



**PLANNING & DEVELOPMENT DEPARTMENT**  
**OFFICE OF LONG RANGE PLANNING**  
**TRANSMITTAL MEMO**

**DATE:** October 28, 2009

**TO:** SunPAC Members

**FROM:** Peter Imhof, Supervising Planner *PI*  
Holly Bradbury, Associate Planner

**cc:** Jeremy Tittle, Executive Assistant, 1<sup>st</sup> District Office  
Derek Johnson, Director of Long Range Planning  
Vicki Parker, Deputy Director

**SUBJECT:** SunPAC Meeting #27- November 4, 2009

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The Attachments noted below have been included or referenced in preparation for the November 4, 2009 meeting.

1. **Meeting Agenda.** The agenda for the November 4, 2009 meeting is provided for your review. For further explanation, please see discussion below.
2. **Meeting Minutes.** Action Minutes from the SunPAC October 7, 2009 and are included for your review and approval.
3. **Approved August 28, 2009 SBAR Minutes.** Staff will summarize SBAR comments for SunPAC consideration and discussion.
4. **Draft Policy Matrix.** The worksheet is in draft form and changes will be made interactively similar to Meeting #26. Policies and actions from the 1992 SCP which are still applicable are located in the left column. The right column contains policy suggestions. Circulation policies added during Meeting #26 are also included.
5. **Draft Goals Worksheet.** The draft goals worksheet includes goals developed at the last two meetings.
6. **Draft Mission Canyon Road Width and Parking Policies.** Compare policy language currently under consideration by the Mission Canyon PAC.
7. **County-owned ROW Map.** This map provided by Public Works depicts Summerland ROW areas owned by the County.
8. **County Encroachment Permit Policy.** Public Works existing policy for considering encroachment permit applications.
9. **Review of Non-Maintained Roadways.** Included as a separate attachment on the County website with hard copies available at the meeting as the document is 50 pages in length.

You may also download the materials at the following webpage:

<http://longrange.sbcountyplanning.org/planareas/summerland/sunPAC.php>

## MEETING AGENDA FOR NOVEMBER 4, 2009

### Agenda Item 1

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Pledge of Allegiance and Roll Call.

### Agenda Item 2

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Public Comment Period – This time is set aside to allow public testimony on items not on today's agenda. The time allocated to each speaker will be set at the discretion of the Chair.

### Agenda Item 3

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Administrative Items-

- **Meeting Minutes:** The October 7, 2009 meeting minutes are included for your review and approval.

### Agenda Item 4

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Phase III-Circulation and Trails-

At Meeting #26, the SunPAC began developing goals, policies, actions, and development standards pertaining to circulation. Staff was directed to return with road width information from Mission Canyon regarding roads widths and draft policy language for vacant lot storage.

*Road Width:* At meeting #26, the SunPAC voiced support for maintaining a certain width of pavement and, if this width could not be met, limiting parking to one side of the street. Because right-of-way width implicates on-street parking, this topic overlaps with the Agenda Item #8, Parking, and the SunPAC may wish to discuss road width in connection with that item. Below is information from other documents and agencies regarding road width and parking:

- Mission Canyon: The Mission Canyon PAC is presently considering policy language with respect to pavement width and striping. The effect of this language would be to demarcate two, minimum ten-foot travel lanes on all Mission Canyon roads and allow parking only outside these lanes. The complete policy language presently under consideration is included in Attachment 6.
- Public Works requires a road lane width of 11 or 12 feet for new roads. For existing roads, Public Works may accept a lesser lane width if a wider road is not feasible. If parking is allowed on both sides of the street, then the road must be 32 feet curb to curb.
- County Fire Department standards for new private roads typically require a minimum travel lane of 10 feet.
- The Air Pollution Control District (APCD) Land Use Strategy Document recommends one twelve-foot travel lane and two seven-foot parking lanes in low to medium density neighborhoods.

