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Response to Planning Commission Comments	
PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
General Comments	
General Commissioner Shelor, Workshop #3. Commissioner Shelor reiterated that staff responses to some of the public comments will be very useful for him to review before the Planning Commission completes the deliberations.	Comment noted. Staff continues to work on updating comment tables to provide ongoing feedback to the public and Planning Commission.
General Chair Smith, Workshop #3. She spoke in support of being proactive in certain situations in terms of energy or other areas.	Energy was discussed at Workshop #6.
General Chair Smith, Workshop #3. Chair Smith commented that she has some concerns about the number of topics still to be discussed and whether an additional workshop needs to be added.	Comment noted. Two additional workshops added as of 4/29/19.
General Commissioner Fuller, Workshop #2. Commissioner Fuller commented that it is important that the staff reports incorporate basic information for a project including General Plan conformance and Zoning Code issues.	Comment noted.
Land Use and Open Space Elements	
LU 1.6 - Retail and Other Commercial Centers Commissioner Maynard, 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. Development standards in Part II will be addressed at a future workshop.
LU 1.9 - Quality and Design in Built Environment Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she believes the Planning Commission should discuss open space along with LU 1.9, LU 1.2, and VH 3.6, including the definition of open space and goals in creating the open space requirement. The discussion should	This topic was introduced on March 21, 2019 at Workshop #4 but was not finished. The topic was again addressed at Workshop #7 on April 18.

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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?	Staff will consider revisions based on the April 18 feedback.
<i>LU 2.2 - Residential Use Densities</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she is curious about accounting 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.	<p>Public rights-of way, public easements, floodplains, ESHA, and areas with archaeological or cultural resources are considered when calculating dwelling unit density pursuant to Section 17.03.070.</p> <p>Additionally, upon project application, site constraints, such as those listed in LU 2.2 are analyzed on a case-by-case basis. CEQA analysis may further constrain the site and decrease its useable area and allowable density.</p>
<i>LU 2.4 - Single-Family Residential Use Category</i> Commissioner Maynard, Workshop #1. Commissioner Maynard requested clarity to ensure there are ways someone who places a solar panel on the roof could be protected from having a larger structure built next door that would limit sunlight on the solar panel.	Solar access is within the scope of Design Review, which includes a specific finding that solar access is considered. Solar access is also protected under the Solar Rights Act.
Conservation Element	
<i>CE 10.1, New Development and Water Quality</i> <i>CE 10.2, Siting and Design of New Development</i> <i>CE 10.3 Incorporation of Best Management Practices for Stormwater</i>	No changes made. The City's Public Works Department is responsible for regulating and managing stormwater runoff in Goleta. While it has impacts

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Commissioner Maynard, Workshop #1. Commissioner Maynard commented that CE 10.1, 10.2, and 10.3 refer to a Stormwater chapter that does not exist at this point.	on development, it is not regulated by zoning. No chapter will be added to the NZO for stormwater.
CE 10.6, Stormwater Management Requirements CE 10.8 Maintenance of Stormwater Facilities Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the Stormwater section has been removed and some of the language was moved to the parking section, and some of the language may have been lost or moved elsewhere.	No changes made. As discussed above, the City's Public Works Department is responsible for regulating and managing stormwater runoff in Goleta. Discussion of stormwater management for Parking areas to ensure parking surfacing and curbing takes stormwater into consideration.
CE 11.4 Buffers Adjacent to Agricultural Districts Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she believes consideration should be given to the historical land use and the future farming potential as the reason for trying to maintain agricultural land. She suggested considering removing <u>17.24.030.A.1</u> and <u>17.24.030.A.2</u> as she does not believe it is consistent with the General Plan to support agriculture production. Also, she believes that making the decision based on crops farmers have today that are likely to change is problematic, noting that farmers change crops quite frequently.	No changes made. These are example factors that can be considered, with a "but are not limited to" clause, so if the Review Authority wants to consider that a farmer may change their crop, they would be able to. Allowing these considerations is not inconsistent with the General Plan and implements the site-specific findings requirement of policy CE 11.4.
Conservation Element	
CE 12.1 Land Use Compatibility Commissioner Maynard, Workshop #1. Commissioner Maynard commented that <u>CE 12.1</u> was not addressed in the section it was referenced and questioned if it appears elsewhere.	No changes made. Air Quality control is within the authority of the Air Pollution Control District (APCD) and discussed in Section 17.39.050. Also, no current NZO material cites CE 12.1. It is possible that the outdated General

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	<p>Plan Implementation Checklist for the 2015 Draft NZO is being referenced.</p> <p>Further analysis would be done on a case-by-case basis through development review.</p>
<p><i>CE 12.2.D Control of Air Emissions from New Development</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that only CE 12.2.a and CE 12.2.e were addressed, and she believes CE 12.2.b, CE 12.2.c and CE 12.2.d are important issues and need to be addressed.</p>	<p>No changes made. Air Quality control is within the authority of APCD and EPA-certified mechanical equipment use is part of CA Title 24 Building Code.</p>
Conservation Element	
<p><i>CE 13.3 Use of Renewable Energy Sources</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that CE 13.3.b was not included and it is important to include. The wind section was removed, and it seems inconsistent with CE 13.3.c.</p>	<p>Solar access is also protected under the Solar Rights Act.</p> <p>Consistent with the General Plan policy CE 13.3(c), Wind machines are permissible in AG zones with a required buffer to address noise. Greater allowances for Wind Energy Conversion Systems removed as they would not be compatible with development in the City.</p> <p>Table 17.24.080 does allow for projections for energy production structures (5 feet).</p>
<p><i>CE 15.3 Water Conservation for New Development</i></p>	<p>No changes made. The NZO does not restate requirements in Title 24 Building Code or other stand-alone</p>

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<p>Commissioner Maynard, Workshop #1. Commissioner Maynard commented that only the landscaping water was addressed. She recommended adding a reference to Title 24 where the building water fixtures are addressed.</p> <p>Commissioner Maynard commented that there is very minimal language in <u>17.34.010.e</u> supporting <u>CE 15.3</u>.</p>	<p>ordinances or laws, such as the State's Water Efficient Landscaping Ordinance (WELO).</p>
Safety Element	
<p>Commissioner Maynard, Workshop #1. Commissioner Maynard requested more information regarding a public comment from Michael Pollard regarding the FAR Part 77 regulations.</p>	<p>See Response to Public Comments for staff response and more information.</p>
<p>Chair Smith, Workshop #1. Chair Smith suggested considering there may be lessons learned from the recent impact of flood and fire hazards in the community that can be applied to the New Zoning Ordinance, if consistent with the General Plan.</p>	<p>Comment noted. See Chapter 17.32, Hazards.</p>
Visual and Historical Resources Element	
<p>Commissioner Shelor, Workshop #1. Commissioner Shelor questioned how the New Zoning Ordinance policies would protect scenic and mountain views with regard to a project and suggested taking a stronger look at the Environmental Impact Reports and staff reports.</p>	<p>Projects would be subject to Design Review, public input, NZO development standards for height, all General Plan policies (particularly the Visual and Historic Resources Element policies), CEQA analysis, public hearing and appeal period(s).</p>
<p>Commissioner Miller, Workshop #1. Vice Chair Miller endorsed Commissioner Shelor's concerns regarding protection of scenic and mountain views.</p>	<p>See response above.</p>
<p>Commissioner Maynard, Workshop #1. Commissioner Maynard requested discussions regarding story poles and public notifications at upcoming workshops.</p>	<p>Comment noted. Issues discussed at Workshops #2 and #3, Review Authorities and Permit Procedures.</p>

