May 3, 2016

To: Goleta Planning Commission Members

From: Jim Fox

Re: Proposed Draft Zoning Ordinance
Section 17.39.070 RV Parking & Storage

I attended the Planning Commission meeting on 4/25/16 and was the first speaker. As I stated at the meeting and will reiterate here: I have lived in the same house in Goleta for 38+ years, have owned a 35' fifthwheel trailer for the past 10 years. The trailer is at my house with a city permit as necessary for a day or two before and after a camping trip.

I do not store the trailer at my house, I pay $90.00/mo. to keep it in storage 30 miles away. Why don't I keep it at my house? The answer is very simple, not complicated. The properties are too small, the homes are very close together, the trailer doesn't fit, would look out of place, zoning setback issues and trailer and RV storage degrades the appearance and value of the property and neighborhood. Is it expensive and inconvenient to store off-site? Yes it is.

Trailer and vehicle storage yards have been in business a long time because RV owners created the demand, recognizing that front and side yards of residential neighborhoods are not the appropriate locations for storage and the accompanying negative visual impact.

The city of Goleta also recognized that these oversized vehicles shouldn't be parked on the streets because RV's and oversized vehicles overpower the streets, are left for more than 72 hours, take away parking, block visibility, attract vagrants who park and live in them, impede emergency response vehicles and last but not least, "the elephant in the room" - they are unsightly for the neighbors and neighborhood. The result was **new ordinance 10.01.410 "Large Vehicle and Trailer Parking Restrictions".** Now the vehicles are in the yards, both in and out of

front, rear and side setbacks, but predominately parked/stored in the front yards without fencing/screening.

I agree totally with the other speakers at the April 25th meeting when they stated that the lots are small and the driveways short.

However, Goleta's subdivisions were designed to have setbacks, which provides an openness between the houses and to the neighborhood. Allowing RV's within any of the setbacks or anywhere in the front yards, adds to the congested cluttered look and detracts from the aesthetics of the neighborhood.

I had to chuckle when after the public comment period I heard the discussion regarding the addition of a concrete strip to connect an existing driveway to a stranded concrete pad on which to park an RV. Two people stated that the additional concrete in the front yard wouldn't be aesthetically pleasing. Are you kidding? How much aesthetic value does a 35' recreational vehicle parked in the front yard add? How about an old 50' school bus converted into a RV? How about a camper, horse trailer, boat and two jet skis stored in one front yard and driveway with the cars then parked on the street? Please take another drive around Goleta, south of Cathedral Oaks Road to see how jammed and cluttered RV's make the properties that they are stored on and the adjacent properties look.

The problem as I see it is that people have been storing their RV's any way or anyplace that they want for so long that it has become a false entitlement and has been misconstrued as a property right. **The underlying culprit is that Article III – Inland Zoning Ordinance "Division 6 Parking Regulations" that is <u>already codified</u> and in place for years and years, was not, has not and is not being enforced.** Over time, people were lulled into a sense of "entitlement".

Although RV's are very popular, the percentage of the population that owns them seems to be in the minority and even though I own an RV, I am a property owner first and foremost, then an RV owner. I do not want my property rights, property values, or neighborhood values reduced by allowing RV storage in residential zoning. I think that the Planning Commission should consider the big picture, then protect and enhance the community and City of Goleta as a whole.

I have attached a small sample of photos showing how people are currently storing their RV's. Almost all of these examples, in my opinion demonstrate how inappropriate front yard storage is as well as storage in any setback, but all of these examples will be allowed under the proposed ordinance "Section 17.39.070 RV Parking & Storage".

I encourage you to keep the current "Division 6 Parking Regulations Sec. 35-262, item 2.a. and request that it be enforced.

Sincerely,

James H. Fox

James Fox
E-mail: bhjb83b@aol.com

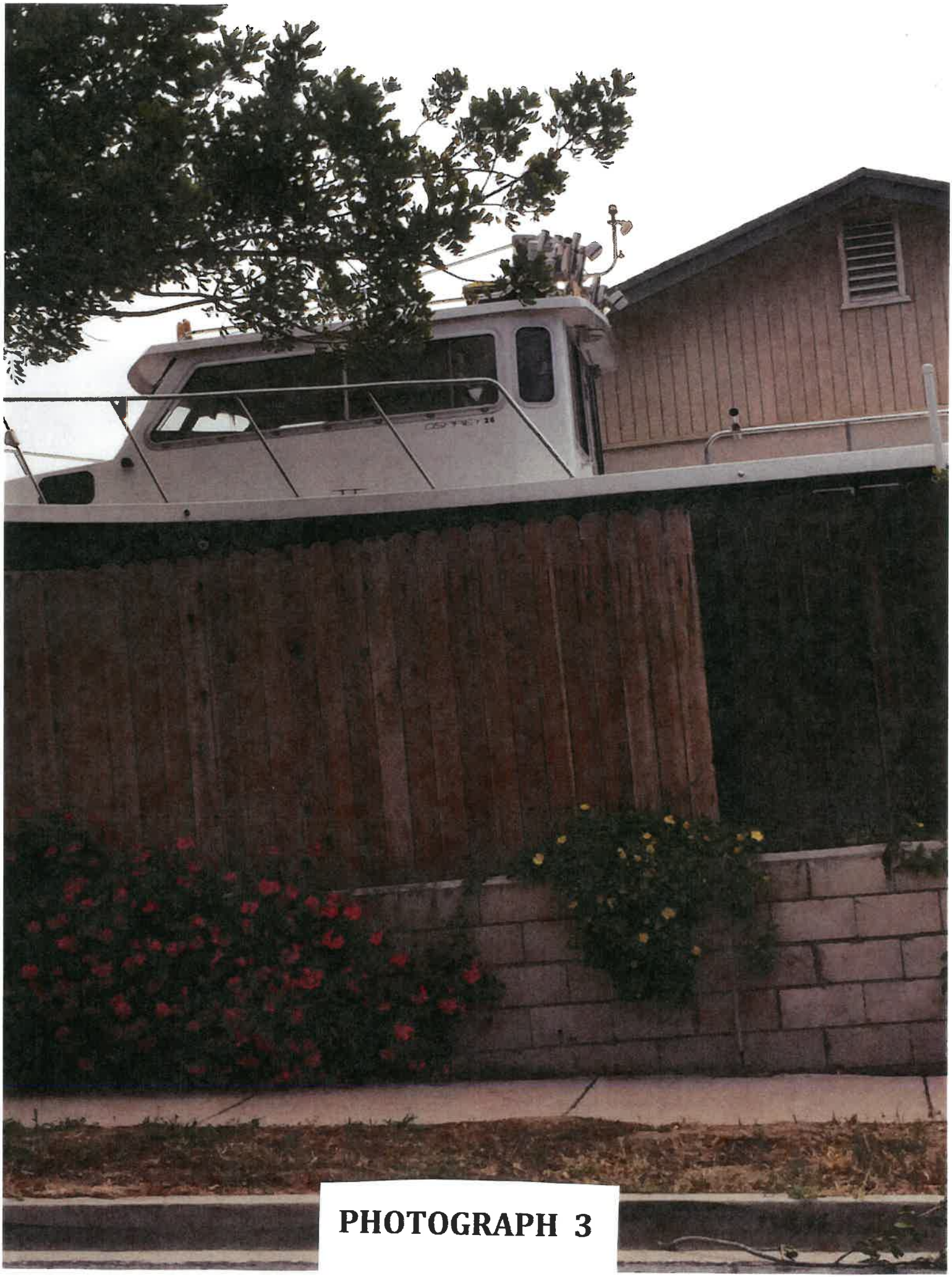
PO Box 6581
Santa Barbara, Ca. 93160

cc: Jennifer Carman – Planning and Env. Review Director
Tim Giles – City Attorney
Michele Green – City Manager
Jim Farr - Mayor
Carl Schneider – Design Review Board Chair
Anne Wells – Planning Manager

Att: 12 photos

PHOTOGRAPH 1

PHOTOGRAPH 2

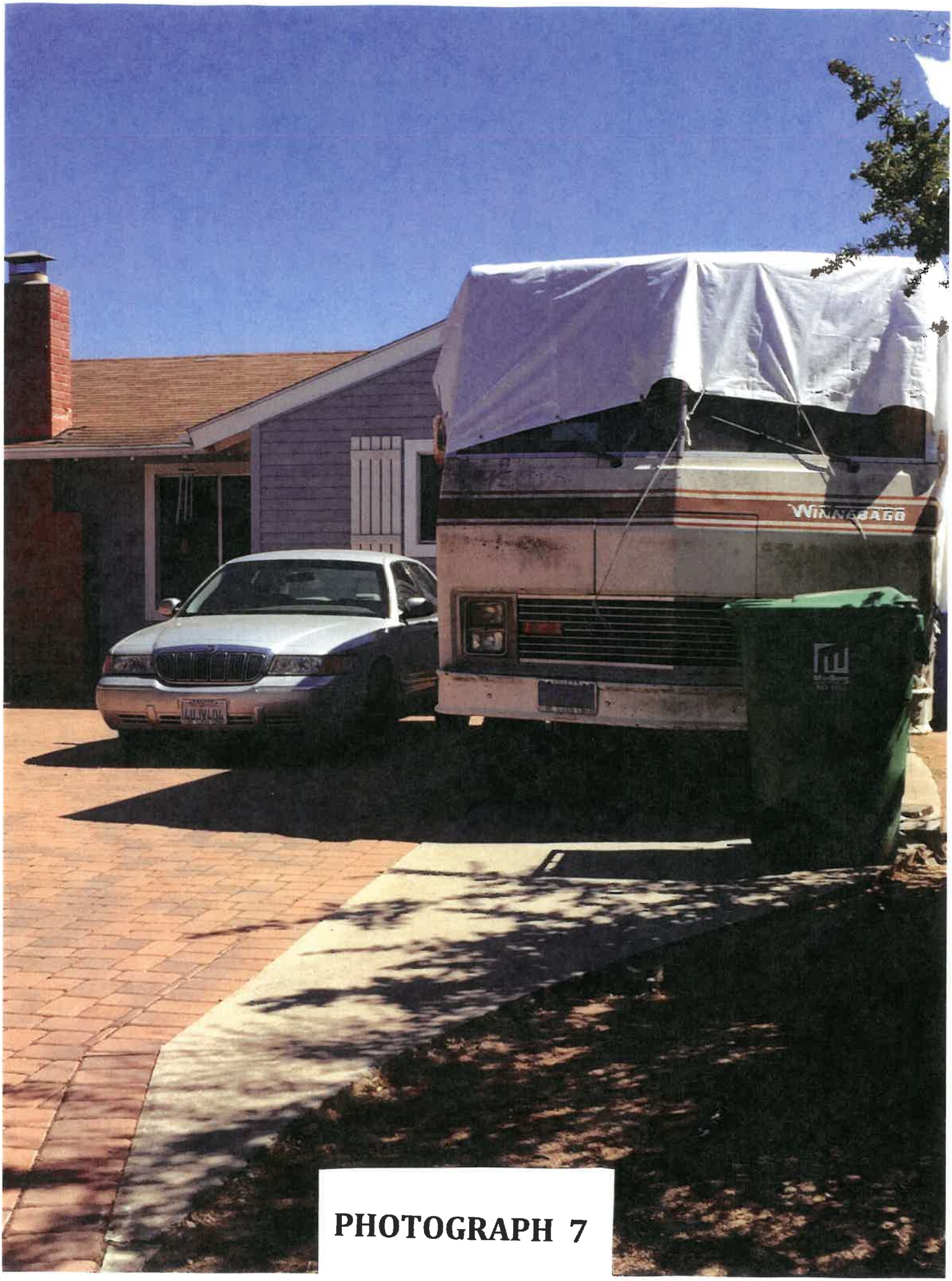


PHOTOGRAPH 3

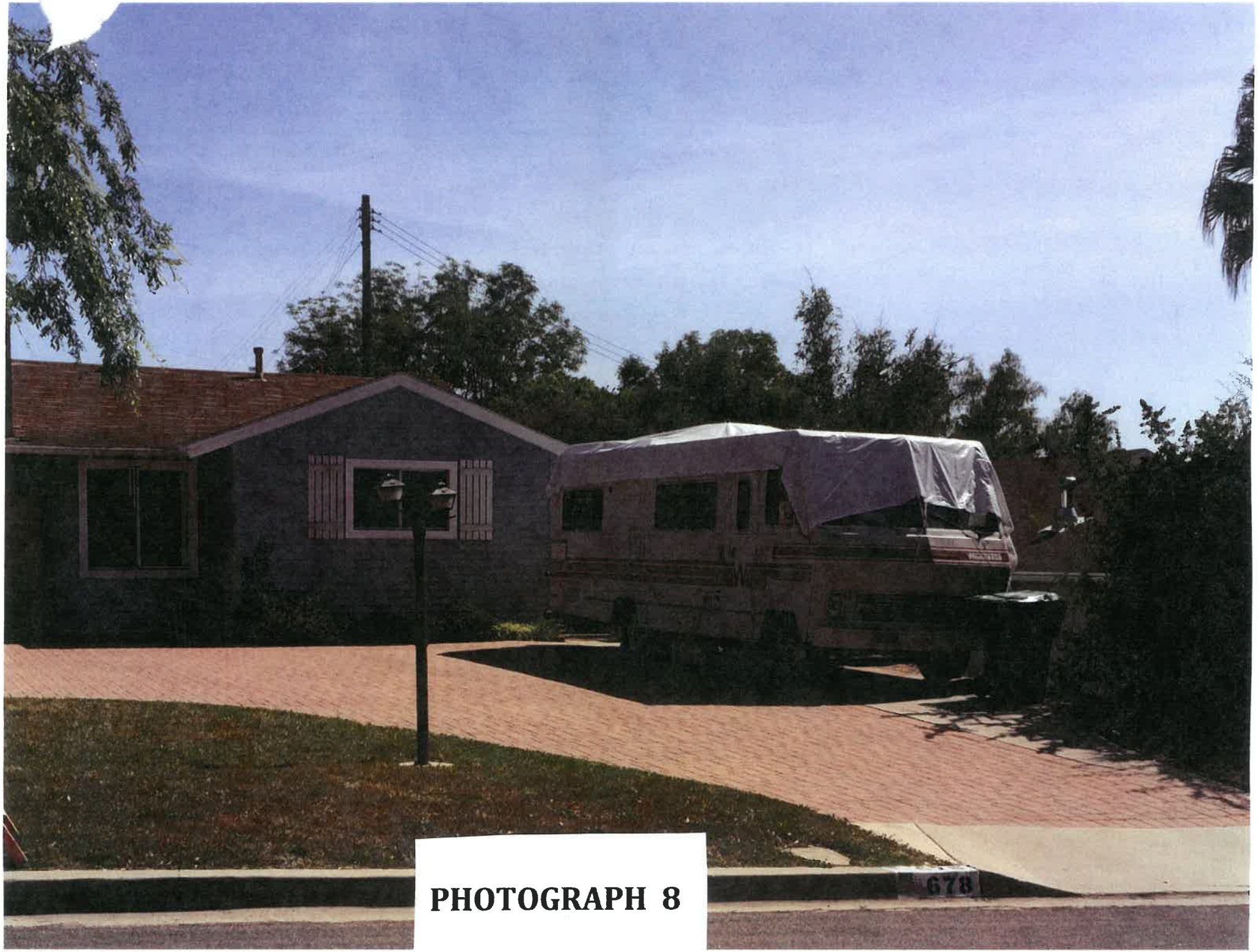
PHOTOGRAPH 4

PHOTOGRAPH 5

PHOTOGRAPH 6



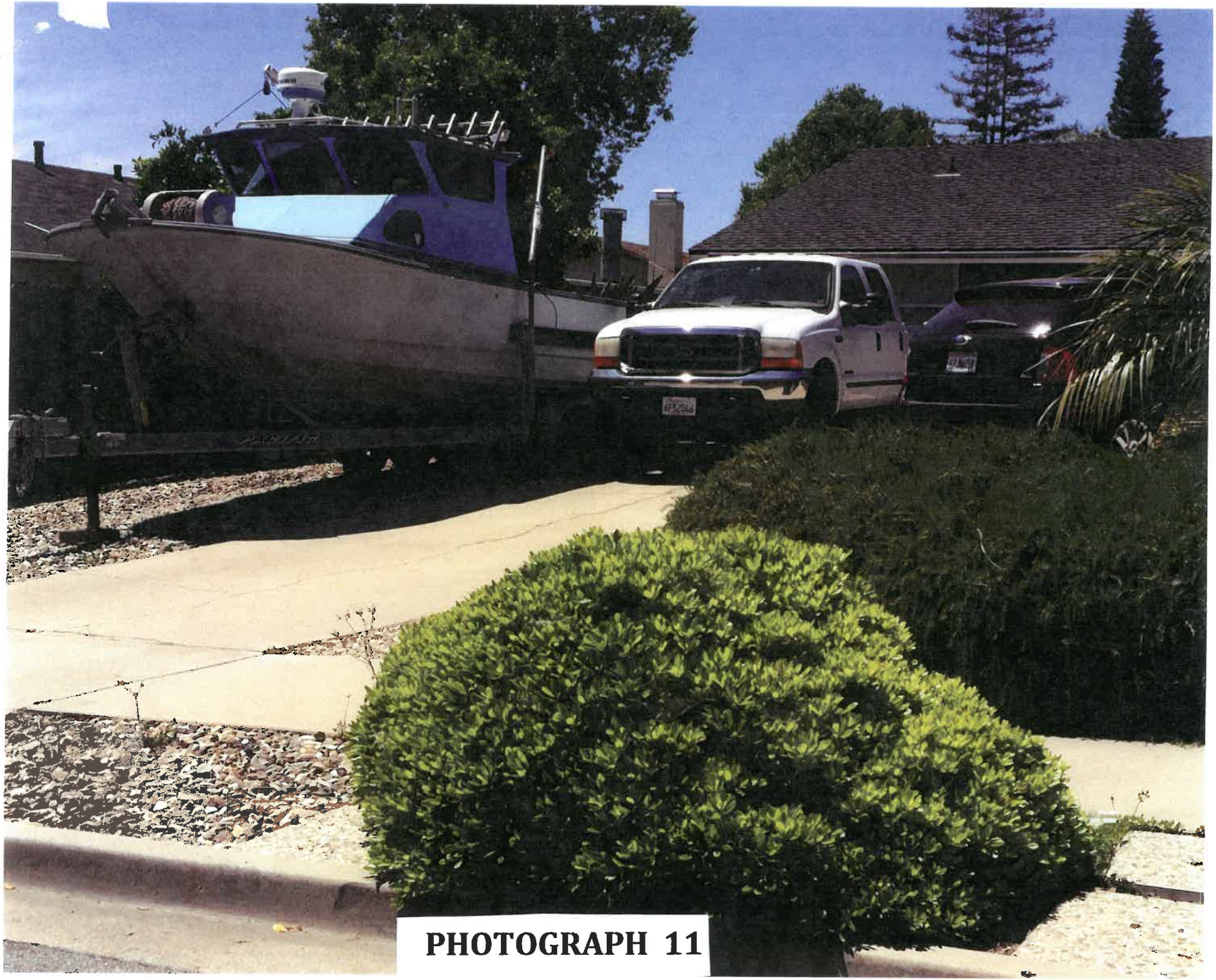
PHOTOGRAPH 7



PHOTOGRAPH 8

PHOTOGRAPH 9

PHOTOGRAPH 10



PHOTOGRAPH 11

PHOTOGRAPH 12

Coastal Housing Coalition

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Fed Tax ID # 20-1652456

6 May 2016

Chair Onnen and Members of the City of Goleta Planning Commission
130 Cremona Drive, Suite B
Goleta, California 93117

RE: City of Goleta – New Zoning Ordinance

Dear Chair Onnen and Members of the City of Goleta Planning Commission:

The Coastal Housing Coalition (CHC) is a non-profit organization and the voice of local employers and employees in support of workforce housing. The Coalition advocates for housing available to households earning 120-200% of the community Average Median Income (AMI). As such, the Coalition's founding mission is to educate the community about the critical need for middle-income housing and to advocate that community decision makers accommodate such housing in land use decisions.

