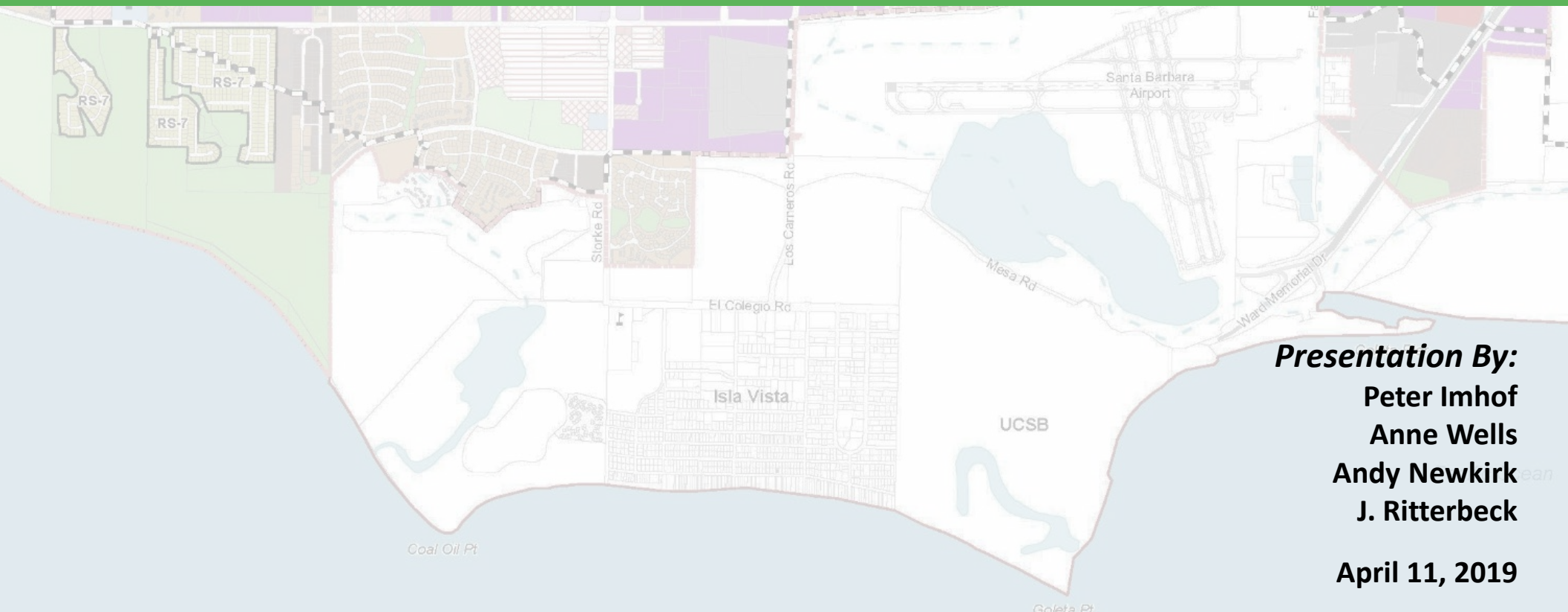




City of Goleta Revised Draft New Zoning Ordinance

Planning Commission Workshop 6 of 7



Presentation By:
Peter Imhof
Anne Wells
Andy Newkirk
J. Ritterbeck

April 11, 2019

Project Outreach

January 31st: Release of Revised Draft NZO

February 4th – 9th: NZO Open Houses

- *More Open Houses to be scheduled, if needed*

February – April: PC Workshops

- *Stakeholder Meetings to-date: EDC, SyWest, Bacara/Ritz, Goleta Chamber of Commerce*
- *Future Stakeholder meetings: Goodland Coalition*
- *Public Comment Summary*

February 11th and April 24th: City Council Ordinance Standing Committee

May 7th: Joint Planning Commission / City Council Workshop

Mid-year → end of 2019: NZO Adoption Packet Prep & Hearings

Public and Planning Commission Comments

www.GoletaZoning.com

The City of Goleta's New Zoning Ordinance (NZO) project is a collaborative process that will revise citywide zoning regulations to implement the General Plan, update development and design standards and permitting procedures, and help realize the community's vision for the future - a safe, beautiful, vibrant and livable community with a robust local economy and a sustainable relationship with the environment.