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<p>VH 3.6 Public Spaces Commissioner Maynard, Workshop #1. Commissioner Maynard noted that VH 3.6 has a link to the discussion about common open space and residential spaces.</p>	<p>Comment noted. This policy does note that these are “public” spaces and opposed to spaces devoted specifically to residents of a development.</p>
<p>VH 4.4 Multifamily Residential Areas Commissioner Maynard, Workshop #1. Commissioner Maynard believes the language in VH 4.4.d is missing and should be included in the Zoning Ordinance: "Where multifamily developments are located next to less dense existing residential development, open space should provide a buffer along the perimeter".</p>	<p>No changes made. Policy reads “should” and adding as a universal development standard may not be appropriate in all instances. NZO requires discretionary review along with DRB review.</p> <p>In addition, the NZO includes transition standards in Section 17.07.050 where residential developments in RP, RM, and RH are adjacent to RS.</p>
<p>VH 4.6 Industrial Areas Commissioner Maynard, Workshop #1. Commissioner Maynard suggested adding language from <u>VH 4.6.c</u> to <u>17.39.080.E</u> Noise Attenuation Measures with regard to noise, which also affects <u>NE 7.2</u> and <u>NE 7.3</u>. Language from <u>VH 4.6</u> should also be included in <u>17.10.030</u> Industrial Districts, and there should be a discussion with regard to the meaning regarding appropriate increased setbacks.</p>	<p>No changes made. Adding as a universal development standard may not be appropriate in all instances and design and analysis would be too case-by-case to be codified. Staff believes the objective standards in the NZO effectively minimize noise, while accommodating the land use and balancing compatibility.</p>
Transportation Element	
<p>Commissioner Shelor, Workshop #1. Commissioner Shelor commented that when the Target project was reviewed by the Design Review Board, the applicant indicated that their parking standards</p>	<p>Comment noted. Traffic models and studies are not a zoning matter.</p>

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resulted in more parking demand than the City's traffic model, so he is not sure if the City's model is accurate in all situations and predictions, or whether Target is a unique circumstance.	
Commissioner Shelor, Workshop #1. Commissioner Shelor expressed concern with regard to <u>TE 13 Mitigating Traffic Impacts of Development</u> that the GTIP and Development Impact Fees will be inadequate to create any improvements to the Level of Service at the Storke/Hollister intersection.	Comment noted. However, as this is not a zoning matter.
Housing Element	
Commissioner Maynard, Workshop #1. Commissioner Maynard noted that it appears that <u>HE 1.5</u> was mostly not included in the New Zoning Ordinance, and she commented that it is helpful to know where that information will go.	No changes made. The uncommon scenarios of Condo conversions require a Parcel Map, and nearly all conversions of a <u>conforming</u> residential use to non-residential use would require some form of discretionary review. Both of these scenarios would also be subject to CEQA and must be found consistent with all General Plan policies to be approved, including the very specific provisions listed in policy HE 1.5.
Commissioner Maynard, Workshop #1. Commissioner Maynard noted that the next time we consider a Development Impact Fee study, we should look at <u>HE 2.2</u> .	Comment noted. Not within the scope of the NZO.
Chapter 17.01 Introductory Provisions	
Commissioner Fuller, Workshop #1. Commissioner Fuller suggested providing a list or matrix listing out other permits or approvals an applicant may need from other Agencies or note that those Agency conditions will be added to City permits.	Staff is considering adding a subsection in 17.01.040(B) that lists the most common other agencies that may have some form of review authority over projects within the City.

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Chapter 17.08 Commercial Districts	
LU 1.6 - Retail and Other Commercial Centers Commissioner Maynard, Workshop #1. <u>17.08.010 - Purpose and Applicability:</u> Commissioner Maynard believes the following language in <u>LU 1.6</u> should be reflected in <u>17.08.010</u> : "The priority for new commercial uses shall be for the types that will meet local needs and those that provide goods and services not now available in the city."	Edit made to Section 17.08.010(A) to include text "and meet the needs of local community for goods and services."
LU 3.3 - Community Commercial Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the following language in <u>LU 3.3</u> is strong and should be carried over to the description in <u>17.08.010</u> : "Uses that may attract significant traffic volumes from outside the Goleta Valley are discouraged." Also, consider switching the review path for large format retail from permit to CUP in Community Commercial, as this would help with making a determination whether this is a use that may attract significant traffic volumes from outside the Goleta Valley and it may be too subjective for just a permitted process.	No changes made. Language from this policy is broad and subjective, which is left to the Review Authority to interpret and therefore not included in the objective standards of the NZO. Large format retail uses would need a Development Plan for construction of the site (and therefore discretionary review). Requiring a CUP for each new tenant could lead to significant gaps in tenancy.
Table 17.08.020 Commissioner Maynard, Workshop #2. Recommended moving the large format retail in Community Commercial category from a permit to a Conditional Use.	See response above.
Chapter 17.12 Open Space and Agricultural Districts	
CE 11 Preservation of Agricultural Lands Commissioner Maynard, Workshop #1. Commissioner Maynard believes that the CE 11 objective from the General Plan should be an explicit goal in Chapter 17.12.010 Open Space and Agricultural Districts in the Purpose and Applicability section.	No changes made. Section 17.12.010 captures intent without being duplicative or redundant with exact verbiage of policy CE 11.

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<p>LU 7.4 - Permitted Uses Commissioner Maynard, Workshop #1. Commissioner Maynard does not believe that public safety facilities should be allowed on agricultural land because the agricultural land is limited and precious, and she thinks it is inconsistent with LU 7.4, and with the preservation of agricultural land.</p>	<p>Fire Stations are specifically called out as an allowable use in the AG zone district within Land Use Element, Table 2-4. Table 17.12.020, including Footnote 1, is consistent with this allowance.</p>
Chapter 17.19 -OTH Old Town Heritage Overlay District	
<p>LU 3.4 - Old Town Commercial Commissioner Maynard, Workshop #1. Commissioner Maynard questioned whether pedestrian access guidelines were moved to the Design Review Board, or another document because she would not want it to get lost. Also, she noticed the same thing in the Residential District area.</p>	<p>All parcels in C-OT fall within the -OTH Overlay, as discussed in Chapter 17.19. The Overlay includes a provision that all new development is subject to Design Review and the Goleta Old Town Heritage District Architecture and Design Guidelines, which includes the pedestrian access guidelines.</p>
<p>VH 4.2 Old Town Commissioner Maynard, Workshop #1. Commissioner Maynard commented that reference should be made to the Goleta Old Town Heritage District Architectural and Design Guidelines.</p>	<p>No changes made. Goleta Old Town Heritage District Architectural and Design Guidelines are referenced Chapter 17.19, -OTH Old Town Heritage Overlay District, and Chapter 17.58, Design Review.</p>
Chapter 17.24 General Site Regulations	
<p>CE 11.4 Buffers Adjacent to Agricultural Districts Commissioner Maynard, Workshop #1. 1) Commissioner Maynard commented that runoff and urban pollution sources should also be considered as roadway pollution. 2) Also, consider distances between residences and animal raising, as well as noise issues such as roosters crowing.</p>	<p>1) Comment noted. 2) As noted in Section 17.24.030, other factors can be considered when determining the appropriate buffer adjacent to agricultural districts.</p>