The Coastal Housing Coalition commends the City for implementing the City's General Plan and approving construction of a variety of multi-family housing projects. These projects include not only affordable housing components but also rental units and modest unit sizes intended to be "affordable by design". These significant additions to the inventory of housing available to the workforce on the South Coast are critical not only to the workforce and their families but also to local businesses.

In order to continue to strengthen the supply of housing available to our workforce, the Coastal Housing Coalition encourages the City of Goleta to adopt provisions in your new zoning ordinance that will facilitate the retention and creation of housing for our workforce.

In 2015, the Coastal Housing Coalition published South Coast Housing & Its Impacts- Report on Employer and Employee Survey. This report emphasized the importance of housing affordable to workforce households as well as local employers. Workforce households unable to afford housing within a 25-minute commute one-way to work often must find housing in more affordable outlying communities and face a long daily commute. In addition to associated environmental and traffic impacts, the 2015 study showed this commute significantly reduces involvement in local communities (72%), causes stress (53%) and reduces overall quality of life (54%).

Likewise, the vast majority of South Coast employers reported that the lack of affordable housing in the South Coast negatively impacts their business in a variety of ways. Of the survey participants, more than two-thirds of South Coast employers indicated they have substantial difficulty retaining employees who want to rent or purchase a quality home, and more than half find it difficult to attract employees from outside the South Coast area to work for their organization due to the high cost of housing.

Rising housing prices and rental rates along with extremely low rental vacancy rates continue to challenge the availability of housing affordable to the workforce. To continue to encourage the retention and creation of workforce housing, the Coalition encourages the City of Goleta to adopt zoning provisions and approval processes that facilitate the following:

- Modest single family homes.
- Second dwelling units.
- Multiple-unit dwellings (duplexes, garden apartments, etc.).
- Mixed use projects.

Senior and assisted living facilities also play an important role. As seniors transition to such facilities, their residential units return to the housing market. Please also consider increased flexibility in development standards (e.g. setbacks, parking, lot coverage) for projects that supply workforce housing.

Development and adoption of the new zoning ordinance is an exciting and important milestone for the City. The Coastal Housing Coalition appreciates that the City of Goleta has been "doing its part" with regard to the supply of workforce housing on the South Coast. We encourage the City to continue this commitment and ensure that the zoning ordinance is consistent with the need for workforce housing on the South Coast.

Sincerely,

COASTAL HOUSING COALITION

CRAIG MINUS
President

Coastal Housing Coalition

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Fed Tax ID # 20-1652456

Helen Gannon

Subject: RE: Zoning Ordinance Comment letter

From: Kristen Miller [mailto:kristen@goletavalley.com]
Sent: Friday, May 06, 2016 5:49 PM
To: Jennifer Carman; Anne Wells
Subject: Zoning Ordinance Comment letter

Hello Jennifer and Anne,
Attached please find the Chamber's comment letter on the Draft Zoning Ordinance.
Please let me know if you have any questions. Thank you for all the work on this.
Best regards,
Kristen

Kristen Miller | President/CEO
p (805) 967-2500 ext 8 | e kristen@goletavalley.com
5662 Calle Real #204 Goleta CA 93117

GOLETA
GOLETA VALLEY CHAMBER OF COMMERCE

GOLETA
GOLETA VALLEY CHAMBER OF COMMERCE

May 6, 2016

Jennifer Carman, Director of Planning
Anne Wells, Advanced Planning Manager
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Zoning Ordinance

Dear Ms. Carman and Ms. Wells:

Thank you for the roundtable workshops you have attended with our Zoning Ordinance Task Force. We appreciate the work of your staff, the Planning Commission and other City officials for the diligent attention to updating our City's zoning ordinance.

Attached are comments from our organization. Many of the attached notes and comments have been addressed in our meetings together, on phone calls, or during Planning Commission meetings. But we have included them here again, for reference.

The comments provided are meant to be positive in nature – meaning that we believe the intent of our group and yours is to create a zoning ordinance that is user-friendly, business-friendly, organized, clear and in-sync with the General Plan. We have made recommendations where we can for adjustments or clarifications in the document that, from our perspective, would make the ordinance more useable and less subject to interpretation.

Through our review process, we found in many, many instances that the new code is substantially better than the old. Updates to the maps, zones, tables and the language of the ordinance is a big improvement and we are appreciative of the update.

Our understanding of the next steps is that a "redline" version of the Draft Ordinance will be released by the City, wherein we can see what changes to the draft have been adopted, which changes were not incorporated, and which changes need a policy related decision to amend the draft. We will review that document in comparison to our notes when it is available.

Thank you again for the open communication and for listening to our feedback. We hope you find our notes and comments useful.

Very best regards,

Kristen Miller, President & CEO

5662 Calle Real #204 • Goleta, CA 93117
805.967.2500 • info@GoletaValley.com • www.GoletaValleyChamber.com

Contents

Overview of Comments:

The Chamber appreciates the simplified processes and instances of clear direction contained in the draft ordinance.

The Chamber also appreciates instances where flexibility is allowed.

In some cases, staff may have added restrictions due to anticipated feedback from the Coastal Commission. Staff should not apply these more restrictive regulations to all parcels. Instead, there should be an allowance for other items in the inland zones. This is an important distinction particularly where the City may not fully agree with the CCC. As well, the coastal rules should not govern since the vast majority of the City's parcels are not in the Coastal zone.

In many cases, new numerical standards have been introduced. While these may have been gathered from other jurisdictions with fine codes, the City should consider whether these standards are necessary at all, and if so, whether the numbers being selected make sense.

This document was used for a group review of the ordinance therefore some sections contain a summary overview of the old versus the new document and there may not be specific comments or opinions provided.

Part 1 General Provisions

17.01.080. Official zoning map and district boundaries. Item B of this section says where any public street or alley is vacated or abandoned, that the regulations applicable to each parcel of abutting property apply. It does not provide for instances where the abutting properties have different zones. In those instances, what zone would be assigned? The City should clarify that the abandoned row will take on the zone of the parcel it's being combined with or absorbed in to, rather than the adjacent.

17.03 Rules of Measurement

17.03.060.A.1. Measuring height should state on lots sloped an average less than 10% to be consistent with 17.030.060.A.2 which states on lots with an average slope of 10% or more.

17.03.070 Measuring landscaping. This section states that no landscape area smaller than 5 feet in any dimension will count toward required landscaping. This is particularly limiting, especially in consideration of stormwater requirements in parking lots and the like. The City should reconsider this. You can achieve shade, visual relief, etc in smaller spaces.

17.03.090 Measuring open space. It would be appreciated if clarification could be provided to justify the 10' minimum horizontal dimension for ground floor and 6' for balconies. If not based on building code, these dimensions seem arbitrary. Similarly, the 20' dimension and 10% slope requirements on common

open space appear arbitrary. In addition, for common open spaces to have less than a 10% slope. It should be clarified whether that is an average slope or max slope.

17.03.120 Determining Floor Area. In this definition, the floor area is measured to the outer surface of the walls. The City should consider a gross and net differentiation for floor area, particularly because item B differentiates for measuring gross floor area.

17.03.120.B excludes mechanical, electrical, other areas not to exceed 2% of the buildings gross floor area. This percentage seems arbitrary. For a small house of 1100 square feet, that limits mechanical to 22 square feet. A larger area should be allowed that does not count toward floor area.

17.03.140 Determining Lot Frontage. These two definitions are confusing. A diagram would be helpful here.

Part 2 Base Zoning Districts

The City provided a Zoning Districts and General Plan Land Use Designation by Parcel document that listed all the existing zoning, general plan designations and proposed zoning. It appears that some properties are in fact being rezoned. In some cases, parcels with split zoning are being zoned to one zone type. The answer provided was that the zone chosen was based on General Plan designation. If a General Plan designation covers more than one zone, the less restrictive should be designated. Additionally, the owner(s) should be contacted and specifically informed.

For instance: 5631 Calle Real is currently used for commercial purposes and zoned C-2. The current owner may not have been aware of the general plan designation or that it was different. The owners – in this and all cases where a zone has changed whether consistent with GP or not - should be specifically notified.

17.07 Residential Districts

Guest houses, artist studios and accessory structures are not listed as permitted uses nor defined in how they would be processed. Instead, the use table directs you to the accessory structure standards. That standards section does not allow for accessory structures, it only defines accessory uses. This is a very alarming departure from the previous code. It needs to define the permit process.

The new residential district also excludes greenhouses, raising of field crops, orchards. This should allow for instances where a larger R zoned parcel has avocado trees that are regularly harvested.

Many of the lower density DR zones were rezoned to Single Family Residential. The City should look at whether this takes away flexibility or allowances that may have otherwise applied with a DR designation before assigning SFD to those parcels. Either way, and again, owners should be notified.

17.08 Commercial Districts

General Comments:

The existing code has five commercial zones in the inland ordinance and the coastal ordinance has two. The new proposed code has 6 commercial zones**.**

We recommend that owners be specifically notified – in the instance they weren't the owner at the time of the GP change, or in the instance they didn't look at the general plan when they purchased.

C-1 parcels are rezoned to OT, CC, VS, PQ, CG, RM (Medium Density Residential) in the case of La Sumida Gardens. Various parcels zoned C-2 have been rezoned to OT, CI, CC, CG, CI, CR or PQ. RP (Planned Residential @170 S. Kellogg). Various C-3 almost all became CG, and a couple OT, at least one PQ. Various CN became CC, OI, CI, CG a handful to medium density residential.

Commercial zone lot standards have changed.

- The maximum height allowed in the Old Town and the Intersection Commercial zones has been reduced from 35' to 30 and 25' respectively. If this is because of coastal zone regulations, again the inland portion of the City should not also have to reduce their height.
- Maximum lot coverage has been added to all zones except Old Town, where some Commercial zones did not previously have a max coverage requirement. A maximum coverage may not be necessary and could instead be flexible.
- The new draft ordinance also adds minimum 1st floor ceiling heights where none existed before. Is this necessary for Goleta?
- Ground floor transparency is not always a good idea therefore this should not be mandatory.
- Minimum landscaping standards have also been added as a percentage, where most did not have this as a percentage before. These should be closely reviewed in light of new parking and stormwater regulations.
- Front setbacks appear to be smaller except for CR Regional Commercial which is set at 20'.
- The new code differentiates between side and street side setbacks. Previously, commercial zones had zero, 3, 5 or 10' side setback. Most now have a 5' setback.

THE FOLLOWING SECTION IS INFORMATIONAL FOR REVIEW OF OLD VS. NEW STANDARDS.
COMMENTS RESUME ON PAGE 17

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OLD ORDINANCE STANDARDS AND ZONES	C1	C2	C3	CH Highway commercial	CN Neighborhood commercial	VC Visitor-serving	SC Shopping Center
Min Lot Area	None unless residential use (7,000)	None	None	None	None	None	Convenience shopping : 2 or more acres Community shopping: 12 or more acres
Min Lot Width	-	-	-	-	-	-	-
Min lot depth	-	-	-	-	-	-	-
Max density	-	-	-	-	-	-	-
Max height	35' to highest point	35'	35'	35'	35'	35'	35'
Min 1st floor ceiling	-	-	-	-	-	-	
Setbacks							
Front	30 from CL 15 – ROW	30 from CL 10 – ROW	30 from CL 10 – ROW	15' from ROW	50' from CL, 20' ROW	50' from CL, 20' ROW	20' from ROW
Side	10%, min 5, max 10	None unless provided in which case 3 feet.	None or 3 feet.	None, except within the side yard adjacent to the front yard, the front yard shall apply. Where lot abuts property in different zone, the side and	5 feet.	20' – No structure within 50' of residential	10' feet or 20 if convenience shopping abuts residential, or 50 if community shopping
Rear	10% or 10' max, 25 min if abutting residential	10% or 10' max, 25 min if abutting residential	10% 10' max, 25 min if abutting residential		10% not more than 10'. 25 min if abutting residential	20' – No structure within 50' of residential	

OLD ORDINANCE STANDARDS AND ZONES	C1	C2	C3	CH Highway commercial	CN Neighborhood commercial	VC Visitor-serving	SC Shopping Center
				rear of the abutting district shall apply.			abuts residential
Max lot coverage	-	-	-	Not more than 40% net.	30%	Min 40% of net lot area retained in public or common space. If surrounded by residential, no more than 1/3 of gross shall be covered with building/stx	30%
Min landscape	15' from street ROW, 5' wide for sides if abutting residential	-	None- as approved by P&D	As approved by P&D. Not less than 5% shall be landscaped. 6' wall on side and rear if next to residential zone plus row of trees 20-40' when mature. 3' masonry	Landscape plan required. Each side and rear abutting residential shall have min 5' landscape and ornamental wall of 5'. Wall reduced to 3' in front yard setback.	As approved with final developmnt plan. Along side or rear abutting residential, 'adequate' buffer of fencing, wall, etc.	Not less than 5% plus masonry/trees if abutting or across the street from residential.

OLD ORDINANCE STANDARDS AND ZONES	C1	C2	C3	CH Highway commercial	CN Neighborhood commercial	VC Visitor-serving	SC Shopping Center
				wall when residential is across the street.			
Other	Trash and outdoor storage shall be enclosed and screened from public view.	Trash and outdoor storage shall be enclosed and screened from public view.	Outdoor trash and storage enclosed and screened from public view.	No alcoholic beverage except restaurant.	All uses wholly within enclosed building except service station. Outdoor trash screened from public view.		All uses wholly within enclosed building. Outdoor trash screened from public view.

NEW ORDINANCE STANDARDS

	District						Additional Regulations	#
	CR	CC	OT	VS	CI	CG		
Lot and Density Standards								
Minimum Lot Area (sq. ft.)	5,000	5,000	5,000	5,000	5,000	5,000		
Minimum Lot Width (ft.)	65	65	65	65	65	65		❶
Minimum Lot Depth (ft.)	100	100	100	100	100	100		❷
Maximum Density (Units/net acre)	N/A	12	20	N/A	N/A	20	See § 17.25.090, Mixed Use Development	
Building Form and Location								
Maximum Building Height (ft.)	35	35	30	35	25	35	(A)	❸
Minimum 1st Floor Ceiling Height (ft. clear)	12	12	12	12	12	12		❹
Setbacks (ft.)	See also § 17.25.090, Mixed Use Development							
Front	20	10	0	15	10	10	(B)	❺
Interior Side	5	5	0	20	5	0	(C)	❻
Street Side	10	5	0	20	5	5	(B)	❼
Rear	10	10	10	10	10	25	(C)	❽
Maximum Lot Coverage	30%	40%	N/A	40%	30%	40%	(A)	
Minimum Landscaping	10%	10%	N/A	20%	5%	10%		
Additional Regulations (Applicability of Additional Regulations: Y=Yes)								
Building Design	Y	Y	Y	Y	Y	Y	(D)	
Ground Floor Transparency	Y	Y	Y	Y	Y	N/A	(E)	
Pedestrian Access	Y	Y	Y	Y	Y	N/A	(F)	
Limitations on Curb Cuts	Y	Y	Y	Y	Y	Y	(G)	
Transitional Standards	Y	Y	Y	Y	Y	Y	(H)	

A. Allows for additional height and coverage for hotels in Visitor-serving

B. Requires landscaped or improved street-facing setbacks

C. Requires minimum setback from any R district as 25 feet

D. Exterior of buildings must be coordinated compatible to character of neighboring commercial

E. Ground floor-transparency

F. Pedestrian Access

G. Limitations on curb cuts

H. Transitional standards

In general, it appears they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.