Storage: The City of Santa Barbara contains the following language in its zoning ordinance with regard to storage of boats or other items in the front yard setback:

**28.87.190 Storage.**

- A. *No portion of any front yard or any required interior setback, open yard, private outdoor living space or front porch shall be used for the permanent storage of motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, appliances, loose rubbish or garbage, junk, tents, garbage or rubbish receptacles, building materials, compost pile, or any similar item, except as hereinafter provided. Permanent storage, as used in this section, shall mean storage for a period of forty-eight (48) or more consecutive hours.*
- B. *No portion of any vacant or undeveloped lot in a residential zone where no main building exists shall be used for permanent storage.*
- C. *Building materials for use on the same premises may be stored thereon during the time that a valid permit is in effect for construction on the premises.*

The above language would need to be revised if a similar provision is desired in Summerland. The Policy Matrix in Attachment 4 contains draft policy wording based on the City's language for the PAC's consideration. This City ordinance forbids long term (over 48 hours) parking in the front yard setback and other open areas. In the R-1/E-1 Zone District, the front yard setback is 50 ft. from road centerline and 20 ft. from ROW. Off-street parking spaces are not allowed in the side or front yard the setback without a modification per LUDC Section 35.36.080.H, unless otherwise allowed in the applicable zone regulation.

## **Agenda Item 5**

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Phase III-ROW- We will be using the interactive Policy Matrix (Attachment 4) at the meeting to develop goals, polices, development standards, and action items relevant to ROW. The extent of County-owned ROW is depicted in Attachment 7. The draft language presented in this memo are suggestions only, the SunPAC should alter as desired. The SunPAC may incorporate policies or planning tools not included in the memo.

### **Issue Summary**

There are a large number of illegal encroachments into the County-owned ROW that currently exist in Summerland. They range from hazardous, such as vegetation blocking the line of sight, to those thought necessary and beneficial by the property owner; e.g., retaining walls that stabilize slopes and prevent erosion.

Current Summerland Community Plan policy prohibits the issuance of encroachment permits and prohibits the County from abandoning ROW (Circ. S-17 and Circ. S-18). The Public Works Department presentation on August 5, 2009 highlighted issues associated with encroachment and abandonment prohibition, such as the Summerland School request to use or take over an adjacent portion of unused ROW.

**Parks Department Feedback:** Parks staff reviewed staff policy suggestions regarding ROW parks and pedestrian trails. Their feedback was that steeply sloped ROW would be best suited for stairways or sidewalk structures as opposed to a natural surface path. They suggested maintaining certain ROWs, such as Hollister, for pedestrian circulation and development with stairways. Pocket parks would be suitable for ROW with gentle topography, but in areas with steep slopes open spaces or staircases for circulation would be a better use. No funding is currently available for park improvements in Summerland. Joint projects with the SCA are an option for implementation and funding. The Greenwell Preserve may be a good model.

### Options

*Treatment and Classification of ROW:* In Summerland, County-owned ROW falls into three categories: (1) maintained, (2) un-maintained and developed for access, and (3) undeveloped and un-maintained (Attachment 9). The SunPAC may consider different treatment for each ROW category, such as pocket parks for undeveloped, un-maintained ROW or requiring consistency with encroachment standards for un-maintained ROW used for access. The classification below would apply to the entire ROW width in an area. The SunPAC may further break down the classifications within a ROW section (i.e., paved area, landscaped area, parking area).