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Chapter 17.28 Inclusionary Housing	
<p>Section 17.28.020 Commissioner Maynard, Workshop #1. Commissioner Maynard commented regarding <u>HE 2.5</u> that rental language was removed from <u>17.28.020.A.3</u> but there is language around rental affordable units in <u>17.28.080.A</u>, and she would like to discuss rental housing.</p>	<p>No changes made. A General Plan Amendment would be required to change trigger for requiring Inclusionary Housing from “for-sale” to including rental development. However, once development of “for-sale” housing triggers the need for Inclusionary Housing, there is no restriction for those units subject to affordability standards from being rented.</p>
<p>Section 17.28.050 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that there is a reference in <u>17.28.050.D.2.c.i</u> and <u>17.28.050.D.3.c.i</u>, to being infeasible to put affordable housing, and she would like to discuss what it means for it to be infeasible, for clarification.</p>	<p>Possible edits to be made after staff receives direction from the City Attorney’s Office on options.</p>
<p>Section 17.28.050 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she supported the revisions to the Inclusionary Housing regulations.</p>	<p>Comment noted.</p>
<p>Section 17.28.050(D) Commissioner Maynard, Workshop #3. Commissioner Maynard requested the definition of “infeasibility” with regard to in-lieu fees for housing at the Housing discussion.</p>	<p>Feasible is defined in Part VI.</p>
<p>Section 17.28.050(D)(3)(a) Commissioner Shelor, Workshop #3. Commissioner Shelor commented for further discussion, that there has been some concern that the amount of the in-lieu fee collected for a project does not result in the same tradeoff in terms if it was built on site.</p>	<p>Comment noted.</p>

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<p>Section 17.28.110 Chair Smith, Workshop #3. Chair Smith questioned whether the New Zoning Ordinance should provide guidance on what “Good Cause” means.</p>	<p>Staff will review this issue with the City Attorney and make any requisite clarifications, guidance, or other edits.</p>
Chapter 17.30 Environmentally Sensitive Habitat Areas	
<p>CE 1.9 Standards Applicable to Development Projects Commissioner Maynard, Workshop #1. Commissioner Maynard would like wildlife corridors to be looked at similar to bike paths. Also, at some point it would be important to map the corridors holistically as a city rather than project by project. She noted her excitement about the work on the Creek Watershed Management Plan.</p>	<p>No changes made. These habitat corridors are included in ESHA protections as appropriate and analyzed in that way.</p>
<p>CE 2.2 Streamside Protection Areas Commissioner Maynard, Workshop #1. Commissioner Maynard noted that she has comments when <u>CE 2.2</u> is discussed.</p>	<p>Comment noted. Discussion occurred at Workshop #4.</p>
<p>CE 2.2 Streamside Protection Areas Commissioner Shelor, Workshop #1. Commissioner Shelor commented that he appreciates that a requirement for a major Conditional Use Permit has been added for the Streamside Protection Areas.</p>	<p>Comment noted. This is a requirement per General Plan policy CE 2.2(b).</p>
<p>CE 3.4 Protection of Wetlands in the Coastal Zone Commissioner Maynard, Workshop #1. Commissioner Maynard believes the opposite language was stated in the New Zoning Ordinance. She noted this is a big discrepancy that should be corrected.</p>	<p>Edit made to address this issue in subsection 17.30.090(B)(3) by replacing “may” with “shall not.”</p>
<p>CE 3.5 Protection of Wetlands Outside the Coastal Zone Commissioner Maynard, Workshop #1. Commissioner Maynard requested that “restoration when feasible” language be included in the New Zoning Ordinance with regard to 17.30.100.</p>	<p>No changes made. Language is already used in first sentence of subsection 17.30.100(A)</p>
<p>Section 17.30.050(D) Development Standards Commissioner Maynard, Workshop #1. Commissioner Maynard commented that <u>17.30.050.D</u> includes most of [CE] 10.1 language, and recommended adding “urban runoff pollutants” as is in the General Plan, and also adding the stronger language from [CE] <u>10.1</u> that indicates “urban runoff pollutants shall not be discharged or deposited such that they adversely affect these resources”, as opposed to the language “reduced”. Also, Chapter <u>17.38</u> Parking and Loading might be a good reference point.</p>	<p>Revision made to add CE 10.1 as subsection 17.30.050(E).</p>

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<p>Section 17.30.070(B) Commissioner Maynard, Workshop #3. Commissioner Maynard commented that she supports the letter from the Environmental Defense Center regarding Streamside Protection Areas and would like to see more rigorous Findings. She noted there was good suggested language in the letter that she supports.</p>	<p>Comment noted. Staff is working with the EDC and the City Attorney to develop stronger ESHA protections, including SPAs. Additionally, the topic of ESHA was discussed in Workshop #4.</p>
<p>Section 17.30.070(B) Chair Smith, Workshop #3. Chair Smith supported Commissioner Maynard’s comment regarding Streamside Protection Areas.</p>	<p>Comment Noted.</p>
<p>Section 17.30.070(B)(1) Commissioner Maynard, Workshop #3. She requested staff consider more specific language with regard to economic infeasibility and the necessity to make any change to a required standard; and review comments from public speaker George Relles and from the Environmental Defense Center comment letter regarding Stream Protection Areas.</p>	<p>Comment noted. Staff will revisit the notion of “feasibility” in the context of SPA buffer reductions.</p>
<p>Section 17.30.110 Mitigation of Wetland Infill Commissioner Maynard, Workshop #1. Commissioner Maynard believes the ratio of 3:1 should be maintained in the New Zoning Code for mitigation of wetland infill rather than allow the ratio of 2:1 in <u>17.30.110</u>.</p>	<p>No changes made. Ratio language of 3:1 and 2:1 taken directly from General Plan policy CE 3.6.</p>
Chapter 17.31 Floodplain Management	
<p>SE 6.4 Avoidance of Flood Hazard Areas Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the language should be strengthened to more reflect the General Plan. Commissioner Maynard questioned if there are flood prone areas outside of the 100-foot floodplain (to be tabled).</p>	<p>No changes made. All development standards of SE 6.4 are reflected in Section 17.31.030(A). 100-year floodplain is determined by the Federal Emergency Management Agency (FEMA) and shown on the Flood Insurance Rate Maps (FIRM). The City’s General Plan Figure 5-2 reflects</p>