Existing Code	**Proposed Code** **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
C-1 Limited Commercial: areas for commercial activities that serve local community that are generally compatible to neighboring residential. Partial list of allowed uses by land use permit: Retail stores, shops, commodities for residents of the neighborhood in an enclosed building – grocery, bakery, hardware, clothing, pet shop, garden supply, automobile accessories, florists, laundry, dry cleaning, fitness studio, radio repair, shoe repair, tailors, restaurants, cafes, banks, non-profit recycling, child care, single family dwellings, accessory buildings accessory to the above. partial list of allowed uses by conditional use permit: Small animal hospital, hotel, service station, community center.	CC - Community Commercial: relatively small commercial centers that provide goods and services to residential neighborhoods, mixed use, and residential up to 12 units per acre: Limited list of allowed uses by zoning clearance: Community assembly, government building, public safety, animal sales and grooming, car wash, bank, hardware, business services, catering, cinema, restaurant, general retail, market, liquor store, hotel, car maintenance, nursery, business offices, medical, general personal services, general retail, reverse vending machine recycling, animal keeping, home occupation, mobile food Limited list of uses allowed by Administrative permit (AU): Day care, clinic, skilled nursing, social services, farmers market, live/work, media production, personal services, recycling collection List of uses allowed by Conditional Use Permit (CUP): Drive thru restaurant or drive thru bank, private school, cultural institutions, colleges and trade schools, multi-unit dwelling and large residential care facilities
C-2 Retail Commercial : areas for local retail business and commercial needs – stores, shops, offices supplying commodities or performing services for the residents of the surrounding community: partial list of uses allowed by Land Use Permit: Amusement enterprises (pool hall, video arcade), auto service, auto sales, auto machinery repair, retail stores, shops, bakeries, ice	

Existing Code	**Proposed Code** **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
cream, grocery, liquor store, furniture, hardware, florist, pet shop, department store, laundry, dry cleaning, barber shops, shoe repair, beauty parlors, restaurants, banks, trade schools, hotels, parking lot, golf course, nursery, recording studio, theater, public works, light commercial, SRO, spa or health club, non-residential child care, structures accessory to those listed. Partial list of allowed uses by CUP: Bus terminal, outdoor theater, swap meet, small animal hospital, boat sales, cabinet shop, recycling, cleaning and dyeing, electrical shop, frozen food locker, furniture repair, lumber, mechanical car wash, plumbing, pool supplies, patio furniture, sales or storage lot for trailers and RV, sign painting shop, trailer and truck rentals, farmers market, emergency shelter, animal boarding, live/work.	
CN – Neighborhood Commercial Retail stores, shop, establishments serving day-to-day needs such as food market, liquor store, pharmacy, delicatessen, pizza take out, flower ship, furniture, hardware, hobby shop, ice cream, repair and services, shoe repair, dry cleaner, Christmas tree sales, child care center, light retail. Allowed with CUP: residences as a secondary use to a primarily commercial use. Temp produce sales, auto service station, drive thru photo/film processing.	
C-3 General Commercial: wholesale and heavy commercial uses and	CG - General Commercial. Sites for a diverse set of

Existing Code	**Proposed Code** **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
services not suited to light commercial. Intended to provide areas for these uses and protect adjacent from negative noise, odor, light, traffic. Partial list of permitted uses: All that is allowed in C-2, bakery, bus terminal, printing, storage, auto sales (unenclosed), agricultural packing, processing, ag supply or distribution, auto body, blacksmith, carpenter, cabinet shop, cleaning and dyeing, furniture repair, heating, plumbing, lumber, sign painting, small animal hospital, recycling collection, contractor equipment/storage, emergency shelter, SRO, accessory to the above. Uses with a CUP: Amusement, outdoor theater, swap meet, mechanical car wash, residence (as secondary use), farmers market.	commercial uses that do not need highly visible locations or that may involve activities that are not compatible with other uses. (e.g. heavy vehicles, heavy commercial uses that may cause excessive noise, air emissions, hazardous materials, or excessive light and glare require approval of a Conditional Use Permit. partial list permitted uses by Zoning Clearance: Animal keeping (as accessory use), minor utilities, personal services, general retail, construction and material yard, heavy vehicle sales, rental, service, indoor warehousing, comm facilities within buildings, recycling, general personal services, maintenance/repair services, nurseries, liquor store, specialty food, general market, catering, business services, bank, check cashing, service/gas station, carwash, clinic, skilled nursing, community assembly, animal sales/grooming, veterinary services, auction, mobile food partial list allowed by AU Administrative Permit: auto/vehicle sales and service, parking lot, social service, limited industrial, outdoor storage, light fleet-based service, live/work, farmers market, caretaker unit. partial list allowed with a CUP: assisted living residential facility, college, private, or trade school, kennel/boarding, drive thru bank, drive thru retail, auto wrecking/junk, RV park, restaurant with drive through, entertainment.

Existing Code	**Proposed Code** **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
CH Highway Commercial Motels, hotels, auto service, garages, dwellings for employees or watchmen whose "whose work makes it essential that they reside on the property." Bus terminals, train stations, agricultural uses allowed on abutting ag or residential properties, minimart, essential uses needs of travelers on highways, non-residential child care, SRO and accessory to above. With a CUP – overnight recreation-vehicle facilities, stadium, drive in, wholesale farming/agriculture, retail grocery, ag processing, driving range, golf course, truck service, mechanical car wash.	CI - Intersection Commercial – Allowed uses with Zone Clearance: Community Garden, Government Buildings, public safety facilities, service/gas station, carwash, restaurants, general market, mobile food, reverse vending recycling, minor utilities, animal keeping. Allowed by AU: caretaker unit, vending machine, farmers market, auto service repair (minor), parking lot. Allowed by CUP: college, trade or private school, cultural institution, drive through bank, restaurant with drive thru,
CV Resort/Visitor Serving: Resort, guest ranch, hotel, motel, country club, convention and conference center, light commercial (barber, beauty, gift shop, restaurants) normally associated with visitor needs as incidental and directly oriented to visitors. Recreation facilities (piers, docks, golf, park, tennis swimming), child care centers (accessory to visitor serving primary). Allowed with CUP : public stables, campground, and gas station only if one doesn't exist within 10 miles, residential use (2ndary to 1st commercial use on the same lot.)	VS – Visitor-Serving Commercial This District is intended to provide for a range of commercial uses of low to moderate intensity, often at or near scenic locations that serve as destinations for visitors, through implementation of the Visitor Commercial (C-V) land use designation of the General Plan. Uses allowed with zoning clearance: Public safety, catering, banquet, cinema, indoor sports/rec, full service and limited service restaurant, hotel/motel, mobile food, reverse vending, minor utility and animal keeping. Allowed with AU: outdoor vending machine, caretaker unit, farmers market, park & rec, parking, Allowed with CUP: live entertainment, RV park, drive thru

Existing Code	**Proposed Code** **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
	restaurant, bar/night club/lounge, cultural institutional,
Some C-2, Some SC (Shopping Center) are being zoned to Regional Commercial SC is for clustered shopping center / community shopping center and convenience shopping center uses, and allows retail stores and shops including bakeries, barbers, liquor stores, drug stores, restaurants, hardware stores, professional or commercial offices, etc., department stores, jewelry stores, sporting goods, pet shops. Etc. Can have auto service stations, bowling alleys and live/work, and farmers markets with a CUP	CR – Regional Commercial - This District is intended to provide for a wide range of retail commercial, larger scale commercial uses that service the community, region, and traveling public through implementation of the Regional commercial (C-R) land use designation in the General Plan. Community garden, government buildings, public safety, animal sales and grooming, veterinary, bank,, building materials, catering, cinema, indoor sports, restaurants (all kinds) except drive-thru requires CUP, general market, liquor store, specialty food, instructional services, maintenance and repair, mobile food, nurseries/garden, professional offices, personal services, general retail, reverse vending, minor utilities, animal keeping, and outdoor vending. Requires AU: farmers market, caretaker unit, recycling collection, restricted personal services, media production, farmers market, day care, clinic, skilled nersing, parking, social services, Requires CUP: live entertainment, restaurant with drive thru, bar/night club/lounge, banquet, drive thru bank, service and gas station, colelges and trade school, cultural institution, emergency shelter, hospital, private school, kennel/boarding.

Existing Code	**Proposed Code** **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
Most of the area proposed to be OT Old Town zoning area is currently zoned C-2	OT – Old Town – "This District is intended to permit a wide range of local- and community-serving retail and office uses to enhance the physical and economic environment for existing businesses and uses of the historic center by implementing the Old Town Commercial (OT) land use designation set forth in the General Plan. Residential uses may be approved only in conjunction with a permitted principal, non-residential use on the same site. Prescribed District regulations and development standards are intended to reinforce the character of the area as a pedestrian-oriented, retail business area with a mix of businesses and services and through consistency with the Goleta Old Town Heritage District architecture and design guidelines." Old town allowed uses include the following: By zoning clearance: small residential care facility, college/trade school, community assembly, community garden, government building, public safety facility, private school, animal sales and grooming, veterinary services, auto rental, auto repair (major and minor), bank,business services, catering, full service restaurant and limited service restaurant, general market, liquor store, specialty food, instructional services, mobile food, business/professional/tech office, medical/dental, general personal services, general retail, reverse vending, minor utilities, animal keeping, home occupation. By AU – caretaker unit, recycling collection, maintenance/repair services, live/work, farmers market, auto leasing/sales, social services, parking, skilled nursing, clinic, day care,

Existing Code	Proposed Code **In general, it appears** they align as shown in the table, however specific properties should be reviewed for comparison since the City did not uniformly change the zones from old to new as a search and replace.
	By CUP – multi-unit dwelling, large residential care, cultural institution, boarding/kennel, service/gas station, car wash, check cashing, building materials/sales/service, banquet/conference, indoor sports, bars/nightclub, lounge, restaurant with drive-thru, hotel/motel, RV park, walk-in office, restricted personal services, Live entertainment **Comment:** OLD Town should allow for take-out only restaurants

Existing code requires a Development Plan for any building or structure over 5,000 SF in the C-1 zone. The new code does not have a Development Plan process.

A. **Additional Height and Lot Coverage for Hotels.** In the Visitor-Serving Commercial District outside of the Coastal Zone, the following adjustments to the development standards are allowed by right for hotel buildings:

1. The maximum allowable structure height may increase to 65 feet; and
2. The maximum lot coverage ratio may increase to 50 percent.

17.08.030. A allows for additional height and coverage for hotels in the visitor serving commercial. This is a positive allowance. If the coverage is allowed to increase, then the density, landscape or other standards affected by increasing square footage allowed should be able to be reduced accordingly since the extra coverage will affect these other metrics.

17.08.030.B requires front and street facing setbacks in all commercial zones to be landscaped/hardscaped for use by pedestrians. This may not be necessary or appropriate in all instances, especially in General Commercial which is supposed to allow for uses that do not need highly visible locations or may involve activities that are not compatible with others, that may cause a lot of noise, emissions, etc. We do not need pedestrian improvements on these types of properties.

17.08.030.D and E outline building design and ground-floor transparency for commercial buildings where none existed before. These would be better left to design review guidelines. Creating blanket and potentially arbitrary requirements is limiting, and not necessary for Goleta.

17.08.030.F. talks about pedestrian access in commercial zones. It states walkways MUST connect all buildings on a site to each other, to on-site auto and bike parking, to sidewalks, and to any on-site open space or ped amenities. This would likely result in additional impervious areas and increase run off when shared use by car/ped can be done well and serve the intent appropriately. Particularly for commercial uses without a lot of public use or ped traffic this is unnecessary. These requirements are seemingly onerous. In addition, item 3 requires walkways must be raised or separated by a physical barrier when painting, alternative surface such as pervious pavers, or other treatments can be more than effective especially for very low-ped use areas.

17.080.030. G. Has limitations on curb cuts. This should be left to public works.

17.08.030.H. Talks about transitional standards within 40 feet of an R district, stating that the maximum height within 40’ of a residential zone is 30 feet. These transitional areas should be addressed through design rather than added as a blanket requirement. Additionally, the max height for most C districts is only 5’ more (35’). A smaller transitional area would be more than adequate. Absent deleting this requirement, there should be a provision that this could be adjusted with DRB approval.

17.08.040. includes supplemental regulations for all commercial districts. Commercial centers over 25,000sf of floor area, or 4 or more establishments in the Retail Sale use class, are subject to a CUP. Item 17.08.040.A.2 Requires that individual businesses obtain their own permit. Requiring each business in a shopping center to obtain an individual permit could create unnecessary layers of permits and should be reconsidered or deleted. Particularly where a shopping center is under one ownership and leases to individual tenants, this seems unnecessary.

17.08.040.A.3 has requirements for site layout. Again, these seem like design review items, not necessarily needed in the zoning code. In addition, the requirement for on-site public plazas could be more flexible rather than a blanket requirement.

17.08.040.3.d. requires on site circulation in these commercial centers to occur in private access easements and have reciprocal access and parking agreements. For lots under one ownership, it is not necessary to have these in place, nor is it appropriate for an owner to grant themselves an easement. This should be deleted.

17.08.040.3.e requires additional landscape buffers to abutting residential districts. To preserve flexibility, this should be handled in design review and should not be in the zoning code.

17.08.040.A.4.b Design Criteria. This section has a list of criteria that the DRB would review and make recommendations to the PC. In particular, item b. requires that buildings must be located within 30 feet of the corner of the driveway and the public right of way. What is the purpose of this distance? Seems an arbitrary distance that could be reviewed rather than codified.

17.09 Office Districts (Business Park and Office Institutional)

Many M-S-GOL and M-RP properties were rezoned to BP

Table 17.090.020. The uses allowed in business parks include personal services – like dry cleaning or a barber, or clinic, but not a dentist or medical office with walk-in clientele. It seems arbitrary that a dry cleaner or barber, or clinic with walk-ins would be allowed but not a dentist. It might be nice to have your dentist near your office just like it's nice to have easy access to the barber shop. Consider allowing more uses in the business park zone. As well, professional and institutional used to allow for charitable and philanthropic institutions, churches, community centers and the like. What is the reason to no longer allow community assembly in the Business Park zone? The City should reconsider the allowed uses in various zones.

17.09.030.A. This has the same transitional standards as commercial districts where the height is limited to 30' within 40 feet of a residential district/use. Same comment as before, this can be accomplished through design and should not need specific requirements.

17.09.030.B requires architectural articulation on all 4 sides of buildings within 200 feet of the freeway. This same screening or visual impact mitigation should also be allowed to be achieved with landscaping or other manners, rather than fully articulated as the front façade of the building.

17.09.030.C is the same requirement about curb cuts which should be a public works item rather than the zoning code.

17.09.030.D. lists requirements for the location of parking areas that it "must be located at the side or rear of buildings" and "can be located near the office area." These should all be worked out during design review and can be simplified to address pedestrian or street frontage with a simple statement that the buildings are articulated to have attractive street frontages.

BPs allow

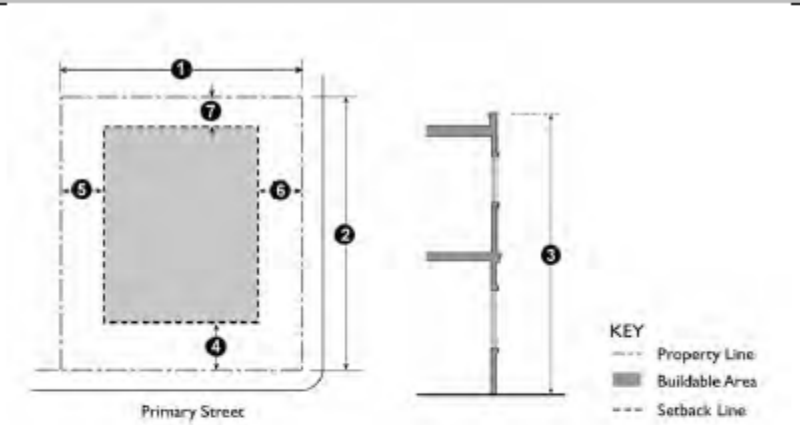
With a Zoning Clearance: emergency shelter, government building, business services, full service and take out restuarants, mobile food, business, professional and technology, general personal services,

R&D and Technology, Indoor warehousing and storage, telecom facilities within buildings, reverse vending, minor utilities, animal keeping, caretaker unit, home occupations.

With an Administrative Use Permit: day care, clinic, social services, farmers market, limited industrial, recycling collection.

With a CUP: Live entertainment, hotels and motels. Only in hotel overlay area of the general plan.

TABLE 17.09.030: DEVELOPMENT REGULATIONS—OFFICE DISTRICTS



	District		Additional Standards	#
	BP	OI		
Lot and Density Standards				
Minimum Lot Area (sq. ft.)	10,000	10,000		
Minimum Lot Width (ft.)	100	100		❶
Minimum Lot Depth (ft.)	100	100		❷
Maximum Density (Units/acre)	N/A	20	See § 17.25.090, Mixed Use Development	
Building Form and Location				
Maximum Building Height (ft.)	35	35	(A)	❸
Minimum 1st Floor Ceiling Height (ft. clear)	12	12		
Setbacks (ft.)	See also § 17.25.090, Mixed Use Development for upper-story setbacks for residential uses in mixed-use development			
Front	10	10		❹
Interior Side	0	0	(A)	❺
Street Side	10	10		❻
Rear	10	10	(A)	❼
Maximum Lot Coverage	35%	40%		
Additional Regulations				
Buildings Near State Highways	(B)			
Limitations on Curb Cuts	(C)			
Minimum Landscaping	20%	10%		
Parking Location	(D)			
Sidewalks	(E)			

<u>OLD Professional and Institutional</u>

No minimum lot area, width, depth or density.

Max height 35’

Setbacks 45’ from centerline, 15’ from ROW

Side & Rear 15 feet

Max coverage 40% net area

Landscaping not less than 10%

17.10 Industrial Districts

There used to be three industrial zones – Light Industrial – M-1, Industrial Research Park M-RP, and Service Industrial Goleta MS-GOL.

The new zones are either Service Industrial (IS) or General Industrial (IG).

Several M-1s were rezoned to IG General Industrial and CG-General Commercial, MS-GOL were rezoned to IS or IG, and some M-RP (Industrial Research Park) lots were rezoned to Business Park

IS Service industrial allows for

Community garden, auto uses except service and gas stations, catering, mobile food, auto wrecking (with CUP), construction and material yard, custom manufacturing, limited industrial, heavy vehicle and large equipment sales/rental service and repair, towing, vehicle storage, wholesaling and distribution: indoor warehousing, outdoor storage, personal storage, (chemical and explosives with CUP), telecomm facilities, freight/truck terminals and warehouses, heliport (with CUP), reverse vending, transport passenger terminal, minor utilities, animal keeping, caretaker unit, live entertainment (CUP). Clinics and skilled nursing (with CUP)

IG general industrial allows for

Agricultural processing (CUP), community garden, emergency shelter, government building, clinics and skilled nursing (CUP), car rental, auto/vehicle sales and leasing, repair (major and minor), service and gas stations, building materials sales, services, catering, mobile food, auto wrecking, construction and material yard, custom and general manufacturing, limited industrial, oil & gas (with CUP), R&D/tech, vehicle/equipment facilities, towing, storage, service & repair; wholesale trade, warehouse, storage and distribution of chemical/explosive (with CUP), indoor warehousing and storage, outdoor storage, personal storage, wholesaling and distribution, telecomm in Buildings, freight/truck terminals and warehouses, heliport (with CUP), recycling, reverse vending, , minor utilities, animal keeping, caretaker unit, live entertainment (CUP).

Development standards

The new code reduces max height to 35’ in the M-1 zone, 17.10.030.A – allows CUP for increase in height up to 45 feet when the old requirement in M-1 allowed for 45’ as part of the zoning. The City may want to reconsider why a reduction in 10’ plus a CUP is needed.

The new code reduces setbacks which is nice. However, it adds lot width/area (only M-RP had a minimum lot area previously) and maximum coverage where no existed before for M-S-GOL.

The new code also adds transitional standards and separation of parking areas, sidewalks, four-sided architecture when within 200' of the highway, limitations on curb cuts, and parking locations. Comments on these sections (17.10.030.A-G) are the same as in commercial zones and as follows:

17.10.030.B. Transitional standards requires 50' setback from all residential zone boundaries or residential uses which can be reduced with a CUP for narrow lots subject to screening and use limitations. This section should state that it can be reduced to a minimum of 10' or similar to give appropriate expectation.

17.10.030.C requires separation of parking areas from buildings by 10 feet, and that must include pedestrian walk way and landscaping. This doesn't seem necessary for many of the allowed uses in this zone. Reconsider whether this needs to be included.

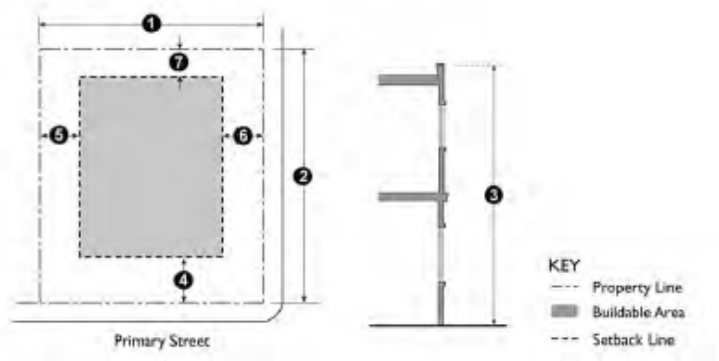
17.10.030.D. requires sidewalks must be provided to meet ADA standards. ADA requirements should be left to state law for areas where ADA is required.

