous opportunities throughout the lot for patron seating for these commercial uses (market and restaurant), and this is incompatible with the character of single family neighborhoods.
- Commercial use, and the constant coming and going, which is necessary for a business to succeed.
- Alcohol sales. Widely known to be necessary for a market to succeed.

607 E SOLA STREET • SANTA BARBARA, CALIFORNIA 93103 • SB-ALLIED.ORG

- Possible/probable allowed on-site patron alcohol consumption, in the outside seating area(s) with a restaurant use/food service use also on site.
- Noise impacts, inherent to this type of commercial use.
- No required parking.
- Delivery trucks. Trucks delivering items sold in the market and for any on-site food preparation. Existing neighborhood markets in R-3 or R-4 (multi-family and hotel/motel zone), for instance, have very large Pepsi and Budweiser trucks making deliveries.
- Hours of operations. What hours of operation could possibly be compatible with adjacent single family homes? The answer is none. (Existing markets in multi-family neighborhoods are usually open early for the coffee crowd in the morning, and throughout the day and well into the evening, usually seven days a week.)
- Negative effect to property values, with new allowed commercial use(s) next door or close by. Homes were purchased in single family neighborhoods with certain expectations as to appropriate and allowed uses, based upon long-standing zoning.
- Neighborhood markets which sell food prepared on the premises, for example, the Guadalajara Market at 601 W. De La Guerra (R-3 zoning), often attract customers from outside the immediate neighborhood. The additional traffic and lack of parking has a negative impact on the neighborhood.

These are some of the impacts one could (or would) expect from neighborhood markets to the peaceful enjoyment of our single family neighborhoods.

The potential problems with the proposed change to allow markets, or markets with a restaurant, in single family neighborhoods is almost mind boggling. Do you want a market, or market with a restaurant, next door to your home?

Let's remember the goals of the NZO - basically reformatting/reorganizing/modernizing the Zoning Ordinance. Big major changes were not suppose to be part of this process. The proposal to allow Neighborhood Market commercial use in single family zones is a major change and outside the scope of the NZO. This proposal needs be eliminated from the NZO.

Sincerely,
Allied Neighborhoods Association

cc: Renee Brooke

ALLIED
Neighborhoods Association

BOARD OF OFFICERS

Cathie McCammon
President

Anna Marie Gott
Co-Vice President

Jo-Ann Shelton
Co-Vice President

Judy Orias
Treasurer

Jean Holmes
Secretary

John DeVore
Webmaster

MEMBER ASSOCIATIONS

Bungalow Haven Neighborhood Association

Citizens for Livable Neighborhoods

Citizens Planning Association

Flamingo Neighborhood Association

Grove Lane Area Neighborhood Association

Hidden Valley Residents Association

Hitchcock Ranch Association

La Mesa Neighborhood Association

Mesa Protection Alliance

Oak Park Neighborhood Association

Samarkand Neighborhood Association

Santa Barbara Upper East Association

Veronica Springs Neighborhood Association

May 28, 2017

RECEIVED
MAY 30 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: May 31, 2017 Ordinance Committee meeting - NZO
Please remove Neighborhood Markets as a **New** allowed use in Single Family Residential Zones

28.49.370 - Retail Sales, Neighborhood Markets
Table 28.07.020 Land Use Regulations-Residential Zones

Ordinance Committee, Mayor and Council:

Allied Neighborhoods Association continues to be very concerned that the NZO proposes to allow Neighborhood Markets in single unit (previously called single family) **zones as a new allowed use**. Attached we have provided our April 26, 2017 letter detailing impacts, issues and concerns.

Previously on March 6th, Allied submitted a letter to Planning Commission asking them to take another look at Neighborhood Markets, and urging them not to recommend Neighborhood Markets in single unit zoning. Unfortunately this was not discussed at either the March 9 or April 13 Planning Commission meeting, subsequent to our letter.