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	the current FIRM. Staff applies the 100-year floodplain as a proxy for flood prone areas in the policy.
Chapter 17.32 Hazards	
SE 5.3, Avoidance of Landslide Hazards for Critical Facilities SE 5.4 Avoidance of Soil-Related Hazards Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the language about critical facilities was excluded and she believes it should be included.	No changes made. All development, including critical facilities, are subject to the NZO requirements and standards of Chapter 17.32, Hazards.
SE 1.2 Guidelines for Siting Highly Sensitive Uses and Critical Facilities Commissioner Maynard, Workshop #1. Commissioner Maynard commented that SE 1.2 is not addressed in this section.	No changes made. SE 1.2 covered in Chapter 17.32. The Site Specific Hazard Study required in Section 17.32.020(B) requires analysis of all relevant policies, including SE 1.2.
SE 6.2 Areas Subject to Local Urban Flooding Commissioner Maynard, Workshop #1. Commissioner Maynard suggested considering adding language from SE 6.2 to 17.32.030 Hazards. This language could also be added to 17.31.030.	No changes made. Flood hazards analysis is a part of Section 17.32.030, Hazards Evaluation Report.
SE 1.3 Site-Specific Hazards Studies Commissioner Maynard, Workshop #1. Commissioner Maynard noticed that the timeframe was removed. She noted she would like to see the 100-year timeframe for sea level rise.	No changes made. Seal level rise covered in subsection 17.32.040(C)(1), Coastal Hazards Report and will be done in concert with the expected life of the project.
SE 7 Urban and Wildland Fire Hazards Section 17.32.060(C) Rebuilding in high Fire Hazard Areas Commissioner Maynard, Workshop #1. Commissioner Maynard commented that <u>17.32.060.C</u> should include language referring to the loss of life as well as loss of structure.	Edit made to include "loss of life and of the structure"[...].

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Chapter 17.33 Historic Resource Protection	
<i>OS 8 Protection of Native American and Paleontological Resources</i> Commissioner Maynard, Workshop #1. Commissioner Maynard recommended adding a reference to the Historic Preservation Ordinance.	Chapter 17.33 is a placeholder chapter for Historic Resource Preservation, which will be subsequently added to the NZO after it is adopted.
<i>CE 10.5 Beachfront and Blufftop Development</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that most of the relevant text was removed from 17.33.040 between the last version and this version, so it appears to have lost some consistency with the General Plan.	No changes made. Section 17.33.040 discussion of beachfront and blufftop development moved to Section 17.32.040. BMPs are also discussed in ESHA Section 17.30.050.

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Chapter 17.34 Landscaping	
Section 17.34.050 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that <u>17.34.050.A</u> seems to be too broad and does not have much guidance with regard to the selection of plant materials.	Edits made throughout Chapter 17.34, Landscaping, to address comments and direction received from Design Review Board at March 26, 2019 meeting. These edits also address PC comments.
Section 17.34.050 Commissioner Maynard, Workshop #1. Commissioner Maynard suggested considering changing the requirements in <u>17 34 050.B</u> to a size limit for water features.	Edit made to add Decorative water features to require a Zoning Clearance (17.54.020(A)(5)) if not exempt per Section 17.53.020.
Section 17.34.050 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that adding a reference to the State Water Conservation and Landscaping Act would be helpful.	Edit made to cite WELO in Section 17.34.060.
Chapter 17.35 Lighting	
CE 1.9 Standards Applicable to Development Projects Commissioner Maynard, Workshop #1. Commissioner Maynard commented that there is a lighting element in <u>CE 1.9</u> and also some inconsistency. She noted there are a lot of great comment letters about dark skies to include in the discussion.	Edit made to add ESHA protections to Lighting Chapter in 17.35.040.
VH 1.3 Protection of Ocean and Island Views VH 1.4 Protection of Mountain and Foothill Views Commissioner Maynard, Workshop #1. Commissioner Maynard commented that it is very important to look at downcast, fully shielded, and full cutoff lighting of the minimum intensity needed for the purpose, and that more stringent language is needed in the ordinance regarding lighting.	Edit made to add "full cut-off" to lighting requirements in 17.35.040(C), which already includes the other cited attributes.

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Chapter 17.36 Nonconforming Uses and Structures	
17.36.030.D Nonconforming Uses and Structures, Expansion of Nonconforming Uses Commissioner Maynard, Workshop #3. Commissioner Maynard commented that language regarding Required Findings has been removed from this section and requested staff revisit and check it has been relocated, and report back.	No changes made. The findings that were previously required in the 2015 Draft were not findings that could ever be made and were therefore removed.
17.36.020 Establishment of Nonconformity: Commissioner Maynard, Workshop #3. Commissioner Fuller requested staff review to see if 17.36.020.A and 17.36.020.B can be merged.	Edits made to merge and to also clarify this Section.
Commissioner Maynard, Workshop #3. Commissioner Maynard encouraged the Planning Commissioners to review the track change version regarding findings for the nonconforming uses and expansion of nonconforming uses.	Comment noted.
Commissioner Fuller, Workshop #3. Commissioner Fuller stated that he believes the proposal for Nonconforming Uses and Structures is fair.	Comment noted.
Commissioner Maynard, Workshop #3. Commissioner Maynard commented that it would be important to discuss the zones where child care is allowed and the permits that are required.	Comment noted. Child care facilities discussed at Workshop #8.
Chapter 17.38 Parking and Loading	
Commissioner Fuller, Workshop #1. Commissioner Fuller commented that comments by Barbara Massey, public speaker, regarding parking are very insightful.	Comment noted.
Chapter 17.39 Performance Standards	
SE 10.4 Prohibition on New Facilities Posing Unacceptable Risks Commissioner Maynard, Workshop #1. Commissioner Maynard commented she believes the following language should be added in <u>17.39.070.A Risk Exposure</u> : "consistent with the General Plan, new or expanded hazardous facilities in proximity to existing residential and commercial development shall incorporate appropriate mitigation measures to minimize potential risks and exposures".	No changes made. As written, the NZO has strong language that prohibits development that would pose a significant risk. Suggested edit is a mitigation measure that derives from

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	CEQA, which does not belong in the NZO.
Section 17.39.080 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she would like to make sure that 17.39.080 includes and remains consistent with NE 7, VH 4.6, and LU 1.5, all three of which reference noise.	No changes made as staff reviewed the policy and notes alignment with the NZO.
Commissioner Shelor, Workshop #1. Commissioner Shelor suggested considering the appropriateness of the level of the type of charging stations provided for electric vehicles in a parking facility with 20 or more spaces.	No changes made. Staff discussed this issue and believe the best approach is to remain silent on the type of charging station as standards may change over time. This item was also discussed at Workshop #6.
Chapter 17.41 Standard for Specific Use and Activities	
Section 17.41.130 Large Family Day Care Chair Smith, Workshop #3. Chair Smith commented that she is open to considering potential options and changes in terms of the large family day care and noted she is mindful there is a shortage of child care in the community, particularly for infant care.	Topic discussed at Workshop #8. Staff is revising standards to allow the use without an LUP.
Section 17.41.130 Large Family Day Care Commissioner Maynard, Workshop #3. Commissioner Maynard commented she could be open to making child care as a ministerial permit with strong requirements for off-street parking and clear requirements for drop off and pick up in neighborhoods. She would not support child care in an Industrial zone because it seems like a poor fit and she has concerns regarding large noise. She believes the Land Use Permit makes sense for large family day care.	See response above.
Section 17.41.130 Large Family Day Care Commissioner Fuller, Workshop #3. Commissioner Fuller commented that this is a place where a Zoning Clearance could be appropriate.	Comment Noted. See response above.