<b>ROW Type</b>	<b>Encroachment Options</b>	<b>Abandonment Options</b>
Maintained (paved sections of roadways are maintained, applies to most ROW in Summerland)	Limited circumstances with specific criteria - and definitions of desirable vs. unwanted.  Develop Standards for integration into County Code/LUDC.  LUP/Zoning Clearance ROW legal findings with new standards or as permitted.	None  Only for public benefit with specific criteria.
Developed, non-maintained (i.e., west portion of Whitney, east Emerson and Golden Gate.)	Limited circumstances with specific criteria.  Allow for encroachment and repair consistent with new standards.  Allow for pedestrian amenities.	None  Only for public benefit with specific criteria.  Only to an HOA for maintenance and private access.
Undeveloped, non-maintained (i.e., Findley, north/south streets ends along Whitney, undeveloped sections of Hollister)	Only for park, community, or pedestrian amenities (i.e., community gardens, sidewalks, staircases, or beach parking).  Private or public access with a CUP where design would benefit of the community.	None  Only for public benefit with specific criteria.

Prescriptive rights and adverse possession do not apply to public agency ROW, so there is no possibility of a private landowner acquiring public ROW as a result of long term use. The undeveloped areas may be suited to providing community amenities or

pedestrian circulations. A funding mechanism needs to be explored for any action items. The Greenwell Preserve could serve as a model for citizen group and County collaboration.

*Findings for Encroachment:* The SunPAC has expressed prior interest in allowing flexibility in ROW encroachments as a mechanism for solving engineering issues associated with development and slopes and to provide flexible standards for landscaping and aesthetically desirable features. Any findings would reside in the LUDC, Section 35.28.210.F- Summerland Community Plan Overlay, and in Chapter 23 of the County Code pertaining to encroachment permits. The SunPAC should consider further defining desirable and undesirable encroachments as discussed at Meeting #26.

Please carefully review Attachment 8, County Encroachment Permit Policy, and consider its appropriateness to Summerland. Public Works policy provides for a 7-foot setback from pavement edge for encroachments where the speed limit is 25 mph or under, and 10 feet for areas where the posted speed limit is over 25 mph. Regulations found in LUDC Section 35.30.150.E are more restrictive, allowing projection of permitted structures into the ROW is limited to 8 feet away from pedestrian areas and 14 feet from areas used for vehicular traffic.

**Enforcement**

Public Works does not have the resources to actively abate every violation in Summerland and can only provide active enforcement where health and safety are jeopardized. Standards for ROW permitting would allow Public Works flexibility to enforce existing violations. By incorporating an ordinance finding for any zoning permit in Summerland that ROW encroachments must be legalized or removed, ROW violations would be abated during approval of zoning permits.

**Agenda Item 6**

Phase III-Parking-

At the last meeting, we began discussion of this section. The matrix contains the summary of policies from Meeting #26. The California Coastal Commission is concerned about the effect of parking restrictions on coastal access.

**Issue Summary**

Existing regulations limit vehicle parking in Summerland to 120 hours<sup>1</sup> and detached equipment to 24 hours<sup>2</sup>. All parking laws are enforced by the CHP. A Public Works parking study was completed in 2008 along Lillie Avenue and concluded that parking in the commercial core is sufficient. However, the community remains concerned about employee parking and parking-intensive uses. Under Section 35.36.050 of the LUDC, two spaces per dwelling unit are required in the R-1/E-1 Zone District, with additional spaces required for a guesthouse or residential second unit.

**Options**

Options Summary		
Oversize/Recreational	Employee/high density	ROW Parking

<sup>1</sup> County Code Section 23-13.1, See Attachment 8 from Meeting #24 memo

<sup>2</sup> County Code Section 23-13-10, See Attachment 8 from Meeting #24 memo

<b>vehicle</b>		
Define	1992 plan has a TDM program action item	Permit program
Overnight prohibition	Increased parking requirements	Marked Parking/Fog Lines
Prohibition of front yard and/or ROW storage (see Agenda item #5)	Creation of additional parking along beach roads in undeveloped ROW	Limit parking hours, i.e., 90 minute parking, no overnight parking

*Definitions and Overnight Prohibition:* At meeting #26, the SunPAC developed a policy to prohibit overnight parking of oversize and non-functional vehicles with specific definitions.