We ask you to consider - how can it possibly be appropriate for a home to become a neighborhood market (or market with a restaurant) in the midst of, and adjacent to, single family homes in a single family neighborhood? (For example a market, or market with a restaurant, in the single family neighborhood near Shoreline Park, or in the single family neighborhood near the Mission and Mission Rose Garden.)

We urge you to please remove Neighborhood Markets as a new allowed use in single unit zones.

Respectfully,
Allied Neighborhoods Association

Attached: Allied April 26, 2017 letter

cc: Marck Aguilar
Renee Brooke
George Buell
Ariel Calonne
Danny Kato

607 E SOLA STREET • SANTA BARBARA, CALIFORNIA 93103 • SB-ALLIED.ORG

Marck Aguilar

From: MAguilar@SantaBarbaraCA.gov
Sent: Tuesday, May 30, 2017 3:46 PM
To: Marck Aguilar
Subject: New Zoning Ordinance (NZO) Website Feedback

Categories: Orange Category

RECEIVED
MAY 30 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Judy Benton

Email Address

Comments: : I am hoping the new ordinance stresses the importance of neighborhood compatibility and insures that it will be preserved in the future. Too many projects seem to destroy neighborhoods with no concern for what is existing. I am also concerned about what is happening on the upper State St corridor. The buildings are huge, destroy public views, and do not fit in. It feels like we are LA which many of us left for good reason. Downtown building are too high as well and destroy public views. I know about the AUD program but these projects are helping developers make a profit and destroying Santa Barbara in the process. Thank you for your time.

This is an automated email sent from the City of Santa Barbara **New Zoning Ordinance (NZO) Website Feedback** web form. If you feel have received this email in error, please contact the City Webmaster, **Webmaster@SantaBarbaraCA.gov**.

: NULL

HUFFMAN
119 CEDAR LN
SANTA BARBARA CA 93108

RECEIVED
JUL 07 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

July 6, 2017

Mr. Kato,

I am writing in response to the current draft of the New Zoning Ordinance (NZO) specifically as it relates to the portions pertaining to hedges and fences.

I understand one of the primary considerations in drafting the NZO is to provide consistency among sections so that is the main thrust of my comments.

Please strongly consider these proposed corrections to the current NZO draft. These changes are requested to provide internal consistency, consistency with prior versions, consistency with due process from the hedge ordinance rewrite, addressing the cause of the original hedge ordinance moratorium, and deal with the unintended consequences of prior language which disregarded non-standard lots such as lots with odd angles and odd shapes, including flag lots and lots that directly impact close neighbors albeit not sharing a common lot line due to irregular lot lines.

I am been involved in this matter consistently since 2008. I am working to see the public's interest carried through from the prior "fences and hedges ordinance" to the "hedge ordinance moratorium" to the public due process to the new hedge ordinance to the NZO, as well as to make it internally consistent so as to promote compliance.

The public consensus during the hedge ordinance due process overwhelmingly kept coming back to consideration of "directly-affected neighbors" because that was deemed to be the root cause of the hedge moratorium – the complaints of someone who was not affected. Various attempts at language have unintentionally missed the mark trying to remove ambiguity. These attempts are similar to all the language considered during the hedge ordinance public comment and the wording always ended up back at "directly-affected neighbors." Discussion even considered that people should be able to do whatever they wanted to do on their own property, but this was consistently overruled.

The burden of proof for a directly-affected neighbor would be on that neighbor to prove they were directly affected. In this age of legalese, a little common sense could be used in place of word-smithing.

Since public comment overwhelmingly and consistently noted "directly-affected" that should be the language used in NZO. In any event, the idea is to convey that people who are affected – rather than those not affected – are the ones whose rights should be protected from infringement. There are too many odd circumstances in local plots to specifically and objectively name those affected.

Requested changes to the current NZO draft Chapter 30.245 Minor Zoning Exceptions are as follows. I have listed three options for each change with the options listed in the order of preference.