The City has completed outreach activities on the Public Review Draft Zoning Ordinance (NZO) and Map. All comments received on the Public Review Draft were considered collectively. In consideration of public input and guided by the City's adopted General Plan, the Revised Draft NZO was released to the public on January 31, 2019. Release materials include:

- Revised Draft New Zoning Ordinance (NZO)
- Zoning Map
- Zoning Overlay Districts Map
- Overview of Changes
- Response to Planning Commission Comment
- Response to Public Comment
- User's Guide
- Key Issues Guide
- Underline-Strikethrough Revised Draft NZO Comparing Prior Draft

Hard copies are available for viewing at Goleta City Hall (Planning Counter) and at the Goleta Library. Hard copies are also available for purchase at Goleta City Hall (Planning Counter).

Public Comments
Please Note: All comments received will be published on this page.
Submit Public Comments
To submit your comment on the zoning ordinance program, enter your contact information below.

Comments Received
All public comments received for the Zoning Ordinance project have been published below.

2019
Public Comment Log (received by March 31)
Response to Public Comments (received by March 31)
Response to Planning Commission Comments

March
Robert Atkinson - 3/7
Tara Messing - 3/8
Cecilia Brown and Barbara Massey - 3/9
Eileen Monahan - 3/12
Cecilia Brown - 3/15
Eric Torbet - 3/18
Vic Cox - 3/20
Todd Antsiper - 3/21
Barbara Massey - 3/21

February
Cecilia Brown - 2/8
Mica Pollard - 2/8
Cecilia Brown and Barbara Massey - 2/11
Fermina Murray - 2/11
David Low - 2/13
K. Graham - 2/13
Cecilia Brown and Barbara Massey - 2/21
Thomas Totton - 2/21
Mitchell B. Menzer - 2/26
George Relles - 2/28
Barbara Massey - 2/25

January

NOTE: City Responses are *draft* at this point and reflect direction City Staff is considering. The City welcomes additional public comments on any of the issues already raised in this Table and new comments on any topic within the Revised Draft NZO. A Final Response to Planning Commission Comment Table will be released with the Public Hearing Draft.

Response to Planning Commission Comments	
PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
LU 1.6 - Retail and Other Commercial Centers Commissioner Maynard, PC Workshop #1. Commissioner Maynard commented that in LU 1.6, in CC and Old Town categories, there are no minimum common open space or minimum landscaping guidelines in the newest revision of the Zoning Ordinance, but in the 2015 version there were stronger guidelines. She noted this seems inconsistent with the language in LU 1.6, "Goleta's retail areas shall be designed to serve as community focal points and shall include appropriate outdoor gathering places." She believes there is some space in the Community Commercial categories to allow for some landscaping requirements, which she would like to see added.	No change made. Staff reviewed the policy and believes that this policy is best implemented through policy consistency required for the approval of a Development Plan and Design Review, as each project is different and applying an objective standard universally may not be the best approach.
LU 1.9 - Quality and Design in Built Environment Commissioner Maynard, PC Workshop #1. Commissioner Maynard commented that she believes the Planning Commission should discuss open space along with LU 1.9, LU 1.2, and LU 3.6, including the definition of open space and goals in creating the open space requirement. The discussion should include: 1) should rooftop gathering areas count as open space? 2) should these spaces be contiguous with the property or can they be separate?; 3) should a community center or building count as open space?; 4) is open space the appropriate term or is it more of a community entity?; 5) how much of the open space can be pavement or a building rather than landscape?; 6) what is an appropriate percentage of plants and whether they have to be real or plastic?; and 7) does asphalt count as open space?	This topic was introduced on March 21, 2019 at Workshop #4, but was not finished. Staff will add this topic to the discussion of Workshop #7 on April 18.
LU 2.2 - Residential Use Densities Commissioner Maynard, PC Workshop #1. Commissioner Maynard commented that she is curious about accounts for consistency with the standards for density and building intensity for a residential project (a-h), and about clarifying that a finding needs to be made that the density of a project is appropriate with regard to site constraints.	Public rights-of-way, public easements, floodplains, ESHA, and areas with archaeological or cultural resources are considered when calculating