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Chapter 17.44 Native Tree Protection	
<p>CE 9.2 Tree Protection Plan Commissioner Maynard, Workshop #1. Commissioner Maynard commented that there are significant changes from the General Plan. She noted that the Tree Protection Plan clause covers sites containing protected native trees, not just Oak and Savannah trees. Also, the requirement for a report by a certified arborist or other certified expert was removed.</p>	<p>No changes made. This issue will be covered with the City's Tree Protection Ordinance, which staff plans to integrate into the NZO in the Chapter 17.44 placeholder; however, it could also be codified elsewhere in the Goleta Municipal Code if that is the direction staff receives.</p>
<p>CE 9.4 Tree Protection Standards CE 9.5 Mitigation of Impacts to Native Trees Commissioner Maynard, Workshop #1. Commissioner Maynard requested clarification that CE 9.4 and CE 9.5 will be moved to a native tree protection chapter.</p>	<p>Correct. This the current direction that staff has been given.</p>
Chapter 17.50 Review Authorities	
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. From the information presented, it would make more sense to move the appeals from the Administrative Hearing Officer to the Planning Commission to allow for a public meeting, and possibly to the Zoning Administrator (regarding the 3 Planning Permits).</p>	<p>The AHO will be removed from the NZO.</p>
<p>Table 17.50.020 Chair Smith, Workshop #2. Chair Smith commented she would be open to the concept of an Administrative Hearing Officer; however, she questions whether it would be a final review or appealable. Also, the concept of having a reviewer who is not connected to the original decision would seem more ideal</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that the term "certain development plans" is ambiguous and recommended more specificity regarding the kind of development plans for review by the Administrative Hearing Officer. He suggested referencing where</p>	<p>See response above.</p>

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this description is located in the Zoning Ordinance. Also, he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.	
Table 17.50.020 Vice Chair Miller, Workshop #2. Chair Miller commented that it sounds like a Zoning Administrator would create greater efficiencies in the system. He noted that he is not persuaded by the idea of an Administrative Hearing Officer but suggested a panel of experts to serve as Administrative Hearing Officers would work well. He noted that his idea of a panel would be a pool of people from which one could be called upon.	See response above.
Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that he believes the quality of the decisions are going to depend on the quality of the individual filling the Administrative Hearing Officer position and also on the type of permit that is reviewed.	See response above.
Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard suggested first clarifying how the Administrative Hearing Officer would be designated prior to making a recommendation regarding the position. She noted she would not support the Administrative Hearing Officer because the flexibility allows for it to be a staff person; however, another type of situation may be considered.	See response above.
Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.	See response above.
Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard would not support adding an Administrative Hearing Officer and would support the appeals going to the Zoning Administrator and being appealable to the Planning Commission because there is a noticing requirement for the Zoning Administrator hearing. She recommended Coastal Development Permit, Land Use Permit, and Temporary Use Permit should have an appeal to the Zoning Administrator with an appeal to the Planning Commission. Also, she suggested adding one additional appeal to the Zoning Administrator for Minor Change or Amendment and Substantial Conformity Determination permits.	See response above.

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<p>Table 17.50.020 Commissioner Maynard, Workshop #2. After further discussion, Commissioner Maynard revised her comment to recommend that the Administrative Hearing Officer hearings should have all of the same public noticing requirements as a Zoning Administrator hearing would have, with the ability to appoint someone other than the Director of Planning and Environmental Review. The Administrative Hearing Officer should be the final decision-maker for the Temporary Use Permit, because it is temporary and short term. For the Coastal Development Permit and Land Use Permit, she would support going directly from the Administrative Hearing Officer to the City Council.</p>	See response above.
<p>Table 17.50.020 Chair Smith, Workshop #2. Chair Smith commented that from more discussion she is not sure there is a need for an Administrative Hearing Officer and suggested considering the way it was previously proposed.</p>	See response above.
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard also supported Chair Smith's comment to consider the previous proposal.</p>	See response above.
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard commented: Keeping a balance between providing some discretion but also giving some clarity with regard to details would seem appropriate, with further discussion. Does feel that some detail in places should not have been removed.</p>	Comment noted. Discussed later at Workshop #3 during staff's explanation of the Permit Process and how Planning staff analyzes General Plan consistency, Zoning Code compliance, and Environmental Review under CEQA.
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard commented: Adding a Zoning Administrator to Title 2 of GMC is fine.</p>	Comment noted.
<p>Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that he supports all appeals going to a hearing with different levels of notification. He supported a quicker path for appeals to the</p>	Other than the AHO being removed, no other changes have been made to the Review Authority for Appeals.

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City Council and stated he believes the City Council should be the final appeal authority within the jurisdiction of the city and he does not see the necessity for the Planning Commission to have all appeal authority before the City Council.	
Table 17.50.020 Vice Chair Miller, Workshop #2. Vice Chair Miller commented that he supports Commissioner Maynard's comments.	Comment noted.
Table 17.50.020 Chair Smith, Workshop #2. Chair Smith commented that she is supportive of the Zoning Administrator role rather than the Administrative Hearing Office and is open to Commissioner Maynard's comments.	Comment noted.
Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard requested discussion regarding implementing an optional Preliminary review process for both the Design Review Board and the Planning Commission.	DRB already has conceptual review. At Workshop #2, the Director explained that Planning staff would not be able to provide the PC with analysis at a Preliminary level; therefore, would not recommend any change to current procedure.
Table 17.50.020 Commissioner Shelor, Workshop #2. Commissioner Shelor commented that he appreciates Commissioner Maynard's comments and noted he believes it is advantageous for the applicant and for the City to set projects off on the right foot at the beginning. He suggested more discussion and clarification regarding a conceptual review more broadly than just for design elements in order to improve the process.	No changes made. Planning staff works with developers to ensure a project complies with zoning and applicable GP policies prior to making a recommendation to the PC/CC.
Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard responded with "no" for Question #1 (Should the NZO add, add back in, or remove any other types of permits?).	Comment noted.
Section 17.50.050(B) Commissioner Fuller, Workshop #2. Commissioner Fuller commented that the term "certain development plans" is ambiguous and recommended more specificity regarding the kind of	Staff will clarify which specific types of Development Plan is being discussed.