Section 30.245.040 Application Requirements
Please change last line of this section

from "will minimize privacy impacts to surrounding properties"

to "will not adversely impact directly-affected neighbors"

or

to "will not adversely impact other properties in the neighborhood"

or

to "will not adversely impact surrounding properties"

Section 30.245.060.B.1 Required Findings -- Minor Zoning Exceptions Reviewed by the Design Review Body

Please change last line of this sub-section item 1

from "they minimize impacts to abutting properties;"

to "they do not adversely impact directly-affected neighbors;"

or

to "they do not adversely impact other properties in the neighborhood;"

or

to "they do not adversely impact surrounding properties;"

Section 30.245.070.A.2 Conditions of Approval

Please change this sub-section item 2

from "Minimize potential adverse impacts on neighboring properties that related to the requested Minor Zoning Exception, proportionate to the potential impacts on neighboring properties;"

to "Not adversely impact directly-affected neighbors;"

or

to "Not adversely impact other properties in the neighborhood;"

or

to "Not adversely impact surrounding properties;"

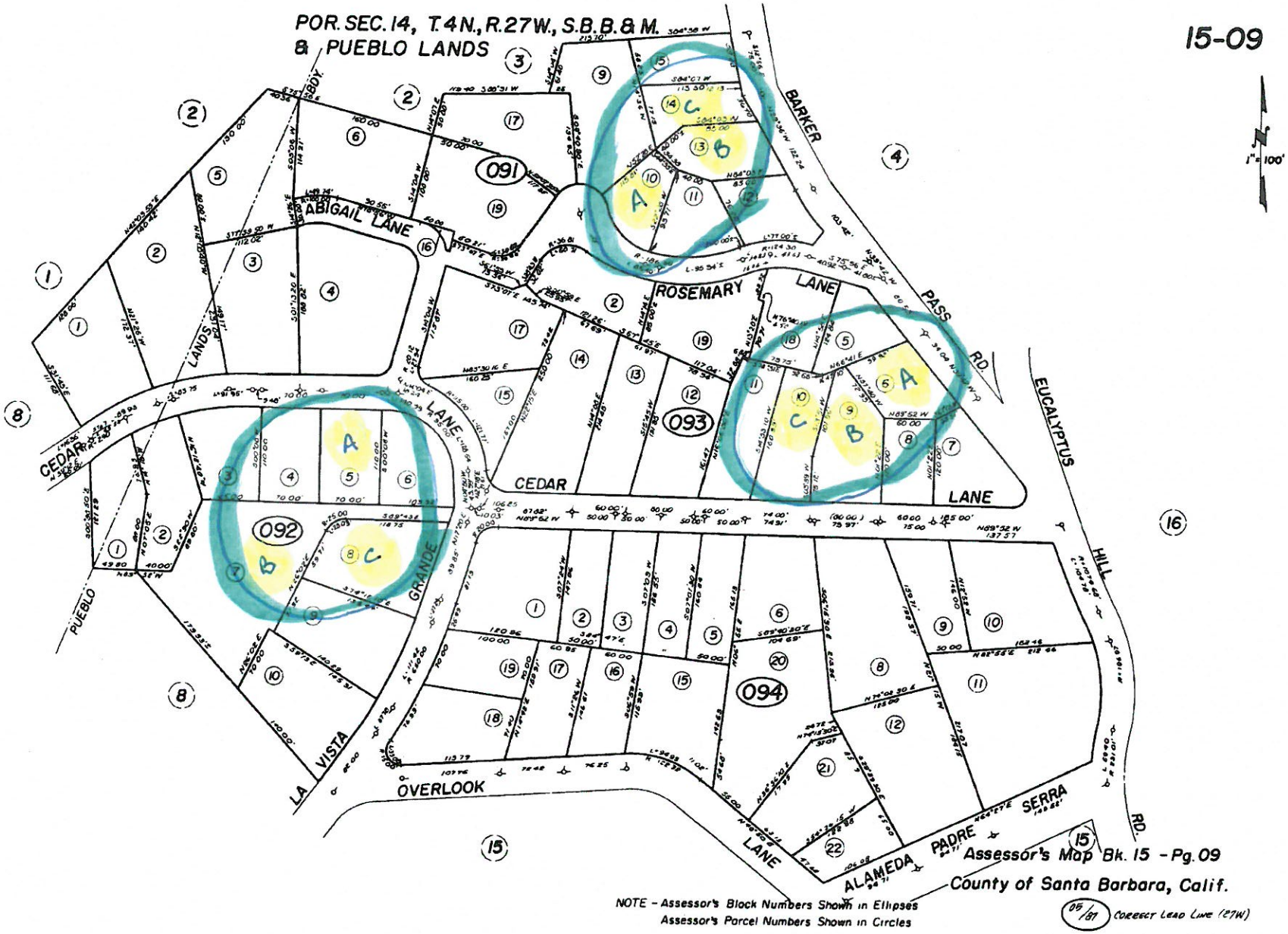
These changes more closely align these sections with prior versions, public due process (from the hedge ordinance re-write), and each other.