17.10.030.E. Requires architectural articulation on all 4 sides of buildings be equivalent to the primary façade if the building is within 200 feet of the freeway. This same screening or visual impact mitigation should also be allowed to be achieved with landscaping or other manners, rather than fully articulated as the front façade of the building. Some consideration should be given for whether the property or building can actually be seen from the freeway as well and waived if not.

17.10.030.F is the same requirement about curb cuts which should be a public works item rather than the zoning code.

17.10.030.G requires parking be located at the side or rear wherever possible and customer parking near the office area. These types of site layout decisions should be worked out in design rather than codified.

TABLE 17.10.030: DEVELOPMENT REGULATIONS—INDUSTRIAL DISTRICTS



	District		Additional Standards	#
	IS	IG		
Lot and Density Standards				
Minimum Lot Area (sq. ft.)	10,000	10,000		
Minimum Lot Width (ft.)	100	100		❶
Maximum Lot Coverage	50%	50%		❷
Building Form and Location				
Maximum Building Height (ft.)	35	35	(A)	❸
Setbacks (ft.)				
Front	20	20		❹
Interior Side	10	10	(B)	❺
Street Side	10	20		❻
Rear	10	10	(B)	❼
Additional Regulations				
Minimum Landscaping	10%	10%		
Maximum Intensity of Employment	25 persons per acre		See Chapter 17.17, -AE Airport Environs Overlay District	
Separation of Parking	(C)			
Sidewalks	(D)			
Building Design Near State Highways	(E)			
Limitations on Curb Cuts	(F)			
Parking Location	(G)			

EXISTING M1	EXISTING M-RP	EXISTING M-S-GOL
No minimum lot area, width or depth Max height 45’ Max Coverage – 50% of net area Setbacks – Front 50’ from CL, 20’ from ROW, side and rear, 10’ and Rear: 50’ from any residential zone Landscape – not less than 10% plus masonry wall, screening.	1 acre min lot size Max height 35’ Max coverage 35% net area Setbacks – front 80’ from CL, 50’ from ROW or 20’ from row of 2nd internal street Side and rear – 10’ unless abutting residential then 50’ rear Landscaping 30% of net lot area, plus masonry wall/landscape of side/rear	No min. lot area Max height 35’ No max coverage Setbacks – front 50’ from CL, 20’ from ROW. Side and rear 10’ or rear at 50’ if abutting residential. Landscaping not less than 10% plus landscaped/masonry wall if abutting residential.

17.11 Public and Quasi-Public District
Not reviewed

17.12 Open Space and Agricultural Districts
Not reviewed

17.13 Planned Development District
Not reviewed

Part 3 Overlay Districts
Not reviewed

Part 4 Regulations Applying to Multiple Districts

17.25 General Site Regulations

17.26 Coastal Access
This section may change after review by the Coastal Commission.

17.27 Coastal Zone Visual Resource Preservation
This section may change after review by the Coastal Commission.

17.28 Density Bonuses and other incentives
Not reviewed

17.29 Inclusionary Housing Program
Not reviewed

17.30 Demolition and Relocation
Not reviewed

17.31 Environmentally Sensitive Habitat Areas
The entirety of this section was not reviewed in detail however we have the following comments:

17.31.030.D – Restoration and Monitoring Plan – The sections says plans "must include the following". The City should clarify or edited to be less restrictive. Not all the requirements are necessarily going to be applicable or necessary. Staff or the Director should be given authority to waive items on a case by case basis.

17.31.050.B. – "Land divisions are only allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHA related to fuel modification for fire safety purposes." This should be deleted or

clarified because it could severely limit the ability of a property owner to reasonably build on a lot constrained by ESHA. Fuel management and ESHA can be compatible, and beneficial.

17.31.070.A.1 Streamside Protection Areas – This item states that the "SPA upland buffer must be 100 feet outward on both sides of the creek, measured from the top of the bank…. The review authority may increase or decrease… based on site-specific assessment if (1**) there is no feasible alternative siting for development that will avoid the SPA upland buffer"**

This language is impossible for staff to interpret consistently if at all. The term feasible itself is an issue. In addition, there are no criteria identified for staff or decision makers to use in determining whether there is a feasible alternative. This opens the door for attack of any project and the standard may become a legal argument over reasonable use of a property. Especially when a feature is severely degraded and a project protects and enhances an ESHA, a 100 foot setback could be considered disproportionate to the potential impact of the project itself. In reality, it is very difficult for applicants, especially on larger projects, to find support in a buffer reduction of any kind even if the code specifically allows for it. Therefore the criteria needs to be clear.

17.31.140 – Protection of Native Woodlands – This section is extremely restrictive and internally inconsistent. The City should clarify that encroachments around protected trees may be permitted when justified and mitigated per specific study and recommendations by biologists or arborists.

17.32 Floodplain Management

17.32.020 Applicability should cross-reference the Safety Element.

17.32.060.B talks about Standards for Utilities and includes waste disposal systems must not be installed in a regulatory floodway. This should be clarified that utility lines such as sewer main lines could be directionally drill under floodways.

17.32.080 Diking, Filling or Dredging state that dredging of open coastal waters, wetlands and estuaries is permitted only to the extent allowed by the Coastal Act. There wetlands NOT in the coastal zone that would not be subject to the Coastal Act and these instances should be addressed.

17.32.080.B.3. This provision talks about providing entrance channels for new or expanded boating facilities in wetlands. Curious as to where or in what context within the City this would apply.

17.33. Hazards

17.30.030 Describes a Hazards Evaluation Report in which the initial site assessment by the ZA considers hazards over 100 years when the design life may not be 100 years. This should be reconsidered for the expected design life rather than 100 years as a standard minimum.

This section talks about using the best available science for the report. Unfortunately, the CCC's guiding document about sea level rise is pretty loose and confusing. The City should consider different verbiage

or deleting this sentence. IT's reasonable to expect this is going to change rapidly over time and it can be discussed differently than 'best available science.' Particularly since the best available science may include very costly reports, testing, etc.

The last sentence of 17.30.030 says "The Report is required to demonstrate that subject to the Report's recommended measures, all of the standards of this chapter can be met." This should clarify that the standards can either be met or are not applicable or found to not be a hazard.

17.33.040 Shoreline Development

This section will not be effective until the CCC certifies the document as the new LCP and therefore it will likely look different after the CCC reviews the document. However, it is understood the CCC no longer allows seawalls whether the community agrees with this prohibition or not.

17.33.040.A.2. Describes a prohibition on bluff face development except for engineered staircases to provide public beach access, pipelines and drainpipes. The staircase item should be consistent with SE 3.1 which talks about wood staircases and "lightly engineered." The GP should be revised to match this term of "Engineered staircase" as you can't lightly engineer a staircase.

17.33.040.E.1. Describes a Geotechnical Report to be submitted for applications for shoreline development. Item f requires survey work 'beyond the site.' This should be defined for a particular distance so as not to be onerous to the property owner. As well, the owner may not get cooperation of the neighbors.

17.33.040.E.2 requires a construction plan accompany applications and requires that 'no machinery will be allowed in the intertidal zone." This may not be possible where the intertidal zone extends to the sea cliff for instance. As well, it may require some beach activity therefore this should not be a prohibition.

17.33.040.F – this section includes site planning and setback standards. It needs to include some kind of verbiage about 'unless strict adherence would constitute a taking of property by eliminating the development potential on a legal lot.

17.33.040.F.2.a.1 includes language on what the setback must be. The City should carefully consider flexibility in these requirements particularly where it could constitute a taking. Similarly, the section should include a list of allowed uses in the bluff retreat setback that includes landscaping, structures of limited value or without foundations (planted pergola? Gazebo?) golf course greens, or other non-structural uses, and drainage features such as the drainpipes and public access staircases in 17.33.040.A.2.

17.33.040.F.2.b. has a 50-year design life. Other places of the document have a 100 year life – particularly the hazards section. The City needs to be consistent.

17.33.040.F.2.c says drought tolerant landscape must be installed. This should be revised as, 'when the applicant proposes landscaping it must be drought tolerant' rather than requiring new landscape. As well, it could consider using 'low water' rather than drought tolerant.

17.33.040.F. Shoreline Protection. This section states that existing structures threatened by coastal retreat must be relocated or removed and that in order to keep them they must get a CUP or CDP subject to findings. This appears to conflict with legal-nonconforming standards and should instead be handled as non-conforming. If the structure is illegal then it should instead be subject to the section regarding enforcement. In addition, one of the items to allow continued use is item d. "alternatives …have failed" this should also allow for where alternatives have or are about to, or will fail.

Shoreline Protective Structures need a definition in section 6.

17.33.050 talks about geologic, slope and stability hazards. Item C states that no development may be closer than 50 feet to any active or potentially active fault. The City should leave these distances to the building code or the expertise of the geotech rather than a blanket distance. It also says nonstructural development may be allowed in these areas depending on how they would withstand or respond…

Since structures are defined as 'anything constructed or erected which requires location on the ground" and often these are temporary, of limited value, etc. evaluating how they would withstand or respond may not be an appropriate regulation.

17.35 Landscaping

in general, this section appears to be too directive and requires too much, reduces flexibility, imagination, and ability to creatively address landscaping of a project. Where a person cannot afford or does not choose to hire a landscape architect, use of the Alternative Compliance provision may be difficult. The City should put these as guidelines in a separate document.

17.35.030 has a list of areas that MUST be landscaped and includes all required front and street-facing setbacks, lot perimeters, building perimeters, parking areas and unused areas. This seems a little excessive, particularly lot perimeters which could easily be attractively handled with a fence or something less than landscaping.

17.35.040.B talks about landscape mounds and should be clarified that mounds are not required, simply that these are the expectations when they are used.

17.36 Lighting

Like the Landscape section, the rules in the lighting section may be better used as guidelines in a separate document. This section needs to be consistent with industry standard, which changes more often than the City might want to change their zoning code. In addition, the standards for measuring light need to be consistent throughout the code and definitions.

Holiday lights shouldn't be restricted to certain dates – are there holiday lights up all year that are particularly offensive? This is an unnecessary code section.

17.36.050.F Codifies lighting at gas stations and these do not seem necessary nor do they match potential security requirements or best practices. Similarly, flood lights cannot cause glare or light to

shine on adjacent property or public right of way. Again this may not be necessary or match security needs.

17.37 Nonconforming Uses and Structures

The section in the public review draft is reported to be the same as what the City recently adopted/uses at this time. The City is in litigation over this ordinance, and staff has indicated that they are not interested in making changes to this section at this time because of the litigation. After meeting with staff, we understand that the possibility remains that this section will not appear in or be carried forward with the rest of the new Zoning Ordinance. Rather, the City will continue to use the existing ordinance currently in effect until litigation is resolved.

Generally speaking, this ordinance should opt out Agricultural uses.

D. Expansion of **Nonconforming Uses**. No lawful nonconforming use may be expanded without the approval of a Conditional Use Permit, subject to the following requirements:

1. Within a Conforming Structure. A nonconforming use in a structure that conforms to the applicable requirements of this Title and to the Building Code, as adopted by the City, may expand the floor area that it occupies.

2. Within a Structure That Does Not Conform to the Building Code. Any nonconforming use in a structure that does not conform to the Building Code, as adopted by the City, may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.

3. Within a Structure That Does not Conform to this Title. A nonconforming use in a structure that does not conform to the requirements of this Title but does conform to the requirements of the Building Code may expand the floor area it occupies.

17.37.030.D.5 The Required Findings for the CUP to expand a nonconforming use are:

a. The existing nonconforming use was lawfully established;

b. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;

c. The proposed expansion or substitution would not be inconsistent with the General Plan and Local Coastal Program and would not preclude or interfere with implementation of any applicable adopted area or specific plan;

This provision would be pretty hard to meet considering it is non-conforming use.

d. The proposed use will not depress the value of nearby properties;

e. No useful purpose would be served by strict application of the provisions or requirements of this Title with which the use or structure does not conform;

f. The nonconforming use does not include the storage, processing, use, or generation of hazardous materials, products, or waste;

City should consider impacts to agriculture or provide allowances where that hazardous material product or waste is regulated by some other agency and the user is in compliance with all applicable laws related to that hazardous material.

g. The impacts of the nonconforming use is not incompatible with surrounding uses; and

h. The nonconforming use is not an Adult-Oriented Business.

17.37.030.E. Discontinuance of Use. If a legal nonconforming use is discontinued for a period of 12 months or longer, the use is determined to be abandoned and cannot be continued, except as follows.

1. The legal nonconforming status of a single-unit dwelling will not lapse, regardless of the length of time of non-use;

2. Industrial uses and oil and gas facilities pursuant to § 17.37.040, Limited Exception for Nonconforming Industrial Uses; or

Specifying Industrial and oil & gas is redundant, 17.37.040 doesn't state both industrial AND oil & gas. The two sections should be consistent.

3. The owner/operator can provide evidence of continual operation, including:
    a. Monthly business receipts and an active business license with no lapse; or
    b. Other materials acceptable to the Zoning Administrator.

17.37.040.A.2 Limited Exception for Nonconforming Industrial Uses. This section gives guidelines for nonconforming industrial uses to be able to make improvements for safety reasons or to reduce environmental impacts. Item 2 includes a list of items that **must** be submitted for consideration to obtain a Limited Exception, unless specifically waived by the Zoning Administrator. It does not give clarity on what criteria or when the ZA would be able to waive the material.

One of the requested items for consideration (17.37.040.A.2.f) is estimated expenditures for the improvements, including materials, labor and equipment. Cost of improvements can be calculated any number of ways and should not be a deciding factor.

17.37.040.D. Lists the required Findings for approving a Limited Exception. Items 3 and 4 and comments are as follows:

3. The improvement does not result in an increase in the overall intensity of use beyond the existing permitted use or, for facilities where no permits exist, would not increase the overall intensity of use beyond the current operating limits.

What about instances where the entitlement exists for an improvement but has not yet been exercised? These are permitted improvements that are not "existing permitted" and could increase the overall intensity of the use beyond current operating limits because they have not fully developed what they're entitled to develop.

4. The improvement does not extend or expand the existing developed industrial site boundary within a parcel.

What is considered the existing developed industrial site boundary? Is this the existing footprint or the entire parcel? Replacement and repair of items could be considered actions that extend the life of the facility. The City should consider instances where repair of a tank or structure requires adjusting its location, or construction of a replacement tank or structure adjacent to the existing for the interim while the existing is overhauled.

5. The improvement does not result in **an expansion or extension of life** of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use, or from increased access to a resource, or from an opportunity to increase recovery of an existing resource. Any extension in the life of the nonconforming use affected by the improvement results solely from improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing an environmental benefit.

A repair necessarily extends the life. This could be written more clearly to acknowledge that.

17.37.050 Termination of Nonconforming Uses.

This ordinance appears to be better than the last in the way it limits the initiation of termination proceedings to the Council where it used to allow others to initiate termination. However, it still does not clarify what will trigger the Council to commence termination proceedings.

17.37.050.2 Indicates that the property owner and tenant will be notified in writing no less than 10 days in advance of the hearing that the City Council will be considering whether to terminate the use.

Ten days of notice is not enough time to read your mail, consider the letter, hire a lawyer and get your team to a hearing. This should be at least 30 days if not longer. These are legally established nonconforming uses, not illegal uses.

17.37.050.B Termination Period. This section says that the nonconforming use shall cease within 5 years from the date of the Council's order of Termination, unless the Council allows a longer period in its Termination notice. After the Order is issued, the owner has 1 year to request a modification to extend for up to an additional 15 years.
Typically, you apply for extensions prior to the expiration, so you should be able to apply for this extension any time up until that 5 years expires.

Within 1 year, you'd be appealing back to the same hearing body (most likely).

The Modification to a Termination Order goes to the Planning Commission for review. The PC's action is appealable back to the CC. this is a very unusual appeal process. Council with the original decision-> PC to hear the modification and approve/deny -> PC action appealable back to the Council.

17.37.060 Nonconforming Structures

This section may need to address historic landmarks or include special provisions.

17.30.060.E This section talks about Structural repairs. The definition includes the words “is immediately necessary” which is not defined. In addition, a 50% replacement cost limit is inappropriate. There should be no dollar limit to making a structure structurally safe.

17.30.060.F.2. If damage exceeds 75% of replacement call, the structure must be brought up to code or the PC can approve a CUP for a rebuild. This will be a problem for processing if we have larger scale emergencies such as area fires or earthquakes. This should be considered for a downshift to a ZA decision.

17.37.060 Nonconforming Structures

A. **Right to Continue.** Any legal nonconforming building or structure may only be continued and maintained provided there is no alteration, enlargement, or addition; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to any use therein, except as provided in this Section. The right to continue to use a nonconforming building or structure attaches to the land and is not affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except provided in this Section.

B. **Right to Repair or Restore.** Legal nonconforming structures may be repaired, maintained, or restored in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.

C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:

1. Alterations and enlargements that comply with the following, subject to only require the approval of the Zoning Administrator:

   a. Alterations or enlargements necessary to meet City or State requirements; and

   b. Alterations or enlargements consistent with the current requirements of the zoning district in which the structure is located or otherwise allowed in that zoning district.

2. Alterations and enlargements that comply with the following are subject to approval of a Conditional Use Permit:

   a. Alterations or enlargements that extend into a nonconforming yard, where the alteration or enlargement would not:

      (1) Further reduce any existing nonconforming yard;

      (2) Exceed applicable building height limits;

      (3) Further increase any existing nonconforming lot coverage; or

      (4) Increase the required number of off-street parking spaces unless parking is provided under current standards for the additional floor area.

D. **Maintenance and Nonstructural Repairs and Alterations.** Maintenance and non-structural repairs alterations are permitted to a nonconforming structure or to a structure

occupied by a nonconforming use, so long as the changes and improvements do not enlarge the structure.

E. **Structural Repairs.** Structural repairs that do not enlarge the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only when the Building Official determines that such modification or repair is immediately necessary to protect public health and safety of the occupants of the nonconforming structure, or occupants of adjacent property, or when the cost of such work does not exceed 50 percent of the replacement cost of the nonconforming structure as determined by the Building Official.

F. **Restoration of a Damaged Structure.**

1. A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official. Replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed and repair work commences within 24 months of the date of damage.

2. If the cost of repair or reconstruction exceeds 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official, the land and building will be subject to all of the requirements and applicable standards of this Title in effect at the time of the loss. However, the Planning Commission may approve a Conditional Use Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed as long as the previous use is continued or the original use is re-established.

*17.38 Oil and Gas

Global Comment:

This section does not include a list of zones where Oil & Gas are allowed. From a review of all the individual zoning districts appears that General Industrial "IG" is the only allowed zone for any O&G.