*Transportation Demand Management (TDM):* Action CIRC-S-14.2 from the original SCP contains provisions for carpool and vanpool consistent with TDM Program as outlined County Code Section 23A-1. Most businesses in Summerland are smaller retail establishments that have few employees. Public Works has received no recent applications or requests for the program in Summerland. A Summerland TDM program action item may not be effective or would need to be customized to include incentives appealing to Summerland business owners.

*Additional Parking Space Requirements:* The Mission Canyon Plan is proposing to require an additional parking space, so three parking spaces would be required for a new single-family dwelling. A similar policy in Summerland would perpetuate differences in permit requirements from the rest of the County and make the processing of development applications more complex. Additional parking requirements may result in additional site preparation/grading, and increase paved areas over to support additional required parking spaces. Increased parking requirements are inconsistent with the "smart growth" paradigm.

The Santa Barbara Air Pollution Control District (APCD) Land Use Strategies recommends setting maximum parking requirements.<sup>3</sup> Setting maximum amount of parking, rather than minimum, is a transit-supportive approach to parking management, but may not work for Summerland because of a lack of public transit infrastructure. MTD does not have plans to expand existing service levels in Summerland.

*Parking Permits and Limiting Hours:* The existing County Code regulating parking (Sec. 23-11) allows for time limits, no parking zones, overnight parking prohibition (1 A.M to 6 A.M), and the white line designation of parking spaces. A resolution by the Board of Supervisors is required for any prohibition or program. White line designation (also known as "fog lines") would remove many existing, informal on-street parking spaces as it would require all areas inside the white lines to be obstruction-free.

### **Enforcement**

The California Highway Patrol has jurisdiction over parking violations in the unincorporated areas of the County. The CHP requires investigation and resolution for

<sup>3</sup> <http://www.sbcapcd.org/cap/09%20Land%20Use%20Strategies.pdf>

all complaints. Immediate health and safety violations are addressed as soon as possible. Longer-term parking issues are remedied through the VIPER program, which includes contacting the registered owner directly, making the owner aware of the parking violation, and providing a timeframe for resolution. The CHP would continue to implement any parking restrictions or programs created by the SunPAC and approved by Public Works.

Additional planning resources and ideas can be found at:

<http://www.cnu.org/>

<http://www.sbcapcd.org/cap/09%20Land%20Use%20Strategies.pdf>

<http://la.streetsblog.org/2009/09/19/weekend-update-the-parking-day-ride/>

[http://www.labikeplan.org/files/draftplan/chapters/Draft\\_LABP\\_Ch5\\_Technical\\_Design\\_Handbook.pdf](http://www.labikeplan.org/files/draftplan/chapters/Draft_LABP_Ch5_Technical_Design_Handbook.pdf)

<http://www.santabarbaracarfree.org/>

<http://arieff.blogs.nytimes.com/2009/09/22/pavement-to-parks/>

[http://www.ruraltransportation.org/pages/page.asp?page\\_id=61530](http://www.ruraltransportation.org/pages/page.asp?page_id=61530)

## **Agenda Item 7**

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SBAR Review of Residential Design Guidelines- Please see Attachment 3 for the complete minutes. Staff will recommend incorporating all changes from the SBAR minutes into the Guidelines.

## **Agenda Item 8**

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Variance and Modifications-

### **Background:**

In other parts of the County, zoning standards such as building height and floor area ratios can be changed by means of Modifications and Variances. These traditional planning tools allow flexibility in zoning standards where rigid adherence to such standards would be overly restrictive.

By directly stipulating the permissible FAR and height of structures, however, the Summerland Community Plan currently does not allow variation or modification of FAR or building height within the community plan area. Summerland is the only area of the County where variance or modifications cannot be used to change these standards.<sup>4</sup> If Modifications or Variances to FAR or building height are to be allowed anywhere in Summerland, these standards would need to be removed from the community plan itself and stated only in the implementing zoning ordinance.