Last Updated April 1, 2019
Version 1 (posted 4/1/19)
Page 1

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Response to Public Comments	
PUBLIC COMMENT	CITY STAFF RESPONSE
Ben Williams. The current system of relying upon an old zoning ordinance that is inconsistent with the general plan is very confusing to people and discourages people from doing business in Goleta. This is a poor reflection of the organization and effectiveness of our City government and should have been resolved years ago.	Comment noted. No response required.
K. Graham. I found the City's interface to review any of the documents cumbersome. The "summary of changes" was needlessly complicated and jargony.	Comment noted. No response required.
Mitchell Menzer. The Bacara was designed to fit on a challenging site and to create a unique experience with the highest architectural standards. Because of the Bacara's uniqueness, we feel it appropriate to protect it from certain new rules that are intended to apply on a general basis across the City and that could have negative consequences to the Bacara. There are a number of different ways to address the issues noted above, and we would like the opportunity to meet with you to discuss possible solutions to these issues in the near future. We appreciate your consideration of Bacara's concerns and this request and we would like to discuss this with you further. Please let me know when would be convenient for you.	Some revisions to be made for clarifications and to address general concerns; however, although the staff values all of the businesses in our City, the development standards of the NZO will provide equal protection and due process that will apply to all existing and proposed development equally and without special exceptions or provisions for any specific parcel or company.
George Relles. At a zoning workshop I requested a better definition of infeasibility and a hearing where a proponent would have the burden of proof if requesting an exception based on potential infeasibility. I also mentioned that there is CA caselaw expressing the tenet that even proof that a project would be less profitable without certain exceptions being made does not by itself result in a declaration of infeasibility. I'm attaching 2 documents, one a Coastal Commission Opinion and the second, a link to the primary case cited in the Opinion that includes this tenet: I question whether municipalities such as Goleta would be prohibited from including in our zoning code standards and definitions for infeasibility. I believe Goleta should require project proponents to have the burden of proof when requesting a variance or exception based on infeasibility, and that mere reduced profitability should not be self-suffice.	Possible revisions TBD. City staff is currently working with the City Attorney's Office to determine if any changes are necessary to further define/clarify "infeasibility." Generally, the NZO approaches the issue such that the burden is already on the applicant to provide the

Last Updated April 1, 2019
Version 3 (posted 4/1/19)
Page 1

Agenda



Staff Overview, Questions, and Comments by Topic:

- Housing
- Community Assembly
- Mobile Vendors
- Energy
- Accessory Uses


Agenda Suggestion: Commission discussion and public comment to follow each topic listed above.

HOUSING

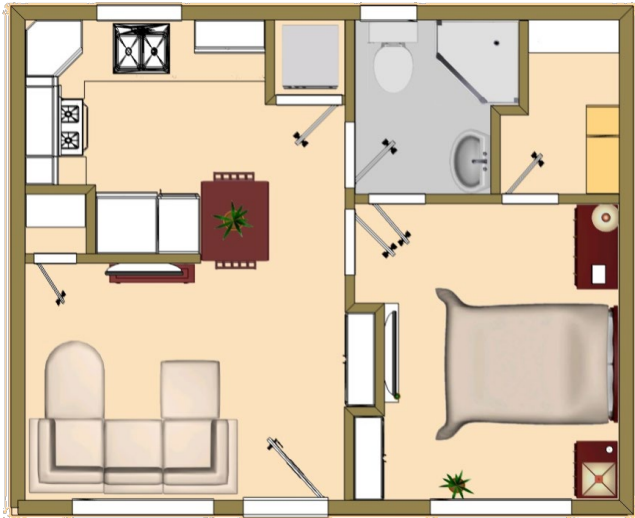
Housing – Diversity of Types

Housing Comparison			
Revised NZO Citation	Existing Standards	New Standards	Explanation
Diverse Housing Types			
<p>Tables 17.07.020, 17.08.020, and 17.09.020 (page II-2)</p> <p>Chapter 17.41 (page IV-126)</p> <p>Section 17.72.010 (page VI-3)</p>	<p>Regulations and allowances included for Special Care Homes, Dormitories, Transitional and Supportive Housing, and Farmworker Housing.</p> 	<p>Regulations and allowances included for Emergency Shelters; Farmworker Housing; Group Residential; Live/Work Units; Residential Care Facilities; Residential Facility, Assisted Living; Single-Room Occupancy (SRO) Housing; Supportive Housing; and Transitional Housing.</p> 	<p>Allowances and standards for various housing types included to implement General Plan Policies HE 2.1., HE 2.2, and HE 3.2 as well as implement requirements of State law.</p>