For comparison, in the old code, Oil & Gas were permitted uses in AG 1 and AG II, M-CR, M-2, RES, RR, C-2, C-3 M-RP, M-1 and REC zones. Also note that with this update some M-1 zoned properties were rezoned, IG (General Industrial) some are zoned IS (Service Industrial).

Specific comments:

17.38.020 Applicability. The City should define those items subject to City review authority. The list may be inclusive of items under one or more jurisdictions (DOGGR for example) not including the City.

17.38.040.K requires that the proposed development must have adequate public and private services, including a "reliable long-term source of water." It further requires that the applicant provide an "unconditional" will-serve letter or contract for service from Goleta Water District or other appropriate source deemed acceptable.

This requirement should more closely match the GWD process. As written, this section does not detail at what point the unconditional will serve letter is required, and should also acknowledge that the GWD does not provide a final C&WS until late in their process, which does not occur until later in the process. Please review and consider the GWD process chart attached and available on the GWD website. Specifically, steps 6 and 7 outline the Will Serve Letter is CONDITIONAL until there are final building permits.

17.38.050.A.1 states that the following section about Oil and Gas Pipelines apply to pipelines that extend outside an oil and gas facility. Does this mean the parcel upon which the equipment or improvements are located, or the limits of the improved area or other? Our recommendation is to clarify what precisely is considered "the facility."

In Part VI: General Terms, Pipeline or Transmission Line is defined as "Transportation facilities for the conveyance of water or commodities. Also includes pipeline surface and terminal facilities, pump stations, bulk stations, surge and storage tanks, but does not include lateral extensions or service lines."

17.38.050.B.2 Requires a minimum setback of 25 feet measured from each side of the gas gathering and transmission pipelines. Exceptions include e. Instances where the City finds the 25-foot setback poses an undue hardship to proposed development, provided that any reduced setback is not less than 15 feet, measured from each side of the pipeline. There should be some definition of what the undue hardship might be.

In addition, exceptions include, "Replacement of a public utility pipeline with a functionally equivalent pipeline" but does not include private utilities nor does it appear to allow replacement of other types of existing pipelines. These exceptions should be expanded to allow more flexibility. As well, the City should define what kind of oil and gas pipeline is considered a public utility pipeline since this occurs in the O&G section of the code.

17.38.050.B.6 Requires safety measures for pipelines that cross fault lines, or other unstable areas. It states that those pipelines are "subject to additional safety standards, including emergency shut-off or other measures dee[m]ed necessary by the City." This should reference or recognize safety measures required by other agencies, if any.

17.38.050.C defines the Required Findings for new pipelines constructed outside of "industrial facilities." It includes many references to the environmentally preferable route or alternative. The City should consider language to clarify and consider many aspects of environment such as instances where the environmentally preferable route or alternative creates a significant additional length of pipe (such as to route around sensitive areas), or would route a pipeline closer to a residence or school, or similar use to be away from something like a wetland. The City should be able to make findings that additional length of pipe and distance also increases total area for potential breaks or issues with that pipe, along with additional cost of maintenance or repair when considering the preferred route.

17.38.060 defines abandonment to include discontinuance of use beyond a period of 12 months. This seems like an arbitrary and unreasonable timeline.

17.38.060.B.2.b requires that an owner or operator must file for a Demolition and Reclamation Permit (D&RP) if the facility has not been operated or has become idle for at least 12 months. Again this seems like an unreasonable timeline.

17.38.060.D.14 requires that an application for a D&RP include evidence of all permits required by other overseeing agencies for any activities associated with decommissioning or reclamation of the site. These other agencies may not like to issue their permits without evidence of the local permit, or may not be practical to obtain prior to City approval. Therefore, the City should consider that this be revised to state that the evidence of permit be provided prior to issuance or effectuating the permit rather than as part of the application.

17.38.060.F.2 states that a D&RP cannot be issued if street and highway capacity is not adequate to accommodate the demolition activities. The capacity of nearby streets and highways is not under the control of the owner/operator of an O&G facility. This Finding should be reconsidered.

17.38.060.G.1 Ties the timeline for commencement of decommissioning activities to two years after cessation of operations. It is unknown how long it will take to obtain a D&RP permit, therefore the timeline to commence needs to be tied to that permit issuance, not the cessation of use. This should also be revised to define what "two years following the start of the decommissioning project" would be. Is it the effective date of the permit or the day employees start disassembling the facility. It should be the date of commencement of disassembly, or alternatively tied to some kind of agreed upon schedule rather than 2 years.

17.38.060.G.4. Does not appear to make sense in context. For instance, as provided, it states "when subsurface pipeline segments are decommissioned, they must be removed along with all debris, <u>except under the following circumstances</u>: b. Areas of ground disturbance must be restored to pre-project conditions, including revegetation of the affected area." This section should be revised accordingly.

17.38.070 Outlines a process to defer abandonment on a one-time only basis for up to 180 days or other period of time established in the deferral approval.

* 17.39 Parking and Loading (except 17.39.070(A)(3) Recreational Vehicle Parking/Storage which was discussed on February 22)

General Comment: Certain Chamber members should have a separate meeting to dive in to the specifics of the new parking and loading standards. Particular design concerns include providing EV charging stations vs. requiring that the infrastructure be available and READY for future use, heat island reduction provisions, wheel stops, expanded drive aisle widths, , mandatory selection of Public Works trees in private lots, landscape curb opening requirements, expanded landscape island requirements in terms of size and number, and conflicting vehicle overhang dimensions in text and in figures.

17.39.020.B Appears to be a significant improvement to the previous code.

Old code required "for additions to existing developments, the increased parking requirement shall be based on the aggregate total of the floor area and/or employees of all existing and proposed buildings or structures on the property."

New code states under "Reconstruction, Expansion and Change in Use of Existing Non-Residential Buildings" that when a change or expansion of use creates an increase of 10% or more in the number of required parking, that the additional parking must be provided for the *addition enlargement or change*, NOT the entire building or site. Any existing deficiency does not need to be mitigated. To current requirement is to calculate parking requirement for aggregate total floor area/number of employees etc. Therefore, the new language appears to result in less required parking.

In addition, a change in occupancy is not considered a change of use unless the occupant is a different use. And, additional parking is not required for reconstruction of existing buildings when there is no increase in floor area.

17.39.020.E This provision is also positive in that it appears to grandfather non-conforming parking in cases of damage or destruction. Particularly, it states that in cases of damage or destruction, that the building, and the parking or loading can be re-established equal to the number of spaces maintained at the time of the damage or destruction.

17.39.030.A. It is unclear if this provision is in conflict with 17.39.050.D.4 which allows for shared parking agreements. This provision states that no property owner can sublease, sub-rent, or otherwise encumber the off street parking spaces required by this chapter. These two should be clarified or cross referenced.

17.39.030.D Stacked Parking. Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. This is new language and appears to result in less required parking area.

We understand that 17.39.030.E.3. is being deleted or refined. Appears that for affordable projects, purchase of parking spaces would be under the same terms as the rest of the renters or buyers of other dwelling units. The way this is written, may disadvantage those affordable owners/renters to have to pay equal price for parking.

17.39.030.B States that existing uses of land or structures will not be considered non-conforming solely on the lack of parking required in the new code.

17.39.040 This Required Parking Spaces section outlines the required parking for various uses. The City's Numerical Standards Comparison Table: Existing to Proposed [link to document on Goleta Zoning site] shows how these compare starting toward the bottom of page 42 and on through page 44 of that document

17.39.040.A.1 Mixed Use Development. Parking requirements per land use contained in a mixed-use development are now provided. Parking requirements for non-residential uses within mixed-use are less (i.e. 1 space/450 SF vs. 1 space/300 SF). It is not certain this new condition will result in less required parking: a typical parking study applies a Shared Parking method that determines the cumulative peak parking requirement of the combined land uses, instead of the aggregate number of required spaces.

17.39.040.A.2 Single Use Development. Parking requirements have changed for the following residential uses:

1. Multiple-unit dwelling, One-bedroom: increased from 1.0 space/unit to 1.5 spaces/unit.
2. Multiple-unit dwelling, Two bedrooms: now lumped together with three or more bedrooms, increased from 1.5 spaces/unit to 2.0 spaces/unit.
3. Family day care, Group residential, Residential care & Single room occupancy (SRO) have been added.

Parking requirements have changed for the following non-residential uses:

1. Retail business and general commercial (1 space/500 SF) is now General retail (1 space/350 SF) and Large format retail (1m space/250 SF). This could significantly increase parking requirement for retail.
2. Parking requirement also went up for Colleges and Trade Schools, and Elementary and Middle Schools.
3. Parking requirement for R&D and Warehousing is now less.

17.39.040.D. Appears to be positive in that it allows Exemptions from parking for small commercial uses. "In C districts, the following commercial uses are not required to provide on-site parking when they contain less than 1,500 square feet of floor area: Retail sales, personal services, eating and drinking establishments, food and beverage retail sales, offices-walk-in clientele, and banks and financial institutions." Unless 4 of those types are on a single lot, then the total floor area of those will be used to calculate parking.

17.39.040.E Allows for on-street parking to be used in the Old Town Zoning District.

17.39.050 Parking Reductions. This section also appears to be positive. Where the old code allowed for modifications to parking requirements for certain uses and permit types (attached and detached second units, density bonus for affordable projects, CUPs and Development Plans), this code allows for reductions to parking without being tied to those five permit type/uses. This code allows for reductions subject to a Planning Commission approval of a CUP. The City should consider if a project that would otherwise be approved by the ZA needs to be elevated to a CUP to reduce parking.

- A reduction of up to 20% using an approved Transportation Demand Management Program
- A reduction of up to 20% if located within 0.75 miles of a transit stop with regular service on weekdays 7-9am and 5-7pm.
- Up to 5% of parking in motorcycle or scooter spaces
- A reduction of up to 50% of the total required spaces via shared parking under certain circumstances

17.39.050.F The Criteria for approval of a parking reduction seem reasonable except for item c. which may be hard to prove. The City should rewrite this to be more precise.

a. Special conditions—including without limitation, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a Transportation Demand Management Program—exist that will reduce parking demand at the site;
b. The use will adequately be served by the proposed on-site parking; and
c. Parking demand generated by the project *will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area. Detrimental impact is an ambiguous term and should not be used.*

17.39.060 Provides for parking in-lieu fees for parking assessment districts. It is unclear where or how the City anticipates parking assessment district to be established.

17.39.070.C includes provisions to allow off-site parking for uses other than single-unit dwellings and second units. For residential uses, off-site parking must be within 200 feet. For non-residential, offsite parking should be within 400 feet. This would create a situation where businesses may not be able to shuttle in employees, or provide off site parking during events. This parking would be non-conforming except that Section 17.39.030.B in the new code specifically clarifies that existing uses of land or structures will not be considered non-conforming solely on the lack of parking up to the new standard. *It will however affect the ability for businesses to expand if that expansion creates additional parking demand (i.e. additional employees) that cannot be accommodated in new or enlarged parking lot(s) on site or within 400 feet. Recommend striking the limitation of within 400'. The 400 foot limitation should be deleted. The distance from the site can be addressed on a case by case basis, if necessary and if there is a concern.*

17.39.080 Establishes short- and long-term bicycle parking requirements where none existed before. Because there has been no bicycle parking required before, the standards should be flexible.

The organization of this section should be reviewed. Where did the requirements for long term or covered parking come from? Covered bicycle parking at 50% is too much. In addition, the definition of long term should be adjusted to be over 8 hours rather than 4 hours. 4 hours is not a 'long term.'

Section A.1 - Regarding short-term bicycle parking – how did the City arrive at a 10% of the number of required automobile parking spaces requirement?

Section B.1 – Regarding long-term bicycle parking – how did the City arrive at the requirement of 1 long-term bicycle parking space per every five units for multiple family projects? This requirement is 20% long-term bicycle parking. Has the City simulated how this requirement would impact a typical multi-family project also accounting for short term bicycle parking requirements?

B.3 – This section is requiring 50% of required long-term bicycle parking to be covered. How does this relate to the current requirements? We want to ensure the City has fully analyzed how these % bicycle parking requirements will affect a project. We want to have some understanding of the requirement demands.

17.39.100 Parking Area Design and Development Standards have expanded dramatically. Landscape and Screening of Parking Areas previously contained 4 provisions and now includes 12 pages of requirements for island sizes, locations, permeable paving, buffers, parking canopies, medians and sidewalks, separate vehicular and pedestrian circulation systems, etc.

General Comments:

We encourage balance of competing interests when it comes to parking and that while medians and the like can make a more attractive, the additional requirements should be careful in not forcing more total area of lots/developments dedicated to parking. We don't want to over-park new development but we do want to have adequate attractive, permeable, usable, parking.

The current code appears to have served Goleta parking lots well, therefore the City should be careful in any decision to add more spaces required per use/square footage/unit. In addition, requiring these medians and buffers limit mobility through a parking lot, and reduce opportunities for alternative parking configuration during events that may be valet parked.

We appreciate how flexible it is, and that its going to change dramatically from what is in the draft, and we look forward to seeing the redline version. This section warrants a significant amount of additional attention.

Some of the wheel stop requirements seem unnecessary and the size and number of medians appears onerous.

Surfacing requirements are redundant and restrictive. They are already required as part of the City's Stormwater Management Plan. Flexibility is the key to successfully implementing a good stormwater treatment design. We do not support this section as written.

Although tandem parking is addressed, valet parking is not. The ordinance should address the requirements or process for determining if valet parking will be allowed.

17.39.100 Parking Area Design. All parking spaces except parallel parking and stacked parking shall be 9'x 18', with up to 20% assigned compact 8' x 16'. The current code allows for 8.5' x 16.5' residential, this appears to be eliminated. The current code also allows 30% assigned compact, so a proposed reduction of 10%. We do not support eliminating flexibility in stall size or amount of compact parking.

Parking aisle widths have increased by a minimum of 3' depending on parking stall angle, therefore adding parking area size. If the intent is to reduce total area of impervious or total area dedicated to parking (as it causes heat islands), rules that will result in larger total area of parking lot should not be included in the code.

Landscaped islands will be required between a maximum row of 6 spaces. Islands to be 8' wide. The current code states that trees, shrubbery and ground cover is to be provide at suitable intervals. Typical applied spacing is about every 10 spaces with a 5' wide island. The proposed change will increase total parking area size.

17.39.100.J: EV Charging Stations: Staff is requiring 5% of parking spaces must be EV charging stations. How did staff arrive at the 5% requirement – is this justified. Based on our experience with EV chargers in multi-family projects a 5% requirement would be very high. Perhaps this should require spaces to be EV "READY".

17.39.100.M: EV Heat Island Reductions: We would like to understand how staff arrived at a 50% shading requirement for those areas not in landscape. Where did the 50% number come from? How does it compare to the current requirement? Has staff studied if that is achievable?

17.39.100.(O)(7)(B) Median with Sidewalks: We would like to understand how staff arrived at a requirement that 25% of the sidewalk is shaded at noon. Where did the 25% number come from? How does it compare to the current requirement? Has staff studied if that is achievable?

17.39.100.R Is positive in that it allows for Alternative Parking Area Designs which would provide an avenue for an alternative approach to be approved by the Planning Commission if they can show that the alternative achieves environmental design and green building objectives.

17.40 Performance Standards

The minimum requirements in this Chapter apply to all new and existing land uses in all zoning districts, including permanent and temporary uses, unless otherwise specified

17.40.060 Liquid or Solid Waste reads in part, "There can be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers."

Comment: City's general terms probably don't need a definition of solid wastes; clearly this is to avoid garbage heaps, junk yards, and helps with vector control, but it should more clearly define what will be considered prohibited under this provision. For instance, clearing of land for agriculture creates, for small periods of time, piles of vegetation (i.e. avocado tree limbs) that could be home to small animals or considered a fire hazard. A recycling facility, as another example, could have outdoor piles of "waste" to sort for recycling that may collect rain water. While the concept is agreeable, this could have unintended consequences.

17.40.070 In the Hazardous materials section, 17.40.070.B Contaminate Land. "No new development is permitted on land determined to contain actionable contamination until the party responsible for such contamination has been identified and has accepted financial responsibility for any required remediation. The posting of a bond or other surety in an amount and form acceptable to the Zoning Administrator is required."

It is not always possible to find the responsible party or to make them pay. The City should provide for an avenue for a property owner, even if they're not the "responsible party" to prepare some kind of remediation plan and complete that work as a Condition of Approval prior to issuance of whatever permit they're seeking.

17.40.070.C.2. States "Hazardous materials or wastes stored in closed containers at a facility must not be located within 50 feet of a property line." On a smaller lot, this may not be possible. The City should consider an allowance for a plan of equivalent means to achieve a reasonable level of safety.

17.40.080 Noise

Table 17.40.080(A) appears to be equivalent to the previous standards although it simplifies the land use categories somewhat.

17.40.080.F. "The Zoning Administrator may require noise shielding or insulation for such equipment if the operation of the equipment results in objectionable noise levels at adjacent properties."

Comment: this section sets out thresholds; therefore the criteria of "objectionable" should be clarified to what that means in relation to the standards.

17.40.080.G Exemptions outlines that these limitations do not apply to emergencies, warning devices, special events, religious institutions, municipal solid waste collection, public works construction projects, and public utility facilities.

Comments: The section includes an exemption for “street utility and similar construction projects undertaken by or under contract to or direction of the City.” This should be clarified that it includes improvements in the public ROW that are conditioned/required as part of the approvals for private development projects.

The City should add exemptions for construction noise which is typically mitigated by specifying construction hours. Exemption or relief should also be considered for projects that may require pile driving for pile foundations. The alternative to pile driving is vibrating the piles into the ground which can be problematic for other jurisdictional agencies when they occur near waterways, riparian, etc.

The City may also consider expanding the exemptions to include school bells and school PA systems.

17.40.090 Smoke Fumes and Gases This section says no use, process or activity will produce objectionable odors at the lot lines of a site. The City should consider if this would prohibit, for example barbeque restaurants. The use of the word objectionable is subjective.

17.40.100 Vibration requires that machinery, including oil and gas collection, etc. “will be housed to ensure that vibration will be reduced to a minimum amount discernible without the aid of instruments by a reasonable person at the lot lines of the site.”

This should be clarified that if a manufacturing or industrial use occurs on several contiguous parcels, that the measurement will be taken at the lot line of the exterior of the entire site, rather than the parcel upon which the equipment or process is occurring.

* 17.41 Signs

Global Comments:

1) We support the City's establishment of a simpler process for signs that meet the basic requirements without having to go to the DRB or other review.

2) The flexibility for sign design is only allowed with Master Sign Programs and that flexibility is limited. It does not allow an increase the aggregate total sign area. The City should consider including guidance and flexibility in the new code.

3) The City should also consider allowing increase in total aggregate area with a Master Sign Program or in instances where an increase in area can be found acceptable or appropriate by the DRB.

4) We support the various allowances for short term signage for things like one-day sales.