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development plans for review by the Administrative Hearing Officer. He suggested referencing where this description is located in the Zoning Ordinance. Also, he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.	The AHO will be removed from the NZO.
Chapter 17.52 Common Procedures	
Section 17.52.040 Commissioner Miller, Workshop #3. Commissioner Miller commented that the approach for separate Environmental Review makes sense and noted that CEQA apparently is an evolving law.	Correct. All duplicative CEQA language has been removed from the 2019 Draft NZO.
Section 17.52.040 Commissioner Fuller, Workshop #3. Commissioner Fuller commented that he believes the Environmental Review being separate from the NZO is the right approach.	Comment noted.
Section 17.52.040 Chair Smith, Workshop #3. Chair Smith commented that having separate CEQA and Environmental Review generally makes sense.	Comment noted.
Section 17.52.050 Commissioner Shelor, Workshop #2. Commissioner Shelor suggested considering posting notices on Nextdoor.	Nextdoor is a private communication platform that requires verification that an individual or family lives within a predefined area they consider neighborhoods before allowing them to post; therefore, it would not be adequate for public noticing.
Section 17.52.050 Commissioner Maynard, Workshop #2. Questioned the difference between the public noticing for Administrative Hearing Officer and Zoning Administrator reviews.	As noted above, the AHO will be removed from the NZO.
Section 17.52.050 Commissioner Maynard, Workshop #2. Consider a practice of other cities that requires the proponents of a project to knock on doors of at least 10 residences with regard to a project in the immediate vicinity.	No change made. Staff does not support requiring private individuals to enter a residents' property.

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Section 17.52.050 Commissioner Miller, Workshop #2. Supported dropping off public notices and considering whether it is not necessary to knock on doors and simply drop off leaflets.	See response above.
Section 17.52.050 Commissioner Maynard, Workshop #2. Consider requiring a press release that a project is moving forward when there is a development permit.	Comment noted. Staff will confer with the City Manager's Office on this item.
Section 17.52.050(C) Commissioner Fuller, Workshop #2. Press releases would be fine, depending on the type of permit or appeal.	Comment noted.
Section 17.52.050 Commissioner Maynard, Workshop #2. Electronic notices should not replace mailings as not all residents have access to electronic noticing. There should not be an alternative to mailings when there is a large number of people that need to be notified.	The City uses mailed, emailed, website, and newspaper noticing. There is no consideration for electronic notice to replace mailed notice. The exception for large mailing exists currently in the City's zoning ordinances.
Section 17.52.050 Commissioner Miller, Workshop #2. While emails are helpful for communications, it is not a complete method.	See response above.
Section 17.52.050 Chair Smith, Workshop #2. Mailing of notifications is important to continue, although technology is changing to the extent that staff can engage in multiple ways of noticing that are helpful.	See response above.
Section 17.52.050 Commissioner Maynard, Workshop #2. Full Spanish translation should be required for public notifications.	Comment noted. Staff will consider.
Section 17.52.050 Commissioner Miller, Workshop #2. Supported Spanish translation of notices.	See response above.
Section 17.52.050	No changes made. This would be a procedural issue for the City Council to

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Chair Smith, Workshop #2. Language translation is important to consider. Suggested adding language in the Ordinance that references a certain threshold of speakers in the future that would require translating notices into that language.	consider, rather than be codified in the NZO.
Section 17.52.050 Commissioner Maynard, Workshop #2. Recommended including language in the New Zoning Ordinance referring to story pole requirements that indicates there are no detailed guidelines yet.	No changes made. Storypole guidelines to be developed by the DRB.
Section 17.52.050 Commissioner Fuller, Workshop #2. Story poles are a good idea in the right place. Consider adding reference to story poles as requirements in the right places.	See response above.
Section 17.52.050 Commissioner Shelor, Workshop #2. Commissioner Shelor recommended for larger projects, such as those requiring a development plan, objective standards with story poles as a requirement and the decision-maker would need to make findings to waive the story pole requirement. He supported story poles because they would be visible for the general public and serve as a way of noticing the public and explaining what is being proposed.	Storypoles may be required by any Review Authority as part of Design Review for a project. This is the current practice and the NZO carries this forward.
Section 17.52.050 Commissioner Maynard, Workshop #2. Commissioner Maynard supported Commissioner Shelor's comments regarding story poles.	See response above.
Section 17.52.050 Chair Smith, Workshop #2. Agreed with recommendations from Commissioner Maynard and Vice Chair Miller.	Comment noted.
Section 17.52.050(C)(1) Commissioner Maynard, Workshop #2. Any project with a development permit should be required to notice for 1,000 feet rather than 300 feet.	Change made to increase mailed noticing to 500 feet.
Section 17.52.050(C)(1) Commissioner Miller, Workshop #2. Recommended 500 feet to 1,000 feet for noticing, noting 300 feet is not adequate.	See response above.

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<p><i>Section 17.52.050(C)(1)(b)</i> Commissioner Fuller, Workshop #2. For the largest projects, 1,000 feet make sense for noticing, and 500 feet might be fine for smaller projects. For a small project, such as ministerial appeal, 300 feet may be sufficient.</p>	See response above.
<p><i>Section 17.52.050(C)(1)(b)</i> Commissioner Maynard, Workshop #2. She also supported 1,000 feet noticing for large projects, 500 feet for medium projects, and 300 feet for small projects; and press releases only for large projects.</p>	See response above.
<p><i>Section 17.52.050(C)(2)</i> Commissioner Maynard, Workshop #2. Posting in both the Santa Barbara News-Press and Santa Barbara Independent makes sense. She noted that the Santa Barbara Independent is free and available on the street at many locations, and free access is critical.</p>	Comment noted. This is a general procedural issue for the City Council to consider, rather than a matter for the NZO to codify.
<p><i>Section 17.52.050(C)(3)</i> Commissioner Maynard, Workshop #2. Consider the size of the noticing posters.</p>	Comment noted. Staff will consider a revision.
<p><i>Section 17.52.050(C)(3)</i> Chair Smith, Workshop #2. Consider the size and number of the on-site postings.</p>	See response above.
<p><i>Section 17.52.050(C)(3)</i> Commissioner Maynard, Workshop #2. Use appropriate pens on the posting signs to avoid fading.</p>	Comment noted.
<p><i>Section 17.52.050(C)(3)</i> Commissioner Fuller, Workshop #2. Size, color, and placement should be considered for posting signs. He does not support visual pollution.</p>	Comment noted.
<p><i>Section 17.52.050(C)(3)(b)</i> Commissioner Maynard, Workshop #2. Signs should be posted for 2 weeks.</p>	Change made to increase to 15 days.
<p><i>Section 17.52.050(C)(3)(b)</i> Commissioner Maynard, Workshop #2. Two-week postings for sign notifications is supported.</p>	See response above.
<p><i>Section 17.52.050(C)(3)(b)</i></p>	See response above.