Housing – Special Needs

Housing Comparison			
Revised NZO Citation	Existing Standards	New Standards	Explanation
Special Needs Housing			
Section 17.07.030(A) (page II-5)	No similar standard currently exist for housing for people with special needs.	Within RH District, additional density allowed above the district standard of 30 units/acre. Special Needs Housing defined to include Emergency Shelters, Transitional and Supportive Housing, Residential Care Facilities, and Farmworker Housing.	Implements General Plan Policy LU 2.7.
			

Housing

Housing Comparison			
Revised NZO Citation	Existing Standards	New Standards	Explanation
Small-Scale Units			
<p>Section 17.07.050(C-D) (page II-7)</p>	<p>No similar standard currently exists for Small-scale units.</p>	<p>Multiple-unit developments in RM and RH zone districts, units of 500 sq. ft. or less have the following development standards:</p> <ul style="list-style-type: none"> • Required Parking. One space for every two units. • Density. Each unit counted as 0.75 of a unit. 	<p>Not required but supports General Plan Housing Element Policy HE 2.1.</p>
			

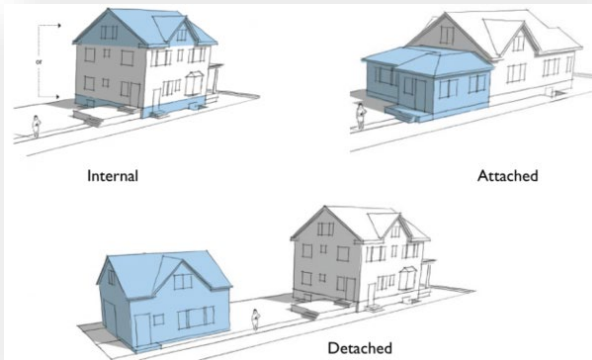
Housing

Housing Comparison			
Revised NZO Citation	Existing Standards	New Standards	Explanation
Density Bonus			
Chapter 17.27 (page IV-24)	State law implemented by reference to California Government Code in Ordinance No. 15-03.	NZO still relied primarily on reference to State law. Some procedural information, including the requirement and content of a Density Bonus Agreement.	State housing law requires density bonuses and the law is often changed. NZO references the law rather than needing to edit NZO each time changes are made to the law.

Maximum Allowable Household Incomes for 2018 (Effective April 30, 2018)*

Household Size (persons in household)	Very-Low (0-50%)	Low (50 – 80%)	Lower-Moderate (81 - 100%)	Upper-Moderate (101 - 120%)	Middle-Median (121 – 150%)
1	\$27,850	\$44,600	\$55,700	\$66,850	\$83,600
2	31,850	50,950	63,700	76,400	95,500
3	35,800	57,300	71,650	85,950	107,450
4	39,800	63,700	79,600	95,500	119,400
5	43,000	68,750	85,950	103,150	128,950
6	46,150	73,850	92,350	110,800	138,500
7	49,350	78,950	98,700	118,450	148,050
8 or more	52,550	84,050	105,050	126,100	157,600

Housing

Housing Comparison			
Revised NZO Citation	Existing Standards	New Standards	Explanation
Inclusionary Housing			
Chapter 17.28 (page IV-27)	No standards codified currently. General Plan Policy HE 2.5 applied to projects through conditions of approval.	<p>Applies to “for-sale” units only.</p> <p>New findings added to support City-preferred outcomes added for Inclusionary Housing.</p> <p>Fractional unit calculations added to clarify process when partial dwelling units would be required.</p>	<p>Ensures consistency with General Plan Policy HE 2.5.</p> <p>This Chapter could be modified to include rental units; however, it would require that HE 2.5 be amended to include rental units in addition to for-sale units.</p>
Accessory Dwelling Units (ADU)			
Section 17.41.030 (page IV-127)	Ordinance No. 18-01 created updated regulations for ADUs that are now being applied to new applications.	<p>No substantive changes from Ord. No. 18-01.</p> 	<p>Implements State law.</p> <p>Supports General Plan Policy HE 2.7.</p>