17.41.040.B includes the words "otherwise designed to attract attention" and that statement is too broad.

17.41.030.T. This provision allows for special event signs and should be looked at together with 17.41.040.B to allow a reasonable number of special event balloons, banners or flags since the purpose of a special event sign is to attract attention.

17.41.F This provision talks about open house signs and limits the total number to three. This should be revised to allow more offsite signs.

17.41.120 Is positive in that it provides clarity for Nonconforming Signs. These can be continued and maintained. However, it only allows for restoration of a damaged sign if the damage does not exceed 50% of the sign area, provided that restoration starts within 60 days of damage.

This could be a larger percentage especially for instances of fire or vandalism. In addition 60 days may not be enough time to, for instance, collect insurance and have a sign made to replace a damaged sign. A longer period of time should be allowed.

17.41.120.B. Abandonment of Nonconforming Sign A non-conforming must be removed if the sign has been abandoned, or use of the property has discontinued for a period of 90 days.

In other sections of the code, a one year period is allowed before for non-conforming use is considered abandoned. The time period should be consistent and should not be arbitrary.

* 17.42 Standards for Specific Uses and Activities

Global Comment: There are now standards for many more specific uses and activities where none existed before. While these could provide staff with direction when considering new applications, they will likely result in numerous additional non-conforming situations and impede existing business' ability to expand or continue operation.

The purpose or need for some of these regulations is unclear.

Each one of these need to clarify whether these specific uses and activities are considered "primary use" or "accessory use." For example: see Community Gardens

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17.42.030 Accessory uses This section is problematic in that an accessory use will not be considered accessory if it exceeds 25% of the total floor area in the principal building and accessory buildings.

17.42.050 Animal Keeping is allowed as an accessory use to a residential use. This section should clarify that the residential use does not have to occur on the same lot as the residence in instances where multiple contiguous parcels are under the same ownership and/or operated as one property.

17.42.050.C.2 Animal Keeping. This provision regulates keeping of small animals in residential districts. Item 17.42.050.C.2.c. requires that enclosures for small animals are no closer than 25 feet to any dwelling. This should specify to any dwelling on another lot. It is reasonable to allow a person's chicken coop to be close to their own house.

17.42.060 and 17.42.070, .080 These are new standards for Automobile/Vehicle Sales and Leasing, Auto/Vehicle Service and Repair, and Auto/vehicle washing. They appear to regulate based on aesthetics and noise impacts. For instance, 17.42.070.F "Exterior storage, including tires, must not be visible from arterial streets or an R District." and for a car wash, 17.42.080.A.2. "Vehicle lanes for car wash openings must be screened from public streets to a height of 30 inches with walls and/or berms with supplemental plant materials."

Comments: It appears these items could be captured in other sections such as landscaping, or, that these items are better left to review by the DRB rather than codified rigidly.

In addition, **17.42.070.I.** requires that "All body and fender work or similar noise-generating activity must be enclosed in a masonry or similar building with sound-attenuating measures…" This may not be

necessary where the vehicle repair shop is located in an industrial or similar area where there are not sensitive receptors. The City should consider whether all of these restrictions are necessary.

17.42.090 Describes standards for Community Assembly uses. This should be clarified. Do these standards apply to facilities constructed for community assembly only? Or do they also apply to assembly uses in various structures with other primary uses.

17.42.100 Describes Community Gardens. Will a Community Garden be considered a primary use in any zone? If so, will a shed for storage of tools or a structure with sink or bathroom be considered accessory to the Community Garden use? We recommend the City assign to each type of use whether it's considered a primary use, and review the definition of accessory use and structures so that you don't need to, for instance, build a house on a lot before you can install a shed for your community garden.

17.42.110 Drive In and Drive Thru Facilities. These standards appear to be typical for drive thru facilities. No comments.

17.42.130 Large Family Day Care Homes. The standards have been greatly expanded. There used to be 3 standards associated with large day care. It was a ministerial action exempt from CEQA with a Land Use Permit. The new code has 13 provisions including a standard for 75 square feet of outdoor recreational space for every child over 2 years old (swimming pools and pool decking do not count toward this square footage requirement). This section also now has provisions that the permit expires if the use ceases for 180 days, and is considered to have automatically started when the attendance drops below 6 children. It also now specifies resolution of complaints and requires action by the Planning Commission upon receipt of 6 substantiated complaints within one calendar year.

Comment: While we recognize there are state regulations, they should be interpreted locally in a reasonable way, so that these uses with community benefit are not overly burdened with regulation. Particularly because of the cost to working families in Goleta.

17.42.140 Farmer's Markets. The old code does not appear to have general regulations for Farmer's Markets. These regulations outline an Administrative Use Permit for any Farmer's Market that will operate for longer than one month, and kicks temporary Farmer's Markets back to Temporary Use Permits. The regulations appear to be appropriate, and limit additional work to providing a Management Plan and adequate waste disposal. The section should clarify if one month duration is every day for a month, or several days a week for more than a month, etc. The City should also clarify 17.42.140.F which states that the market "must not obstruct a path that is part of a required pedestrian circulation system."

17.42.150 Farmworker Housing. One of the provisions here is for 6 or fewer employees in a single family structure with a residential land use designation. This should allow for occupancy of employees and their family members who may not also work on the same farm, and their children who may not be of legal age to work.

17.42.160 Group Residential. Certain restrictions, like a minimum lot size of 12,000SF as required in 17.42.160.A could reduce an organization's ability to provide critical social services given the price of real estate in Goleta. These provisions could be reconsidered.

17.42.170 Provides regulations for new Heliports. It should be clarified whether a heliport will be considered a primary use on a lot or accessory only. It should also clarify if noise level standards created by this code can be met (as measured at the property line of the proposed heliport) given the noise generated by a helicopter. If not, it should be specified that heliports are exempt from noise thresholds.

17.42.180 Home Occupations.

General comment: Home occupations are a benefit because they reduce the environmental impacts associated with separate commercial areas, and commuters to these areas. The economy is becoming more diverse, and high land and home costs are supporting this trend. The chamber supports reasonable allowances for home occupations as an extension of supporting live/work units as a feature encouraging progress in the community.

17.42.180.B.3 The maximum size was previously limited to one room, it is now limited to 25% of the residential unit floor area. This may be problematic for smaller homes. It should be reconsidered to allow for home occupations in smaller units where 25% of the total area may be smaller than one room.

17.42.180 is positive in that it now allows for one employee in addition to the occupants of the dwelling. The previous code limited the occupation be conducted solely by the occupants of the dwelling unit.

17.42.180.B.8 prohibits display or direct sale of products or merchandise from the site except for cottage food preparation. This provision should be eliminated or expanded for other business types such as an in-home barber or aesthetician that wants to sell shampoo or a skin care product.

17.42.180.B.9 This provisions seems unnecessary. If the residential character is maintained and preserved, the home occupation should not be prohibited or limited from using an accessory building to store supplies necessary for the home occupation.

17.42.180.B.10 prohibiting occupations which create the need for additional parking spaces, appears to be in conflict with 17.42.180.B.6 which states that parking required for customers/clients/employees may be in tandem. Provision 6 seems to acknowledge the need for additional parking while provision 10 seems to prohibit it.

17.42.180.B.11 regulates vehicles used for a home occupation. It states that "only one vehicle, owned by the operator of the home occupation, and not to exceed one ton capacity, may be used by the operator in conjunction with the home occupation." The intent appears to be to prohibit a fleet of cars with advertising on them to be parked near the home occupation. It should be clarified however since it would appear to prohibit, for example, a husband and wife home occupation from using both of their regular vehicles for business purposes. 17.42.180.B.12 appears to meet the apparent intent of B.11.

17.42.180.B.12 should be revisited if the RV parking ordinance is eliminated as it appears to double up or reinforce that requirement.

17.42.180.B.13 Equipment. The intent of this regulation may be to limit the potential for noise issues stemming from equipment use. Rather than regulate the size or type of equipment, it may be a better regulation to instead talk about the noise generation limits instead. Otherwise, this code may be quickly out of date with noise-attenuating technology.

17.42.180.C repeats the size restriction of 17.42.180.B.3 and should be revisited as well.

17.42.180.D. includes prohibitions for home occupations. Item 2 prohibits animal care, sales and services. The ZA should be able to make a determination for some kinds of animal care uses such as a small dog grooming service with one or two dogs a day, or day care for a small number of animals is allowed. In the residential zone, a resident is allowed to have up to 4 household pets. A home occupation should allow for at least that many.

17.42.190 **Hospitals and Clinics** are now required to be on lots with at least one frontage on an arterial street of 100 feet for hospitals and 50 feet for clinics. The purpose or need for this is unclear.

17.42.200 Live/Work Units. No comments.

17.42.210 Lodging and Visitor-Services. 17.42.210.B. provides for existing uses located in the coastal zone.

Item 1 states, "Existing lodging and visitor-service uses may continue to be used for transient lodging, such as a hotel, and various facilities and services accessory to transient lodging, such as restaurants, retail shops, conferences and meetings, hotel related events, recreational services, and other services that are dependent upon a coastal location, while ensuring the conservation and protection of coastal resources."

It is unclear why this needs to be a provision. This seems unnecessary to state, and if stated what is the intent. Additionally, it's confusing as to what it is imposing on existing uses with the language, "ensuring the conservation and protection of coastal resources."

17.42.210.B.3 "3. Any expansion or alteration of existing development will be required to maintain or expand the extent of existing coastal access facilities, including parking and vertical access to the beach. In this context, "maintain or expand" allows for flexibility in meeting this requirement, if at least one of the following criteria is met:
a. To provide better protection of coastal resources;
b. To maximize public access; and/or
c. To accommodate natural processes which impede existing access."

This item appears to require that if the visitor serving resort/use were to expand or alter its development; it would trigger additional access and protection of resources. In using the word alteration, it is unclear if a simple interior remodel of a space or remodeling of a patio area would trigger this as well. The City should clarify the intent here.

4. “Any expansion or alteration of existing development will be required to protect environmentally sensitive habitats and archaeological resources.” Is this meant to take away the ability to have some impact on some amount of habitat? Typically some impact is allowed if it is mitigated to a less than significant level through restoration or replacement. This should be revised to add language that specifically addresses mitigation of impacts rather than just ‘protect.’

17.42.220 Manufactured Homes. Item 17.42.220.C. states that no more than 10 years can elapse between a manufacture date and the date of application to issue a permit to install the home in the City. What is the purpose or need for this requirement?

17.42.240 Outlines parameters for mobile food facility/vendors. It appears to be good policy. There is however a prohibition on ringing bells, chimes, music, or make other notice to attract attention to its business. This limitation doesn’t seem necessary. The City should also add language that a mobile food vendor is allowed to have tables and chairs or umbrellas set up during the operation so long as those items aren’t in the ROW, and that they can be allowed in the ROW for temporary events with an encroachment permit. This could allow for ‘pop up’ facilities in parking lots, etc.

17.42.250 Nurseries and Garden Centers. It is unclear why this classification or regulation is needed.

17.42.260 Outdoor Dining and Seating. This states that outdoor dining and seating must be accessory use to a legally established eating or drinking establishment located on the same lot or adjacent lot. The City should consider expanding this to allow certain temporary tables and seating associated with food trucks and farmers markets. See comment on 17.42.240.

17.42.270 Outdoor Sales. Unclear why this regulation is needed but don’t appear to be particularly onerous.

17.42.280 Personal Services are restricted to 7am and 10pm. This section appears to have no other real purpose since the other items listed are already regulations for tattoo and piercing businesses.

17.42.290 Personal Storage. Item D restricts “open storage” outside an enclosed building to vehicles and trailers with valid registration. People with large weatherproof items that don’t require registrations of any kind should also be able to store items out of doors. Item H also limits hours of operation to 7am and 7pm when abutting an R district or residential use in a mixed-use development. These hours should be more closely considered, or an avenue to expand these hours should be provided in order to avoid conflicts and non-conformities.

17.42.300 Recycling Facilities. It is unclear why these regulations are necessary. Item 17.42.300.B.1 limits collection facilities to a building site footprint of 350 square feet. This number seems arbitrary. It appears to me that these should be considered via a Conditional Use Permit on a case by case basis with far fewer codified standards to allow for a normal design process.

17.42.320 Provides standards for Single Room Occupancy (SRO)/residential hotels. Item B requires a maximum occupancy of 2 persons. While an SRO is not ideal for children, it should not prohibit this potential residential opportunity for a family, for example of a single parent and two kids, or two parents and a kid, etc.

17.42.320.A. Maximum number of units. Question: Is this before the Density Bonus? And is the bonus calculated on this new base density? That would mean an increase up to 55%. Some SROs are former hotels with a common kitchen so the density is very high. A little more clarity on how the City plans to combine this boost with the density bonus is needed.

17.42.320.C. Minimum Width: This could be an issue if an organization tried to convert on old hotel that has small or oddly shaped rooms. Perhaps an exception for conversion of an existing building would be appropriate.

Regarding parking and SROs, they do not need much parking. The occupants are formerly homeless and many do not own vehicles (except those that lived in their vehicles). Some spaces for staff are needed as well, but overall very little is needed. This is typically not an issue when converting an old hotel because they have more than enough parking.

Overall the requirements should be easy to accommodate with a new construction project. There should be a little more consideration of how the City would treat conversion of existing structures.

17.42.330 Second Dwelling Units. Previously, design review of second units was a ministerial review only. It is not clear if that is still the case. In addition, per 17.42.330.A., a second dwelling unit is required to get a zoning clearance, and design review can be conducted by the ZA "if no exceptions or modifications of applicable development standards are requested, and all the criteria are met." However, the design review can be deferred to DRB if that's not the case. This provision conflicts with the Zoning Clearance procedure in 17.54.030.A of the new code, which states that a zoning clearance is the appropriate permit only when the ZA "determines that the proposed use or building, or alteration or addition, is permitted and conforms to all applicable regulations and standards of this title."

17.42.330.B.1.b. states that a "second dwelling unit will only be permitted on a lot on which the principal dwelling and all other structures thereon conform to all minimum requirements of the applicable zoning district." The effect of this provision would seem to be to prohibit second units on any property with any legal non-conformity. Given the number of existing legal-nonconforming properties, and the potential that the new code is likely to create numerous non-conformities, this does not appear to be a reasonable provision.

17.42.330.B.1.d. establishes minimum and maximum square footage for second units. The City should consider making these minimums and maximums tied to the lot size rather than the maximum as written of "40 percent of the existing original floor plan of the primary unit." The existing original floor plan is also unclear and in some cases may not be knowable.

17.42.360 Temporary Uses

17.42.360.B.7. Specifies that a mobile home can be used as a temporary caretaker quarters during the construction of a subdivision, multifamily or non-residential project. This should be extended to allow for other types of projects such as care facilities and mixed-use developments or others deemed similar by the Director.

17.42.360.8 and 9 Temporary Structure/Work Trailer. This section should allow temporary use to extend beyond one year, either through an extension process or at initial application. This also appears to conflict with 17.42.360.A.4 which exempts "on-site contractor's construction yards, including temporary trailers and storage, in conjunction with an approved project… and is allowed to stay until the completion of the project or expiration of the companion building permit.

17.43 Telecom

Should fully concealed antennas (those installed within an existing roof structure/building/ fully screened behind an existing parapet) have a simplified review process?

YES

What should the review process be (Administrative Permits or Conditional Use Permit) for non-fully concealed antennas?

17.43.030.A. "Design review may be required" should be more clear. Review and comment.

Easier is better.

What are the Commission's opinions regarding "Faux" designed antennas, for example trees or flagpoles?

Yes: Should be an option for reducing visual impact – DRB may prefer/require or suggest.

17.44 Wind Energy Conversion Systems

17.44.060.I. Wind Farm Site Access. Construction of on-site roadways must be minimized. Temporary access roads utilized for initial installation must be regraded and revegetated to their natural condition after completion of installation.

It should be clarified that this does this include maintenance roads to be maintained for access between towers.

17.44.060.J Site Aesthetics. "When adjacent to a General Plan-designated scenic corridor, a WECS cannot cause a significantly adverse visual impact either from the corridor, or on a designated scenic viewshed."

There should be criteria for significantly adverse so that it is clear for the installer whether just being able to see it/them is going to be significantly adverse.

17.44.060.K Exterior Lighting. Exterior lighting on any structure associated with the WECS is prohibited, with the exception of that specifically required by the Federal Aviation Administration.

This should exclude exterior lights on things like maintenance sheds to be switched on and off when needed or for safety or security lighting or motion sensors when dark-sky compliant.

17.44.060.L.3. and 4 state that no more than two identification signs relating to the development can be located on the project site and that the signs cannot exceed 16 square feet in surface area or eight feet in height. The City should allow at least one sign per entrance.

Part 5 Administration and Permits

Comments to Part V – Administration and Permits

General Comment: We support simpler processes and clear directions and standards in administering permits. We support the shift to ZA of many kinds of permits.

Some decisions currently made at the Director level should stay at the Director level.

The permit authority table from the 2014 version has been dropped. This table is helpful and should be included in the final code

The section uses Review Authority and Decision Making Body and should instead be consistent

The City should consider providing a table for public review and use by the Planning Commission that compares permit types and the old permit authority vs. the new permit authority so the changes are clear.

Development Plans no longer exist in the new code. We strongly suggest and insist that there be specific language on how staff will process changes to existing approved Development Plans and should reintroduce and include Substantial Conformity. There are many instances where Substantial Conformity is highly effective during final processing to make beneficial changes and improvements to projects. In adding Substantial Conformity Determinations, these should continue to be processed at a staff level and without a public hearing.

Several times in the code, the words Substantial Conformity are used however there is not codification of what criteria or thresholds will be used to determine Substantial Conformity. Will the Modification thresholds become a default guide for SCD? If so, modification criteria should be relaxed to allow the same modifications as the previous code – 20% instead of10% for instance.

In some jurisdictions, a section of the code is dedicated to discuss what will happen to projects in process at the time of adoption of the new code. Although staff has verbally indicated how this will go, these kinds of clarification should be in writing.

17.52.050.B. Describes the planning authority of the Director. The Director is the Zoning Administrator, or appoints the Zoning Administrator (ZA). It would be good to know the criteria or minimum qualification of the person(s) allowed to be appointed by the ZA.

17.53.020.C .2 Outlines application fees. The draft code states that fees are cumulative, and that when more than one permit is applied for, that the fees are additive. While unused fees can be refunded, it would be better practice to collect whichever of the fees is the highest since multiple applications on one project are processed concurrently not in series.

We support staff's decision to remove 17.53.020.c which stated that no refunds would be given. The City should not be entitled to keep unused funds if for instance an application for permit is withdrawn.

17.53.040.A. and B. describes how the City will review applications for Completeness. These appear to be giving the ZA additional administrative functions (i.e. determination of a complete or incomplete application) that could be accurately and more efficiently completed by staff or Supervising staff with a consult to the Director.

17.53.060. Talks about public noticing. 17.53.060.C.3 The City identifies poster requirements. The City should consider providing the signs to applicants to be consistent across projects and ensure accuracy and conformance with these requirements.