Variances and Modifications are two different discretionary permit types that allow property owners to seek special dispensation from ordinance standards when certain findings are met. The ordinance allows for Modifications and Variances subject to the

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<sup>4</sup> In Montecito, for example, determination of FAR is left to the discretion of the MBAR and FAR standards are located in the MBAR Guidelines, not in the community plan or ordinance.

discretionary review authority (the Zoning Administrator or highest level decision maker for an associated discretionary permit) making the required findings for approval.

*Modifications:* A Modification can increase FAR or height by a maximum of 10%. SBAR approval is also required. A Modification applies only to a specific development project and does not permanently change the development standards (height, setback, etc.) for the parcel. Modifications can only be granted in compliance with the following findings:

1. *The project is consistent with the Coastal Act, Comprehensive Plan including the Local Coastal Plan, and any applicable Community Plan.*
2. *The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section [Modifications] and [Article II, Coastal Zoning Ordinance].*
3. *The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review), and/or will result in greater resource protection than the project without such Modification.*
4. *The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.*
5. *Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.*
6. *The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.*
7. *Any adverse environmental impacts are mitigated to a level of insignificance.*

*Variance:* Like a Modification, a Variance is a discretionary permit type that can change the ordinance standards applicable to a development project. However, a Variance is not subject to an upper limit and permanently changes the development standard affected. A Variance requires strict findings:

- a. *Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.*
- b. *The granting of the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.*

Action items in the Summerland Community Plan itself supersede the Zoning Ordinance, so that no Modifications or Variances are allowed granted in Summerland. The Summerland Community Plan currently contains the following action items:

**Action VIS-S-3.1:** *The maximum height for structures within the urban area shall be 22 feet and the maximum height for structures in the rural area shall be 16 feet.*

**Action VIS-S-3.2:** *The County shall amend the zoning ordinance to include height limitations which must be adhered to for all development in Summerland.*

**Action VIS-S-5.1:** *the County shall amend the zoning ordinance to include FAR requirements which **must** be adhered to in Summerland.*

The placement of these standards in the community plan with their mandatory "shall" and "must" language creates inflexible standards that cannot be changes by typical ordinance tools.<sup>5</sup>

### Options

The SunPAC has two options:

- Recommend the action items listed above remain in the Community Plan and continue to prohibit MOD and VAR in Summerland.
- Recommend removal one or more policies and action items, so that by default MOD or VAR would be allowed in Summerland under the ordinance as is done in other parts of the County.

If SCP policies limiting height and FAR are removed, the SunPAC can formulate additional findings specific to Summerland for integration into the Ordinance. Any additional findings would be integrated into the existing VAR and MOD provisions and the SCP Overlay in the LUDC.

Each SunPAC member is encouraged to review this draft information and contact staff individually should any questions, suggestions, or other comments arise. Staffs contact details follow:

- Vicki Parker, 568.2057
- Peter Imhof, 568.3543
- Holly Bradbury, 568.3577

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<sup>5</sup> The Summerland Community Plan also contains height restrictions applicable to specific properties that have the same effect of prohibiting Modifications or Variances with respect to those properties. Staff does not recommend changing these property-specific policies:

**Policy LU-S-J-1:** *The following standards apply to 28 acres currently identified as the Jostens Property, APN 5-110-01 [QAD property]: . . . All new and modifications to existing buildings on Area A shall be limited to one story and 16 feet in height,*

**Action LU-S-WH-1a.5 [White Hole Knoll Area/Montecito Ranch Estates]:** *a. Maximum height shall be no more than sixteen feet to the highest ridge.*

**Adjourn**

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**Next meeting: SunPAC Community Plan Update Meeting #28**

Topic: Phase III, Traffic, Circulation, and Parking Update  
Development: Review Draft  
Wednesday December 2, 2009, 5:00 PM  
Board of Supervisors Hearing Room, 4th Floor