Housing


Please consider the following:

1. Should the NZO keep the small-scale unit incentive?
2. Are there other Housing issues to be discussed?

COMMUNITY ASSEMBLY & MOBILE VENDORS

Community Assembly

Community Assembly Comparison

Revised NZO Citation	Existing Standards	New Standards	Explanation
<p>Tables 17.07.020, 17.08.020, 17.09.020, and 17.11.020 (page II-2)</p>	<p>Churches are permitted use in PI District; Require a Major CUP in all other Zone Districts (except AG and M-GOL, where they are prohibited).</p> <p>Previous Public Draft NZO included specific use standards for Community Assembly, including a limit on hours of operation unless the use received approval of a CUP.</p> 	<p>In Revised Draft NZO, Community Assembly requires a Major CUP wherever religious institutions listed as an allowed use in the General Plan except for OI, where no discretionary approval is required.</p> <p>Specific use standards for Community Assembly not included.</p>	<p>The revised approach is designed to ensure consistency with existing practice of the City regarding churches.</p> <p>The City could consider reverting to the approach in the previous Draft NZO or consider a different approach.</p>

Mobile Vendors

Mobile Vendors Comparison

Revised NZO Citation	Existing Standards	New Standards	Explanation
<p>Tables 17.08.020 and 17.09.020 (page II-10)</p> <p>Section 17.41.180 (page IV-140)</p>	<p>No adopted regulations for mobile vendors.</p> <p>The City considers their use as prohibited but has considered mobile vendors a low-priority enforcement issue (See City Council Item B.6 from July 18, 2017).</p>	<p>Mobile Vendors are allowed in CR, CC, OT, VS, CI, CG, BP, OI with the requirement of a Temporary Use Permit.</p> <p>Specific use standards included to address mobile vendors, including food trucks.</p>	<p>Approach seeks to provide a path forward for mobile vendors while ensuring that these uses do not have significant negative impacts or unintended consequences.</p> <p>The City could pursue either a more-lenient or more-strict approach to regulating mobile vendors, including changing the permit path and locations where they are allowed or where they may be permitted.</p>

Sun	Mon	Tue	Wed	Thu	Fri	Sat
2	3	4 GHRSSAN'S 11am-2pm	5 TAQUERIA AZTECA 11am-2pm	6 MATT'S GELATO 12-3pm	7 Ashley Bags Sale 11am-2pm Training Room	8
9 Palm Sunday	10 First Day of Passover	11 PORTERHOUSE 11am-2pm	12 Easter Treat Sale 11am-1pm Main Breakroom	13 Committee Meeting HOMESLICE 11am-2pm Yankee Candle Orders Due	14 Good Friday (Closed)	15
16 Easter	17 HOPPIN HOUNDS 11am-1:30pm	18 PEARL KITCHEN 11am-2pm	19 KOREAN BBQ 11am-1:30pm	20 Committee Meeting BACONESSENCE 11am-2pm	21 Create & Design Workshop 6:30pm	22
23	24 PORTERHOUSE 11am-2pm	25 FRENCH CRÊPES 11am-2pm	26	27	28	29



Community Assembly & Mobile Vendors

Please consider the following:






1. Is there support for requiring a Conditional Use Permit for Community Assembly?
2. Are there other Community Assembly issues to be discussed?
3. Is the NZO approach adequate for Mobile Vendors?
 - TUP requirement?
 - Possible tiered requirements?
4. Are there any other Mobile Vendors issues to discuss?