17.53.060.C.4. Allows for substitutions for mailed notices. The City needs to specifically clarify what types of substitutions are allowed in order to avoid legal challenge.

17.53.070.E.2 Conduct of Public Hearings states that a Public Hearing may not be continued after public notice has been given for reasons of "inconvenience, conflicting business, or voluntary change of counsel."

It should be clarified that this does not limit applicant's ability to continue a hearing in cases of: will not be able to be represented by their legal counsel on a certain date. While it is common practice that staff consult with an applicant before scheduling a hearing, the City should consider codifying a concurrence process if they are also going to codify adequate justification for continuance.

17.53.090.C. *Modification or Removal of Conditions. "*Modification or removal of conditions of approval may be sought on appeal or as a new application. Such proposals must be processed through the same procedure that was used to impose the conditions."

The City should consider flexibility in this provision in cases of clerical errors, or for instances such as: 1) When a condition it impossible to be met within the strict interpretation of the condition, 2) The timing of a condition is applied inconsistent to real world application, 3) The intent and purpose of a condition can be met by alternative or equivalent actions or means.

The justification for this request is that Conditions of Approval are made public at the time of public notice which does not often give the Applicant enough time to review the conditions or analyze the ramifications of fulfilling the condition or identify potential pitfalls. Applicants are not often motivated to request changes conditions at a public hearing given the typical timeline to get to a hearing.

17.53.100 Expiration and Extensions - The new ordinance allows for the Director to approve a 2-year extension of any permit or approval upon receipt of an application and a fee. There should be clarification of whether the Director has the authority to change any Conditions of the permit at the time of the Extension or whether the approval is extended exactly as first approved. In addition the City should identify any the criteria that may be used to deny an application for an extension or clarify this is a by right extension.

17.53.110 Revision of Approved Plans states that the Zoning Administrator may approve revisions to approved plans that are found to be in substantial conformance with the approved plans. Nowhere in

the code does it define Substantial Conformance or give any standards or Findings for Approval. The City should provide direction on what could be considered Substantial Conformance.

17.53.120 Revocation of Permits.

- Item 17.53.120.C.2. indicates that if a use has ceased or been suspended for one year that the permit may be revoked. This is not a reasonable timeline and is ripe for abuse.
- Item 17.53.130.C.3. indicates that a permit can be revoked if there has been a violation or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of this Title or other applicable law. The City should identify a more reasonable approach to dealing with applicants or owners who may be out of sync with their approval. This section also needs to reference the Enforcement section and procedures and how the two sections interact.

17.53.130 Appeals 17.53.130.E.6 doesn't appear to be enforceable. The CCC will notify the City if a project they acted on is appealed.

17.54 Zoning Clearances

17.54.030.B. talks about Zoning Clearance Review and Decision. Zoning Clearances are approved by the Zoning Administrator and do not require a hearing. Unlike the County, applicants won't have to get a follow on Zoning Clearance for projects that have other permits which is a positive change, however it is unclear what vehicle they will use to get from approval to issuance.

This section also states that the ZA can defer the decision to the PC, but then B says the Planning Commission may not impose conditions of approval on a Zoning Clearance. It seems odd and could lead to confusion that the ZA can refer something to PC but then ties their hands as to the input they provide. Is it meant that the PC can *suggest* conditions but not require them?

17.55. Use Permits

Administrative Use permits are approved by the Zoning Administrator with a public hearing. These can be deferred to the PC in some cases, based on the following factors: 1. previous decisions by the City regarding the site on which the proposed use is located.

This appears to mean that Administrative Use Permit process is going to be used for Development Plan Amendments. This should be clear if that is the intent. Again, there needs to be a simple process for substantial conformity.

17.55.060 discusses procedures for Temporary Use Permits

In general, this section needs to be clarified and compared with the discussion of construction offices and trailers elsewhere in the code as there may be inconsistencies. In addition, construction offices and trailers need to be a by-right or simplified process that is wrapped in to the approval of the overall project.

17.42.360.B.9 Requires that a temporary work trailer (as a temporary work site for employees of a business during construction of a subdivision or other development project when a valid Building Permit is in force.) obtain a Temporary Use Permit and may be granted for up to 12 months. Temporary Use Permits are subject to appeal 17.53.130. Therefore, it appears that construction trailers on construction site would be subject to an additional permit and an appeal period. Instead, for larger projects it should be allowed by right and for longer than 12 months.

At present, it is our understanding that up to 3 temporary trailers are allowed without an LUP. More than three need a CUP and a LUP approved by the ZA and the approval is for 2 years. The new code should not be more restrictive or burdensome than the existing.

17.56 Design Review

This section appears to mimic the current practice of Concept, Design Review and Conformance Review. We appreciate the limitation of conceptual review to one meeting.

17.56.C.2. States that in the event final plans are not in substantial conformance… staff shall refer the matter to the full Design Review Board for additional review. This re-review should be specifically limited to the items not in substantial conformance. Again, what is considered substantial conformance needs to be clarified.

17.56.040 Scope of Review. This section should outline what level of detail is expected to be complete for review at each stage, similar to the application form. In addition, it should outline what DRB may not comment on - including whether the DRB has the authority to review storm water-related items, and other public works-approved items. In some cases DRB may request things contrary to direction given by public works or necessary to comply with state-level regulations.

17.58 Coastal Development - Since this code is not intended to serve as the coastal zoning ordinance in the near-term, until after Coastal Commission review, Review and comment on this section will be deferred to a later date.

17.59 Modifications** This section should be reworked by the City.

Global Comment: Staff indicated to the PC that the 10% number came from the Coastal Commission rules. Staff did not specify that the code could have a separate standard for INLAND areas of the City. A larger % of modification should be independently considered for inland areas if that is indeed the case that the CCC would push back on a number larger than 10%.

17.59.020 Details the limits to granting modifications and is in many cases 10%. The previous code allowed for modifications for up to 20% in some of these criteria and should revert back to those larger allowances for greater flexibility. In addition, specifically for setbacks, 10% of a 10 foot setback is one foot, or a 5 foot setback is even less to the point that they are unusable. In addition, modifications should allow for greater flexibility for development in the setbacks because in many cases, these are reasonable and allow for better design.

17.59.020.H.1 Excludes lot area, width or depth from modification. The City needs to clarify whether this is to apply to creation of new lots only, or whether it applies to existing lots. Examples of instances where this is unreasonable may include minor lot line adjustments between two non-conforming lots. This may also unreasonably limit certain types of beneficial use or good design/development on lots that may not conform to minimum lot area, width or depth.

17.59.040 Required Findings. This section outlines findings for approval from a lot limitation perspective. This should also include positive or beneficial findings such as projects that provide a benefit, are inclusive of new or exciting design features, or somehow use leading-edge technology or other best practices so that modifications can be granted in positive instances in all districts not just residential districts.

17.59.040.C.2. states the ZA must, in residential districts, make the finding that "the change is only intended to increase the habitability and function of the structure" this seems unnecessarily limiting. The change may intend to do one of those things but also have other collateral purposes or benefit.

17.62 Development Agreements

17.62.060 Annual Review. This process appears to be a new one, and should be reconsidered if yearly is appropriate. Additionally, it shouldn't be applicant initiated.

17.62.080.B. Should not reference Land Use Permits if the City eliminates this

17.63 Amendments to Zoning Regulations and Zoning Map

This section is lacking an Application Requirements section as is found in the subsequent GPA section.

The findings do not include that the amendment is consistent with any specific plan. The LCP amendment section does include that verbiage.

17.63.020.A says an amendment can be initiated by a "qualified applicant" or the City Council. Previously, the Director, or Planning Commission could also initiate. City may consider adding these as qualified applicants or initiators.

Initiation of Amendments goes to the City Council for review. Factors considered include 17.63.020.C.2. "the amendment proposed appears to have no material effect on the community or the General Plan." A change in the zoning of a parcel, or the text of a regulation would change the allowed uses of a property therefore would have a "material effect on the community." This should be reconsidered.

17.63.040 Public Hearing requires that zoning map and zoning regulation text amendments require at least one public hearing by the PC and one by the City Council before adoption. I believe the current requirement is two readings at the Council. PC makes their recommendation by a *majority* vote.

Question:

Do we like the old findings or new findings. Each have their merits.

NEW: 17.63.050.C.2. PC and CC Findings for an amendment include, "Any change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given district." Do we want the word necessary or should this be written that the change *aids* the City in achieving the balance.

OLD: three Findings for a Text Amendment or Rezone:

a. the request is in the interest of the general community welfare
b. the request is consistent with the Comp Plan, requirements of State planning and Zoning laws, and this article.
c. The request is consistent with good zoning and planning practices.

17.64 Amendments to the General Plan (GPA)

Similar to Zone Amendments, 17.64.040.A. says that a GPA can be initiated by a "qualified applicant" or the City Council. Previously, the Director, or Planning Commission could also initiate. City may consider adding these as qualified applicants or initiators.

Initiation of GPAs have the same 5 Factors as Zone changes. Same comment about 'no material effect' for this section (17.64.040.C.2.) as for 17.63.020.C.2.

17.64.060 Review procedures and public notice. This section should clarify that the review procedures commence after a positive result from the initiation process.

17.64.070 Public hearing again states that only one hearing is required at the PC and one at the CC which is an improvement over the current process which is two readings at the CC.

The findings do not include that the amendment is consistent with any specific plan. The LCP amendment section does include that verbiage.

17.65 Amendments to the Local Coastal Program

Review of this section should be deferred until the CCC has reviewed the document and provided their comments. The LCP Amendment process looks much like the Zoning Amendment and GP Amendment processes.

17.65.060.A states that a LCP that is approved by the Council must be prepared and filed with the CC. There should be a codified time limitation so that this filing is within a certain number of days after approval by the CC.

Part 6 General Times

Part VI: General Terms - This section defines the uses that are listed in the use tables at the front of each zone type.

The Second Dwelling Units definition includes a reference to "single-family dwelling" where that is not defined as a housing type.

Residential Care Facilities are defined in part as "~~primarily non-medical~~ care and supervision" however it lists as examples, hospice facilities, convalescent facilities, nursing homes.

17.70 Use Classifications

17.70.020 defines various public/semi-public uses. In the definition for Community Assembly it defines "A facility for public or private meetings, including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

The City should consider that many churches and community assembly buildings provide day care and school uses and be sure that these are provided for and allowed as child care is one of the most expensive financial burdens for families living and working in Goleta.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

Automobile/Vehicle Service and Repair, Minor clarifies that "repairs are made or service provided in enclosed bays and no vehicles are stored overnight." This should be reconsidered to allow for occasional overnight storage of vehicles. It is reasonable to allow that in some circumstances where parts need to be ordered that vehicles may need to remain overnight. As well, service stations do not include this prohibition. This section does not appear to include sales or repair of larger trucks, busses, ambulances, etc.

"Live/Work Units. A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building regulations. The working space is reserved for and regularly used by one or more occupants of the unit."

The word incidental may be unnecessary. In addition, it may be that a residence is converted to also have a work space, so the definition should be flexible to allow for the reverse instance or instances where structural modifications are not required/needed. Instead, consider referencing building code.

17.70.070 Accessory Uses This list includes just 6 types of accessory uses. (Animal Keeping, caretaker unit, farmers' stand, home occupation, live entertainment and outdoor vending machines). In general, it seems like there are many accessory uses not listed here, so this may need some kind of catch-all additional language. Additionally, a caretaker unit seems like an accessory structure, not use, and it seems like they're missing some accessory uses like storage or limited retail sales associated with some kind of medical office or personal care business.

17.71 – List of Terms and Definitions

Global comments:

This section lacks any definition of Substantial Conformity or Substantial Conformance where these terms are used in the code in a number of places. This needs to be defined.

This section is in alphabetical order, so a specific code references are not listed in each, instead, the defined term is in bold. Page numbers in the initial pages of this section would be extremely helpful.

Aggrieved Person. Any person who, in person or through a representative, appeared at a public hearing or by other appropriate means before action on a permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

Does the underlined portion come from case law or other interpretations? If not, it is the general understanding that you had to show up at a hearing or write a letter to have 'standing' to appeal. The City attorney should weigh in if they haven't already.

Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs (see also Maintenance and Repairs).

Importance: the word "alteration" is used as a trigger word for triggering other requirements such as design review. Questions: Is site work or flat work included in 'alteration'? Is seismic retrofit considered a repair and maintenance or an alteration or neither? Staff must add clarification to this.

Maintenance and Repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

This seems like an improvement over the old definition.

Bicycle parking is defined and the difference between short and long term is defined. For Long-term, it defines long-term as: Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for **four hours** or longer.

Importance: Long term bicycle parking is required at a ratio of 1 space per every 5 units for multi-residential and group residential uses, or one space per 20 vehicle spaces where an establishment has 25 or more FTE employees. These "long term" must be near the entrance, and 50% must be covered (inside buildings, under overhangs or awnings, bike lockers, etc.) and all must be secure via enclosed in a locker, fenced, covered, locked or guarded, visible from employee work areas or in some other secure area acceptable by the ZA.

Comment: Full time employees should be used rather than FTE to avoid overburdening of a site with bike parking area(s). 50% covered is too restrictive and it should be noted that biking is an uncovered activity so in the instance it's raining, the bike is already wet or will be wet from use by an employee riding in the rain.

Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

No specific definition occurs in the old code. No comment except to point out a new definition exists, and for comparison with the following:

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use, and occupies not more than 30 percent of the gross floor area.

Providing a percentage is not needed and may be unintentionally or intentionally too restrictive. For comparison, the old definition is:

> ACCESSORY USE: A use that is incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or adversely affect other properties in the zone. *(Amended by Ord. 3789, 01/09/90)*

Incidental Use. A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the primary use.

Comment: This seems like an improvement over the old definition however, the City might consider adding the word necessarily so it reads, "but is not necessarily customarily associated" to allow for new uses or innovations that the code may not be set up to recognize. For comparison, the old definition was:

SECONDARY USE: a) A land use subordinate or accessory to a principal land use. b) When used in reference to residential use in conjunction with commercial and industrial uses in this Article, secondary shall mean two residential bedrooms per one thousand (1,000) square feet of total gross floor area of commercial or industrial development. However, in no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use.

Permitted Use. Any use or structure that is allowed in a zoning district without a requirement for approval of an Administrative Use Permit or Conditional Use Permit, but subject to any restrictions applicable to that zoning district.

Comment: For consideration. No real comment here. No definition exists in the old code.

Primary Use. A primary, principal, or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

Comment: Similar to the comment before, a percentage is not needed here and may turn out to be too restrictive or unintentionally prohibitive.

Principal Use. "A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity, and occupies at least 70 percent of the gross floor area."

Same as before. A percentage is not needed here.

Structure Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Research task: Check against 'awning' whether it matters if they have removed trailers and sidewalks. For comparison, the old definition:

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground excluding trailers and sidewalks.

Also for reference, the new and old definitions of Trailer which are very similar**:**

Trailer A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

TRAILER: A vehicle with or without motor power which is designed or used for human habitation, office, shops, or storage including camper, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

> BUILDING: A structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any person, animal or chattel. A trailer shall not constitute a building within the meaning of this Article.

Comment: It appears rational that trailers are not considered buildings because they are instead vehicles.

Structure, Primary (Structure, Main). A structure housing the principal use of a site or functioning as the principal use.

Building, Principal. A building in which the principal use of the parcel on which it is located is conducted.

> PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential, agricultural or estate district, any dwelling shall be deemed to be the principal structure on the lot on which it is situated.

Comment: It seems positive to have removed the second sentence that used to exist with this definition which stated, "in any residential, agricultural, or estate district, any dwelling shall be deemed to be the principal structure on the lot on which it is situated."

Structure, Accessory. A detached subordinate structure, used only as incidental to the main structure on the same lot.

Building, Accessory. A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected to it by common roof line or fully enclosed space.

These definitions are shorter than the old code, and could be added to. At a minimum, they should be revised to include 'incidental to the main structure **or use'** on the same lot. Second, if an attached accessory building is considered part of the principal building, we may see problems with square footage calculations. The new definitions do not specify whether they can be used for overnight accommodations, or if they can contain kitchens, etc. This appears to be beneficial as it would appear to allow more freedom of use of accessory buildings and structures.

The old code had the following for comparison:

ACCESSORY AGRICULTURAL BUILDING OR STRUCTURE: An accessory building or structure designed and constructed primarily for use and used in housing farm implements or supplies, hay, grain, poultry, livestock or horticultural products where such buildings or structures are located in agriculturally zoned areas as designated by County zoning ordinances. *(Amended by Ord. 3789, 01/09/90)*

ACCESSORY BUILDING OR STRUCTURE: A building or structure located upon the same building site as the building or use to which it is accessory, the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land. Such buildings or structures shall not contain kitchen or cooking facilities and shall not be used as guest houses, artists studios, or poolhouses/cabanas, unless specifically permitted for such uses, under the pertinent sections of this Article. Except for guest houses, such buildings or structures shall not be used for overnight accommodations. *(Amended by Ord. 4063, 08/18/92)*

APPURTENANT STRUCTURE: A structure that is auxiliary or accessory to another structure or use.

Structure, Temporary. A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Question for the City: A work trailer or construction office may have a pad or some other means to secure it on the ground to meet manufacturer's recommendations. Should the definition clarify that these are temporary structures?

Carport. An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles
Many carports are three-sided and this should allow.

Floor Area – should have a differentiator between gross and net.

Tree. Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk. See Tree Definitions. And tree definitions do not exist.

Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil.

Should include permeable

Lighting – should be consistent with the discussion and measurements of lighting elsewhere such as sign ordinance.

Helen Gannon

Subject: RE: SBAOR Comments on Proposed Zoning Ordinance

From: Krista Pleiser [mailto:KPleiser@sbaor.com]
Sent: Friday, May 06, 2016 5:00 PM
To: Anne Wells
Subject: SBAOR Comments on Proposed Zoning Ordinance

Hi Anne,

Attached are SBAOR's comments in regards to the proposed Zoning Ordinance. Should you have any questions, please feel free to contact me.

Krista Pleiser
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SBAOR
Santa Barbara Association of REALTORS®

May 6, 2016

Anne Wells, Advance Planning Manager
City of Goleta
130 Cremona, Suite B
Goleta, CA 93117

Dear Ms. Wells,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,200 REALTORS® throughout the South Coast and our mission includes engaging in real estate related community issues affecting our members and/or their clients. As you know, SBAOR has been following the New Zoning Ordinance process and at this time, we would like to submit comments on the November 2015 Draft.