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Commissioner Fuller, Workshop #2. A 10-day requirement for posting a public notice seems too short. Recommended 15 days or 2 weeks.	
Section 17.52.050(C)(3)(a)(i) Commissioner Maynard, Workshop #2. At least 2, possibly 3 posting signs per project should be posted. One sign may fall down.	No changes made. The NZO allows Director to require more than one per each property line, if necessary.
Section 17.52.050(D) Commissioner Maynard, Workshop #2. Commissioner Maynard suggested an edit to Section 17.52.050.D Failure to Give Notice to add that the applicant must follow all noticing requirements and if the applicant follows all of the required noticing, then the failure of any person not to receive the notices does not invalidate the actions.	Minor edit made to retitle "Receipt of Public Notice." Edit also made to clarify that noticing must be provided pursuant to this Section.
Chapter 17.52 Common Procedures	
Section 17.52.070(A) Commissioner Maynard, Workshop #2. Commissioner Maynard commented that she believes some areas to be considered include: 1) if the project is a commercial use that is bringing in a lot of new jobs, consider if there is enough housing for new employees; 2) for residences, consider school capacity, health facilities, hospitals, and access to doctors; 3) for new uses that might have a bigger energy usage, consider enough energy access; and 4) consider road capacity.	1. The jobs/housing consideration would be under the discretion of the Review Authority to consider as part of their review of the project. 2. Finding #1 edited to clarify that adequate public services are being required, not private services. 3. Energy use impacts are analyzed through CEQA. 4. Roadway capacity and level of service are analyzed through CEQA.
Section 17.52.070(A) Commissioner Shelor, Workshop #2. Commissioner Shelor commented in his opinion there may be a disconnect between required findings and whether there is adequate infrastructure, for example whether there is adequate circulation and road capacity infrastructure at the Storke/Hollister intersection.	These issues would all be considered as part of the discretionary review by the Review Authority for the project.

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<p>Section 17.52.070(A) Chair Smith, Workshop #2. Chair Smith questioned whether the concept of services in Section 17.52.070.A Findings for Approval is just limited to public services or includes private services, and how the findings would be made. Also, she noted that the language “legal access” is vague and suggested clarifying language would be helpful.</p>	<p>This finding is limited to public services. Edit made to clarify “legal access to the lot.”</p>
<p>Section 17.52.070(A) Commissioner Maynard, Workshop #2. Commissioner Maynard suggested possibly adding language that would indicate “could include things such as” with regard to her recommendation to consider adding additional services to the Findings for Approval for new residences. She suggested conversations with service providers including utilities and private companies would be informative.</p>	<p>No changes made. This finding derives from Land Use policy LU 1.13. Private service providers are obligated to provide services; however, potential impacts to those services are analyzed as part of CEQA.</p>
<p>Section 17.52.070(A) Commissioner Fuller, Workshop #2. Commissioner Fuller commented that it would be appropriate to contact the provider for details.</p>	<p>Both public and private services and any potential impacts are analyzed as part of environmental review under CEQA.</p>
<p>Section 17.52.070(A) Commissioner Miller, Workshop #2. Commissioner Miller commented that it may be complicated to assess the impact needed to make the findings with regard to the additional items that have been suggested by Commissioner Maynard to be added for new residences, although it seems like a good idea.</p>	<p>No additional findings added.</p>
Chapter 17.55 Land Use Permits	
<p>LU 11.1 - No Limitation on Annual Residential Permits Commissioner Maynard, Workshop #1. Commissioner Maynard commented that 17.55.040 does not include the specific guidelines laid out in LU 11.1, which she believes it should.</p>	<p>No changes made. If any one of the specific services is not available, Common Procedures finding A in Section 17.52.070 could not be made.</p>
<p>Section 17.55.020(A) Commissioner Maynard, Workshop #3.</p>	<p>Staff is unaware of a Change of Use trigger based on this scenario, since the distinction between a patron</p>

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Commissioner Maynard questioned whether a restaurant without deliveries switching to a restaurant with deliveries would trigger a Change of Use with regard to the traffic component.	driving to the restaurant to obtain food and the food being delivered to a patron would be difficult to make. Additionally, Rideshare/food delivery companies (e.g., Grubhub, Ubereats, etc.) further complicate such distinctions.
<i>Section 17.55.020(A)</i> Commissioner Maynard, Workshop #3. Commissioner Maynard commented that she is comfortable with the proposed Change of Use Chapter.	Comment noted.
<i>Section 17.55.020(A)</i> Chair Smith, Workshop #3. Chair Smith suggested staff consider if there are other items that can be added to the list of exceptions for Change of Use like seismic upgrades and ADA compliance.	Improvements required by law (such as ADA accessibility) added as an example in Section 17.53.020. Exemption for Seismic upgrades already included in subsection (M).
<i>Section 17.55.020(A)</i> Commissioner Fuller, Workshop #3. Commissioner Fuller expressed concern that this seems like a trap for potential business that fall within the zoning land uses and could hinder new uses.	Comment noted.
<i>Section 17.55.020(A)</i> Commission, Workshop #3. Commission suggested clarifying that the trigger should be additional floor area or square footage.	No changes made. Already discussed in subsection (A)(3)
Chapter 17.56 Temporary Use Permits	
<i>Section 17.56.040</i> Commissioner Maynard, Workshop #2. Commissioner Maynard commented that one of the findings should be related to noise in Section 17.56, Temporary Use Permits.	No changes made. Noise impacts would be included within and covered by Required Finding A.

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Chapter 17.58 Design Review	
General Commissioner Fuller, Workshop #3. Commissioner Fuller suggested including a table similar to Table 17.50.020 Review Authority for 17.58 Design Review and 17.59 Development Plans.	Edit made to add Table 17.58.040, Design Review Authorities. No table added to DVP Chapter, as its scenarios would be too complex and confusing.
General Chair Smith, Workshop #2. Chair Smith commented that the Design Review Board considerations are proceeding in the right direction.	Comment noted.
Section 17.58.020 Design Review Board Questions for Consideration, Workshop #2 1. Are there additional or fewer types of projects that should be exempt from Design Review: Commissioner Maynard commented: The list of types of projects that should be exempt from Design Review is fine. Commissioner Fuller commented: Agreed. Commissioner Shelor commented: It is important for the Design Review Board's recommended findings to be presented to the Planning Commission. Commissioner Shelor commented: Item #1 is heading in the right direction.	Comments noted.

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<p>Section 17.58.050 Design Review Board Questions for Consideration, Workshop #2 6. Are there other DRB issues that need to be discussed? Commissioner Maynard and Commissioner Fuller commented: No. Commissioner Shelor commented regarding Item #6:</p> <ol style="list-style-type: none"> 1. It is important for the DRB's recommended findings to be presented to the Planning Commission. 2. Recommended adding a Consent Calendar on the DRB agenda for when minor details need to be presented for Conformance review of an approved project. 3. Requested consideration of a joint review process with the DRB and Planning Commission during the Conceptual review for appropriate projects such as projects which require a development plan, where no actions are taken. 	<p>Comments noted.</p>
<p>General Commissioner Fuller, Workshop #2. Commissioner Fuller commented that some of the items recommended by Commissioner Shelor could be placed on an application.</p>	<p>Comment noted.</p>
<p>Section 17.58.050 Chair Smith, Workshop #2. She suggested a mechanism for projects to be presented to the Planning Commission with a more robust review and vetting and is also open to other considerations. She is open with staff coming back with other consideration.</p>	<p>The revisions made to the Design Review Chapter should adequately address this comment.</p>
<p>Section 17.58.050 Design Review Board Questions for Consideration, Workshop #2 2. When is the appropriate point for an Appeal of a DRB action? Commissioner Maynard commented: The Planning Commission is the appropriate point. Commissioner Fuller commented: The point for an appeal of a DRB action should be a final action by the DRB when the DRB is the final discretionary authority. Preliminary would go as a recommendation to another discretionary authority, and the public would still have the opportunity to appeal. Commissioner Shelor commented: Item #2 is heading in the right direction.</p>	<p>Staff has taken all DRB and PC comments and have revised the levels of review and Design Review paths for projects accordingly.</p>