ENERGY







Energy

Energy Comparison

Revised NZO Citation	Existing Standards	New Standards	Explanation
Wind Energy			
Section 17.24.020(D)(3) (page IV-3)	Wind Energy Systems: Major CUP in Residential, Other districts 1 with an LUP, 2+ Minor Conditional Use Permit; AG permitted outright in some instances.	Wind machines classified as an accessory structure and only permissible within the Agricultural Zone District with a 100-foot setback. Wind Energy Conversion Systems (WECS) not allowed.	Change reflects semi-urban nature of the City. Large wind power installations do not fit within the City; better suited for rural areas. 
Solar Energy Systems			
Section 17.24.180 (IV-14)	Solar panels located on rooftops do not need a permit.  Ground-mounted systems need an LUP. 	Solar energy systems exempt from permitting and height and setback standards, consistent with the Solar Rights Act. Solar Energy Systems definition added. Exception to height limit for pitched roofs.	Changes reflect State law and support installation of solar energy systems.  

Energy

Energy Comparison

Revised NZO Citation	Existing Standards	New Standards	Explanation
Oil and Gas			
Chapter 17.37 (page IV-72)	Oil Drilling and Production has its own regulations; a Major Conditional Use in AG-1, C-2, C-3, M-RP, M-1. Treatment and Processing Facilities; a Major CUP in Agricultural districts.	Only new oil and gas facilities that would be permitted are Oil and Gas Pipeline projects with a Major Conditional Use Permit.	Limits on Oil and Gas facilities guided by General Plan Policy LU 10. 
Electrical Vehicle Charging			
Section 17.38.100(G) (page IV-98)	No requirement for EV charging facilities. 	Multiple-unit development, office, and lodging uses to provide five percent of parking spaces be electrical vehicle charging stations if the parking facility contains 20 or more parking spaces.	This new requirement is intended to place a clear requirement for charging station parking to further City's carbon emission reduction goals. Currently, this may be required through development review.
Battery Storage			
N/A	No specific regulations for battery storage facilities. Allowed with a Minor Conditional Use Permit in all zones.	Not included within the definition for the Use Classification definitions. 	Pending further discussion, staff will add in battery storage either as a unique land use or within a land use already defined in the NZO. See Energy/Green Issues Standing Committee Meeting agenda for February 7, 2019. 

Energy

Please consider the following:


1. Are there other incentives or standards that should be added to support renewable energy use in the City?
2. Are there other Energy issues to be discussed?

ACCESSORY USES



Accessory Uses

Accessory Uses Comparison

Revised NZO Citation	Existing Standards	New Standards	Explanation
<p>Section 17.41.040 (page IV-132)</p>	<p>In most zoning districts, accessory uses to permitted uses are allowed if the accessory use is incidental to the permitted use.</p> <p><i>Note:</i> Currently the General Plan is silent on Accessory Uses, but a pending General Plan Amendment will consider clarifying and directing this issue to the zoning regulations.</p> 	<p>The NZO allows accessory uses broadly with a specific list of uses that are not allowed as accessory uses.</p> <p>Provides clarity on how to determine if a use is truly accessory to a primary use.</p> <p>Limits the size allowed for accessory uses, with allowance for greater floor area with the approval of a Major CUP.</p>	<p>The Revised Draft NZO provides for a broad allowance of accessory uses to allow more flexibility for diverse business types.</p> <p>The City could further regulate certain accessory uses found to have a more significant negative effect on the surrounding community or area.</p> <p>Other options include requiring discretionary review whenever an accessory use is proposed that is not permitted as a principal use at that site or prohibit all accessory uses that are not permitted as principal uses.</p>

Accessory Uses

Total Structure or Tenant Space	Accessory Use Size	If Larger?
Less than 1,000 square feet of floor area	25 percent of the space	Major CUP
1,000-3,000 square feet of floor area	250 square feet or 15 percent, whichever is greater	Major CUP
More than 3,000 square feet of floor area	600 square feet or 10 percent, whichever is greater	Major CUP

Accessory Uses

Please consider the following:

1. Are there other accessory uses that should be prohibited?
2. Are the size limits for accessory uses appropriate?
3. Are there other Accessory Uses issues to be discussed?

NEXT STEPS

Workshop Schedule

Workshop 7: Thursday, April 18, 2019, 6:00 pm

Topics: Remaining Issues (Height, Floor Area, Fences, Freestanding Walls, and Hedges, Outdoor Storage, Open Space, Lighting)

Workshop 8: Tentative Date of Tuesday, April 23, 2019, 6:00 pm

Topics: TBD

Workshop 9: Tentative Date of Monday, April 29, 2019, 6:00 pm

Topics: TBD