Thank you for your continued perseverance in this matter.

Sincerely,

Kurt Huffman
119 Cedar Ln
huffmankurt@gmail.com

Attached: Directly-affected odd lots examples


POR. SEC. 14, T.4N., R.27W., S.B.B.&M.
& PUEBLO LANDS
15-09
1" = 100'
ABIGAIL LANE
ROSEMARY LANE
CEDAR LANE
BARKER PASS RD.
EUCALYPTUS HILL RD.
PUEBLO LANDS
LA VISTA GRANDE
OVERLOOK LANE
ALAMEDA PADRE SERRA
091
092
093
094
Assessor's Map Bk. 15 - Pg. 09
County of Santa Barbara, Calif.
NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
05/81 Correct Lead Line (27W)

July 1, 2017

RE: NZO/Do not allow Neighborhood Markets in Single Family zoning in the New Zoning Ordinance

Mayor and City Council:

We the undersigned, residents living in City of Santa Barbara single family neighborhoods, request the sections of the NZO that allow Neighborhood Markets in single family zones for the first time, be eliminated. Markets, with or without restaurant use and outdoor seating, are not appropriate and cannot be designed to be compatible.

RECEIVED
JUL 10 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

RECEIVED
2017 JUL 10 AM 10:39
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

July 1, 2017

RE: NZO/Do not allow Neighborhood Markets in Single Family zoning in the New Zoning Ordinance

Mayor and City Council:

We, the undersigned, request the sections of the NZO that allow Neighborhood Markets in single family zones for the first time, be eliminated. Markets, with or without restaurant use and outdoor seating, are not appropriate and cannot be designed to be compatible.

Craig Leger

RECEIVED
JUL 10 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

July 1, 2017

RE: NZO/Do not allow Neighborhood Markets in Single Family zoning in the New Zoning Ordinance

Mayor and City Council:

We, the undersigned, request the sections of the NZO that allow Neighborhood Markets in single family zones for the first time, be eliminated. Markets, with or without restaurant use and outdoor seating, are not appropriate and cannot be designed to be compatible.

Bill Hanrahan

RECEIVED
JUL 10 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

Marck Aguilar

From: Danny Kato
Sent: Monday, July 10, 2017 4:23 PM
To: Marck Aguilar; Brenda Beltz; Monday Fitz-Gerald; Scott Vincent
Subject: FW: Please Eliminate Inconsistent Wording in the following NZO Attachments
Attachments: NZO MZE page 1 proposed edits.jpg; NZO MZE page 2 proposed edits.jpg

Danny Kato
Senior Planner II
CITY OF SANTA BARBARA, Community Development
(805) 564-2567 | DKato@SantaBarbaraCA.gov

Hey, have you seen our new, draft, Major Issues Checklist? It's intended to be used prior to starting a new project. Here's a link to it: Santa Barbara - 2015 Major Issues Project Compliance Checklist. Please try it out, and give us feedback on it. What's missing, or what could be more helpful?