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<p>Section 17.58.050 Design Review Board Questions for Consideration, Workshop #2 3. Is the distinction for DRB as both decision-maker and recommending body clear? Commissioner Maynard and Commissioner Fuller commented: Yes. Commissioner Shelor commented: Item #3 is heading in the right direction.</p>	Comments noted.
<p>Section 17.58.050 Design Review Board Questions for Consideration, Workshop #2 4. Does DRB crafting draft findings help the review process? Commissioner Maynard and Commissioner Fuller commented: Yes. Commissioner Shelor commented: Item #4 is heading in the right direction.</p>	Comments noted.
<p>Section 17.58.050(G) Design Review Board Questions for Consideration, Workshop #2 5. This process recognizes DRB action as a “Discretionary” action that requires CEQA. Commissioner Maynard and Commissioner Fuller commented: Agreed. Commissioner Shelor commented: Item 5 is heading in the right direction.</p>	Comments noted.
<p>Section 17.58.050 Commissioner Maynard, Workshop #2. Overall, she supports the idea that the Planning Commission would review projects after the Preliminary review and before the Final review, and that the projects would always return to the Design Review Board for Final review.</p>	DRB process has been revised to have all projects return to DRB for Final Design Review for a project.
<p>Section 17.58.060 Commissioner Maynard, Workshop #2. Commissioner Maynard commented that some of the proposed findings suggested by Commissioner Shelor may be more appropriate for the Planning Commission. She suggested adding compliance with the Visual Element of the General Plan to the Design Review Board findings and commented that considering a preliminary review by the Planning Commission would be helpful, not necessarily as a joint meeting with the Design Review Board.</p>	No changes made. If all required findings can be made, the project complies with the NZO and all General Plan policies.

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<p>Section 17.58.060 Commissioner Shelor. Neighborhood compatibility is limiting as a DRB finding, and he believes that a broad overview of a project by the DRB should consider adequate infrastructure, parking, circulation, water, noise, public viewsheds, and creation of greenhouse gas, noting that these items should be vetted prior to review by the Planning Commission.</p>	<p>These items are addressed by the Review Authority for the project and through the CEQA process.</p>
<p>Section 17.58.060(J) Commissioner Maynard, Workshop #2. Commissioner Maynard recommended adding the modified wording “and solar and renewable energy access” to Item #J of the Design Review Board Findings, with regard to solar.</p>	<p>No changes made. Specific call out for solar access to ensure NZO follows State law with regards to solar.</p>
<p>Section 17.58.060(J) Chair Smith, Workshop #2. With regard to Design Review Board Finding #J, Chair Smith recommended adding language that would include reference to potential new technologies and similar innovations in addition to solar access.</p>	<p>See response above.</p>
Chapter 17.59 Development Plans	
<p>Section 17.59.020 Commissioner Maynard, Workshop #2. Commissioner Maynard commented that she believes the review authority for new structures and outdoor areas designated for sales or storage that do not exceed 10,000 square feet should be the Planning Commission, with regard to Section 17.59.020.B.1.a. She agrees with Section 17.59.020.B.1.b. and noted that the exemptions look fine.</p>	<p>Comment noted. No changes made. Triggers drafted to align with existing standards. In no case is a lower Review Authority proposed when compared to the existing zoning ordinances.</p>
Chapter 17.62 Modifications	
<p>General Commissioner Maynard, Workshop #3. Commissioner Maynard requested further discussion regarding Modifications and Exemptions.</p>	<p>Height modifications discussed during Workshop #6. Exemptions will further be discussed at Workshop #9.</p>

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General Commissioner Maynard, Workshop #3. Commissioner Maynard recommended staff review the language in the 2015 version of the draft Ordinance with regard to Modifications because it is more detailed and stronger. She also recommended that if larger Modifications would be possible, there should be specific benefits from the Modification, such as affordable housing. She also noted the possible Modification allowances percentages in the 2015 version of the Ordinance were smaller than proposed in the New Zoning Ordinance.	Height modifications discussed during Workshop #6. Staff is working on revisions to limit height of Modifications to 20-30% of height standard for the district, perhaps with a higher height modification allowed in RS than in other districts. Other Modifications mirror existing allowances.
General Chair Smith, Workshop #3. Chair Smith agreed with comments from Commissioner Maynard regarding Modifications.	See response above.
Section 17.62.020(B)(1) Commissioner Maynard, Workshop #3. Commissioner Maynard commented that she cannot understand that in increase by up to 50 percent of maximum height of structures is a minor Modification.	See response above.
Section 17.62.040.A Required Findings Commissioner Maynard, Workshop #3. Commissioner Maynard questioned how “necessary” is defined.	Colloquially and as defined by Webster’s Dictionary, the term means as “absolutely needed; required.”
Section 17.62.040.B Required Findings Commissioner Maynard, Workshop #3. Commissioner Maynard questioned how the Modification “will result in a better site or architectural design” is defined and determined, noting the language seems broad, and Modifications can increase height by up to 50 percent.	This is a subjective phrase, which is why the decision is discretionary and made at a public hearing, rather than a staff-level determination.
Section 17.62.040 Required Findings Commissioner Fuller, Workshop #3. Commissioner Fuller commented that the Planning Commission would have the Review Authority for Modifications.	The Review Authority for a request for a Modification would be the Zoning Administrator, unless paired with another Discretionary Action subject to a higher Review Authority.

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<p>Section 17.59.040 Chair Smith, Workshop #3. Chair Smith commented that overall the Required Findings seems clear.</p>	<p>Comment noted.</p>
Chapter 17.65 Development Agreements	
<p>General Commissioner Shelor, Workshop #1. Commissioner Shelor recommended consideration of a sort of transfer of solar development rights in a situation that it might be efficient somewhere else in the City.</p>	<p>Comment noted. Transfer of any development rights would currently be done through a Development Agreement (see Chapter 17.65).</p>
Chapter 17.73 List of Terms and Definitions	
<p>VH 4.4 Multifamily Residential Areas Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the language regarding providing amenities for “different age groups” should be considered with regard to Multifamily Residential Areas.</p>	<p>Edits made to Part IV, Definitions for Open Space Types. Private Common Open Space definition includes “and offering amenities for different age groups.” Edits also made to clarify private vs. public open space.</p>

Planning Commission Workshop Comments added:

- 1 Workshop #1 (2/23)
- 2 Workshop #2 (3/06)
- 3 Workshop #3 (3/12)