From: Pamela Stafford [mailto:pamelastaffordsb@gmail.com]
Sent: Monday, July 10, 2017 4:02 PM
To: Danny Kato <DKato@SantaBarbaraCA.gov>
Cc: Helene Schneider <HSchneider@SantaBarbaraCA.gov>; Harwood "Bendy" White <hwhite@SantaBarbaraCA.gov>; Cathy Murillo <cmurillo@SantaBarbaraCA.gov>; Frank Hotchkiss <fhotchkiss@santabarbaraca.gov>; Randy Rowse <rrowse@santabarbaraca.gov>; Gregg Hart <ghart@SantaBarbaraCA.gov>; Jason Dominguez <jdominguez@santabarbaraca.gov>
Subject: Please Eliminate Inconsistent Wording in the following NZO Attachments

Dear Powers that Be,

Regarding Minor Zoning Exceptions (Chapter 30.245) there are multiple phrases being used to convey the same spirit of language, which in my interpretation is confusing.

Please consider unifying the language in the sections noted in the attached photos of the latest NZO draft, specifically,

from the use of these three existing phrases:

"surrounding properties"
"neighboring properties"
"abutting properties"

to the use of only one of these phrases:

"other properties in the neighborhood"
or
"directly affected neighbors"

Respectfully,
Pamela Stafford

P. Stafford email
Attachment 1

Chapter 30.245 Minor Zoning Exceptions

Sections:

30.245.010 Purpose
30.245.020 Applicability
30.245.030 Review Authority
30.245.040 Application Requirements
30.245.050 Public Notice and Hearing
30.245.060 Required Findings
30.245.070 Conditions of Approval

30.245.010 Purpose

This Chapter establishes a process for consideration and review of Minor Zoning Exceptions. Minor Zoning Exceptions provide a means for individual consideration and review to grant relief from the requirements of this Title, when so doing would be consistent with the purposes of the Title.

30.245.020 Applicability

Minor Zoning Exceptions may be granted whenever specified in this Title.

30.245.030 Review Authority

The Review Authority shall be as specified in any section of this Title that refers to an allowance for a Minor Zoning Exception, and shall approve, conditionally approve, or deny applications for Minor Zoning Exceptions based on consideration of the requirements of this Chapter.

30.245.040 Application Requirements

Applications for Minor Zoning Exceptions shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. The application shall include data or other evidence in support of the applicable findings required by Section 30.245.060, Required Findings below, and accurate plans showing adjacent building footprint information which demonstrates compatibility with existing neighborhood development and how the project will minimize privacy impacts to ~~surrounding~~ other properties. in the neighborhood

30.245.050 Public Notice and Hearing

Minor Zoning Exceptions reviewed by any Design Review body shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures.

30.245.060 Required Findings

A Minor Zoning Exception shall only be approved if the Review Authority makes all of the following findings in addition to any findings required in any section of this Title that refers to an allowance for a Minor Zoning Exception.

RECEIVED
JUL 10 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

P. Stafford email
Attachment 2

A. **All Minor Zoning Exceptions.** In order to grant any Minor Zoning Exception, the Review Authority shall find that granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood. ← use this wording in all applicable verbiage

Please

B. **Minor Zoning Exceptions Reviewed by the Design Review Body.** The following findings are required for a Minor Zoning Exception within the purview of the Design Review body:

1. The improvements are sited such that they minimize impacts to ~~abutting properties;~~ other properties in the neighborhood

2. The project generally complies with applicable privacy, landscaping, noise, and lighting standards in the Single Family Design Board Good Neighbor Guidelines; and

3. The improvement will be compatible with the existing development and character of the neighborhood.

30.245.070 Conditions of Approval

A. In approving a Minor Zoning Exception, the Review Authority may impose conditions deemed necessary to:

1. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;

2. Minimize potential adverse impacts on ~~neighboring properties~~ other properties in the neighborhood that relate to the requested Minor Zoning Exception, proportionate to the potential impacts on neighboring properties; or

3. Mitigate impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

B. The Review Authority may require reasonable guarantees and evidence that the applicant is complying, or will comply, with the conditions of approval.

RECEIVED
JUL 10 2017
CITY OF SANTA BARBARA
PLANNING DIVISION