Issue: The Proposed Ordinance contains provisions that are vague.
Under the "void for vagueness" doctrine, a land use ordinance can be held invalid if its language lacks sufficient clarity or certainty, making it subject to arbitrary interpretation, application, and enforcement. The "void for vagueness" doctrine is a constitutional doctrine rooted in the procedural due process clause of the Fourteenth Amendment to the U.S. Constitution[1]. The U.S. Supreme Court has stated that "[a]n ordinance is unconstitutionally vague when men of common intelligence must necessarily guess at its meaning."[2] Design standards must be "sufficiently precise for an applicant to ascertain what is being requested and to help the decision maker to arrive at fair, consistent decisions."[3] A lack of precision and clarity in a zoning ordinance leads to uncertainty on the part of property owners as to what is required or desired, and can make it difficult for local officials and boards to provide guidance and apply the provisions consistently. Several standards in the Proposed Ordinance incorporate terms that are arguably vague, and therefore susceptible to inconsistent and unfair interpretation and application. The text of some arguably vague provisions of the Proposed Ordinance are provided below, with the relevant terms highlighted in ***bold italics***.

- Section 17.07.030(D)(1) - "Garages must be designed and located to ***reduce the visual impact*** of garage doors along street frontages."
- Section 17.07.030(D)(3) - "'Carriage-style' and other non-conventional sectional garage door styles can be approved to provide additional diversity and to ***better enhance the architectural themes***."
- Section 17.07.040 (A)(3) - "All building plans must have ***a similar level of architectural detailing*** on all sides."
- Section 17.07.050(B)(1) - "Alternative designs that ***create a welcoming entry feature*** facing the street, such as trellis or landscaped courtyard entry, may be approved by the approving authority."

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[1] *See Discretionary Land Use Controls § 1:19*
[2] *Id. (quoting Broadrick v. Oklahoma, 413 U.S. 601, 93 S. Ct. 868 (1973).*
[3] *Id. § 8:9*

- Section 17.07.050 (C)(1) - Exceptions to building orientation requirements may be approved for multi-unit housing "located on streets carrying ***high traffic volume***."
- Section 17.07.060(D) - Site and building designs, including the placement of windows and structures, internal circulation and common areas, must achieve ***the maximum degree of privacy*** for individual units and individual exterior spaces.
- Section 17.08.030(D) - "The exterior design of all buildings, including all facades, must be coordinated with regard to color, materials, architectural form, and detailing ***to achieve design harmony, continuity, and horizontal and vertical relief and interest***."

Such lack of clarity makes it impossible for a developer to know whether a proposed design will satisfy the reviewing agency and leaves an applicant susceptible to arbitrary or inconsistent treatment.

Issue: The Proposed Ordinance is incomplete and inconsistent in certain places.
Although the Proposed Ordinance appears to be generally well organized and edited, additional attention is required to ensure that terms are sufficiently defined and use of these terms is consistent throughout. For example, the term "Building Permit" is used in its capitalized form throughout the Proposed Ordinance, although that term is not defined and sometimes the term is not capitalized. "Landscaping" is defined but the term (and its variants "landscape," "landscaped") is used in the lower-case throughout the Proposed Ordinance. Defined terms should be indicated as defined terms by the use of capital letters and should be used consistently throughout.

The Proposed Ordinance also contains incomplete sections. Section 17.01.070(C) establishes two "Specific Plan Districts" but there are no regulations within the Proposed Ordinance related to these districts. Chapter 17.34 (Historic Resource Preservation) is a placeholder for future regulations that have not yet been drafted. Section 17.41.100 (Historic Signs) also contains a placeholder for a cross-reference to Chapter 17.34. In another example, Section 17.07.030(C) contains a figure depicting various "prototype" configurations for Efficiency Units. This figure is not referenced anywhere and it is unclear how it is to be used — for example, are those the only allowed configurations for efficiency units?

Inconsistencies are also found in the Proposed Ordinance. For example, the text describing the RM District in Section 17.07.010 states that the District may include both "attached and detached single family dwellings." Table 17.07.020 shows that "Single-Unit Dwelling, Detached" is a use not allowed in the RM District. In addition to the substantive inconsistency, Section 17.07.010 uses the term "single family dwellings" rather than the defined term that actually appears in the use table, "Single-Unit Dwelling".

In Table 17.07.030, Maximum Density is expressed in units per *net* acre, whereas Minimum Density is expressed in units per acre. 17.03.040 states that density measurement is "calculated using net lot area."

As another example, Section 17.35.030(C) requires portions of a building that front a public street to have landscape planters installed along at least twenty percent of the building face. Figure 17.35.030(C) depicts this standard but notes that it applies not only to buildings that face a public street but also to buildings that face a parking lot. Section 17.02.020(C) states that the text controls a conflict between text and a diagram. It is not clear however whether the caption to the diagram should be considered text or diagram. These types of inconsistencies should be resolved so that users of the Proposed Ordinance do not have to make interpretations.

Redundancies and overlapping provisions are also found within the Proposed Ordinance. As an example Section 17.28.020(E) and Section 17.28.030(A)(2), while not identical, address the same concept.

Issue: **The proposed commercial district street setback requirement appropriates private property for public use.**

Section 17.08.030(B) of the Proposed Ordinance requires that a front or street-facing side yard setback be landscaped or hardscaped for use by pedestrians. If hardscaped, the setback area must "be a plaza or public gathering area and contain at least two pedestrian amenities."[4] Requiring a private property owner to permit the public to enter and make use of private property violates a fundamental component of private property ownership and may amount to a taking of private property without just compensation in violation of the Fifth Amendment of the United States Constitution, to the extent that it requires a private property owners to make a side yard setback available for public use. The concept of private property is often referred to as a "bundle of rights" or a "bundle of sticks," with each stick in the bundle representing a right.[5] Few property owners would expect that ownership of property encompasses the absolute right to use or develop property. However, a regulation that limits an owner's right to exclude others is not expected and is an infringement on a fundamental property right protected by the Fifth Amendment.[6]

The Fifth Amendment to the U.S. Constitution protects private property from being taken for public use without just compensation.[7] A physical taking occurs when the government physically condemns private property or when a regulation authorizes a permanent physical invasion of a property.[8] As one commentator has said, the "one incontestable case for compensation (short of physical expropriation) seems to occur when the government brings it about that its agents, or the public at large, 'regularly' use or 'permanently' occupy, space or a thing which theretofore was understood to be under private ownership."[9] This *per se* rule is illustrated by the Supreme Court's holding in *Nollan v. California Coastal Commission*[10] which is analogous to this situation. In that case, the California Coastal Commission conditioned a permit to reconstruct a beachfront house on the owners' granting of a public easement laterally across the property to provide access between two public beaches.[11] The Court analyzed the easement requirement independently from the permit approval and held that a "permanent physical occupation" occurred when individuals were given a permanent and continuous right to pass and repass, even though no particular person is permitted to permanently "station himself" on the property.[12] Requiring that a street side setback be "landscaped or hardscaped for use by pedestrians" is

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[4] Section 17.08.030(B). Note that this requirement appears to be in addition to the sidewalk that is typically established along a street frontage. *See* Figure 17.08.030(B).

[5] *See* Denise R. Johnson, *Reflections on the Bundle of Rights*, 32 Vermont Law Rev. 247 (2007).

[6] Brian W. Blaesser & Alan C. Weinstein, *Federal Land Use Law & Litigation* (Thomson-Reuters: 2015) § 1.6 (hereinafter "*Land Use Law & Litigation*").

[7] U.S. Const., amend. V.

[8] *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 441 (1982) ("[A] permanent physical occupation of property is a taking."); Daniel R. Mandelker, *Land Use Law* at 16 (5th ed. 2003).

[9] Erwin Chemerinsky, *Constitutional Law: Principles and Policies*, 642 (3rd ed 2006) (quoting Frank Michelman, "Property, Utility, and Fairness: Comments on the Ethical Foundations of "Just Compensation Law," 80 Harv. L. Rev. 1165, 1884 (1967)).

[10] 483 U.S. 825. (1987).

[11] *See Land Use Law & Litigation* § 1.6.

[12] *Nollan* at 831-32. *See also Land Use Law & Litigation* § 1.6.

a governmental regulation that permits the public at large to "regularly use" what was previously understood to be private property.

SBAOR is concerned about a city zoning provision that would allow the city to impose a permanent easement across private property for public use without providing compensation to the landowner.

Issue: The mixed-use step-back requirement could be used to control how a residential unit owner allocates living and sleeping space within the unit.

Section 17.25.090(A) of the Proposed Ordinance establishes a step-back requirement for upper floors in mixed-use developments that differ depending upon whether the room on the upper floor is used for sleeping, living, or other purposes.[13] When upper story walls contain windows facing an interior side or rear yard, a wall of a living room or other primary room must be stepped-back at least fifteen feet. When the wall contains windows for a sleeping room, it must be stepped back ten feet and all other walls containing windows must be stepped back five feet. It is not clear whether this provision is intended to limit what an owner does with interior space after the developer completes construction. That is, could an owner decide to arrange the interior space of a unit so that what was once a sleeping room becomes living space? Does the structure become nonconforming if that occurs? If this dimensional regulation is interpreted and applied in a way that limits how the interior of the structure may be used post-construction, it would go beyond the typical purpose of dimensional regulations. It would also represent an unusual degree of intrusion into private property rights of the unit owners.

SBAOR is concerned that the step-back requirement could be interpreted to control a residential unit owner's ability to configure and use interior space as he/she sees fit.

Issue: The Proposed Ordinance exemptions for real estate signs are too limited

Section 17.41.030 lists the types of signs that are permitted without a permit from the City. On-Site Real Estate Signs are permitted without a permit provided that the sign is not illuminated and is removed within seven days after the completion of the sale.[14] Freestanding signs are limited to one per public street frontage on a lot and eight square feet in a residential zoning district, with a maximum height of six feet.[15] In non-residential districts, the maximum size is thirty-two square feet.[16] Wall signs are limited to six square feet and a seven foot maximum height.[17] There is no limit on the number that may be attached.[18] Directional Signs for Open Houses are also exempt under Section 17.41.030(F). Up to three offsite signs directing the public to the lot or structure for sale or lease are permitted to be placed on private property provided no sign exceeds four square feet in area and three feet in height.[19] Realtors® need at least six offsite signs directing the public to the "for sale" property in order to maintain the flow of traffic on "Open House" days.

[13] Section 17.25.090(A).
[14] Section 17.41.030(S)(1) and (2).
[15] Section 17.41.030(S)(3).
[16] Section 17.41.030(S)(3)(b).
[17] Section 17.41.030(S)(4).
[18] *Id.*
[19] Section 17.41.030(F) and (F)(1).

Further, no sign can be placed more than twelve hours before the start of an open house or remain more than twelve hours after the event.[20]

Although these exempt signs may account for many of the signs typically used in real estate sales and leasing, they do not account for situations where larger signs, or additional off-premises signs, would be appropriate for a particular property. For example, when providing directional signs to open houses, four square feet may not be large enough for drivers to see when traveling on larger roads. Also, the twelve hour prior limit is too restrictive, particularly if an open house is to occur on multiple days in a row. It is also unclear why these real estate directional signs are treated differently than a "special event" sign, which can be forty square feet and does not have to be removed until twenty-four hours after the event.[21]

A Realtor® who needs or wants to place signs that do not satisfy the size and duration restrictions, would have to obtain a permit from the City for each sign to be placed. This would involve increased expense and the permitting process would likely take too long to make this a feasible option in most cases.

Issue: It is unclear how the Affordable Housing Overlay District standards will be applied to small developments.

The Affordable Housing Overlay District ("AHO") is intended to enable development of affordable housing on the Central Hollister Affordable Housing Opportunity Sites, furthering the General Plan Housing Element.[22] The requirements of the overlay apply to development projects of five or more for-sale dwelling units and requires five percent of the units to be provided to extremely low- and very low-income households, five percent be provided to low income households, five percent to moderate-income households, and five percent be provided to above moderate-income households earning 120 to 200 percent of the median income.[23] The Proposed Ordinance specifies that no reduction in these percentages is permitted and the developer must provide on-site units.[24]

For a development of five units in the AHO, one quarter of a unit (five percent of five) must be provided for each of the categories listed above. Since one-quarter of a unit cannot physically be provided, these figures must be rounded up or down. If rounded down, as Section 17.03.030 would require for fractions less than 0.5, then no units would be provided even though the provision states that it applies to developments of five or more for sale units.

For a development of ten units in the AHO, the opposite problem arises. Five percent of ten units is 0.5 units, which Section 17.03.30 provides must be rounded up. As a result, a development with ten units would be subject to a mandate that forty percent of its units be priced to satisfy the affordability standards.

On the other hand, for a twenty-nine unit development, five percent is 1.45 units, which would be rounded down to one unit in each category. This results in the same total requirement of four affordable units as the ten unit development, but for a development nearly three times larger. Four out of twenty-

[20] Section 17.41.030(F)(2).
[21] Section 17.41.030(T).
[22] Section 17.29.020.
[23] Section 17.18.010.
[24] Section 17.18.030.

nine is only 13.7%. The City needs to change the requirements of the overlay to apply to development projects of *ten or more* in order to meet the twenty percent for affordable housing.

SBAOR questions how the City intends to administer the provisions of this section and why it would impose a requirement that has such an uneven effect on developments of different sizes. It appears that for developments of five to nine units, the provisions are ineffective. For larger developments, the rounding rule applied by the Proposed Ordinance would result in a wide range of affordability percentages ranging from 40% affordable housing requirement in a ten unit development to less than 14% for a development of twenty-nine units. This is in contrast to the inclusionary housing requirements discussed below, which permits a developer to pay an in-lieu fee for any partial unit required, meaning that the impact is proportionately same on developments of different sizes.

Issue: The inclusionary housing requirements are likely to have negative impacts on the production of both market-rate and affordable housing.

The Proposed Ordinance requires that developments of two or more for-sale residential units provide inclusionary housing components. For developments of two to four units, the developer must pay an in-lieu fee, to be established by the City Council by resolution.[25] For developments with five or more units, developers must dedicate twenty percent of the total units as affordable units.[26] This percentage is further broken down with five percent dedicated, respectively, to very low income households, low-income households, moderate-income households, and moderate income households earning between 120 and 200 percent of the median Santa Barbara County income. Developers providing a public benefit, such as a dedicated public park or recreational facilities, may be able to reduce this to fifteen percent. Developers may choose to comply (in descending order of the City's preference) by providing units on-site, by providing units off-site, by dedicating land for the construction of affordable housing, by paying an in-lieu fee, or by providing "tradeoffs" of extremely low- and very low-income units for required low- and moderate-income units, if the developer can show that housing goals will be more effectively achieved in this manner. Chapter 17.29 does not specifically provide for any upzoning or density bonus for developers but it does permit the developer to request certain incentives *necessary* to providing the affordable housing.[27] Also, Chapter 17.28, which separately governs affordable housing incentives and the density bonus permitted by California statute,[28] applies to developments under this Chapter.

There is no suggestion within the Proposed Ordinance itself that the City has conducted any study to determine whether the requirements of the inclusionary housing ordinance could be met by developers without causing a reduction in the amount of housing being provided or causing the costs of developing the affordable units to be passed on to market rate buyers. The ability to pass costs onto home buyers depends on local market conditions. Where market factors will not allow developers to increase prices to account fully for the effect of the inclusionary requirement, developers may look for cost savings in other ways. Developers may reduce the amount they are willing to pay for land as a way to offset the costs of inclusionary requirements in their pro forma. Developers may also seek to reduce costs by adjusting the quality of their housing product.

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[25] Section 17.29.050(A)(1)

[26] Section 17.29.050(A)(2)(c).

[27] Section 17.29.060.

[28] California Government Code § 65915 et. seq. requires a local government provide a density bonus when a developer agrees to restrict units in a development according to the provisions of the statute. Proposed Ordinance, Section 17.28.020(A); *see also* David H. Blackwell, *The Density Bonus Law: Has its Time Finally Arrived?*, 29 Cal. Real Property J. 4 at 14 (2011).

Also, developers may face pressure to develop more expensive market rate housing in order to recover costs because profit margins tend to be higher on high-end housing or they may simply produce less housing, constricting supply which (usually) increases price. If developers are not able to sufficiently recoup the cost imposed by the inclusionary requirements, they may choose to build elsewhere, or not at all. These effects are complex and can vary widely depending on the strength of the local housing market, the regulations in neighboring cities, the supply of developable land, and other factors. It is this very complexity that underscores the need for a thorough analysis of the economics of the local housing market and the potential impact of the mandatory inclusionary housing requirements on development pro formas.

SBAOR wonders if the City has adequately considered the potential negative consequences that the Inclusionary Housing regulations could have on all residential development and the overall affordability of housing the City. Has the City conducted a study of local market conditions to determine developers' ability to absorb the additional costs imposed by the Inclusionary Housing regulations? If so, the City needs to make the study available to the public.

Issue: The screening and buffering requirements are too extensive.
Section 17.25.140 requires screening and buffering when buildings are constructed, expanded, or changed from one use classification to another. Screening and buffering must be maintained along interior side and rear lot lines, as well as between differing land uses. Table 17.25.14(A) sets out the type of screen required between a proposed use and an adjoining use. Single-unit residential uses must provide "Type 1" screening when adjoining a park or another single-family use. Type 1 buffers must be at least five feet wide and, for each one hundred linear feet of buffer, must contain two trees of mature height greater than forty feet, two trees of mature height less than forty feet, four shrubs with a mature spread of two feet or more and eight shrubs with a mature spread of less than two feet.[29]

This section appears to require this buffer along each side and rear single-family property line adjacent to another single-family property. This is an extraordinary amount of buffer material to be provided in a single-family neighborhood. Buffering is typically required between two different land uses to provide a "visual and modest environmental separation between" them.[30] Two single-family homes should be entirely compatible and should not need any buffering.

Table 17.25.140(A) also requires multiple-unit residential uses to provide "Type 2" screening and buffering when adjoining another multiple-unit residential use. Type 2 screening and buffering increases the required number of trees and shrubs and requires a three-foot screening wall within the front setback and a six-foot screening wall "otherwise."[31] Again, these screening requirements are substantial and seemingly unnecessary since multi-family use is compatible with other multi-family uses.

These unnecessary buffering requirements drive up developer costs, and ultimately have a negative effect on housing affordability.

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[29] Table 17.25.140(B).
[30] Eric Damian Kelly and Barbara Becker, *Community Planning: An Introduction to the Comprehensive* Plan, 202 Island Press (2nd ed 2012).
[31] Table 17.25.140(B). Note that the screening wall is only required "when abutting an R District." Presumably this is intended to mean a "residential use" rather than a residential district.

<u>Issue:</u> Expansion of some nonconforming uses may require structural updates.
Section 17.37.030 permits the continued existence of nonconforming uses and structures. Subsection D discusses the expansion of nonconforming uses. Such expansion is permitted within a structure that conforms to both the Building Code and the zoning requirements of the Proposed Ordinance and within a structure that only complies with the Building Code but is nonconforming under zoning. Nonconforming uses housed in structures that do not comply with the Building Code may not be expanded unless the structure "is brought into conformance with all applicable Building Code requirements."[32]

Typically Building Codes contain "grandfathering" provisions that permit a structure to remain in existence despite changes to the code itself that cause the building to no longer be in compliance. Upgrading a building to current codes can be prohibitively expensive, depending on when the building was constructed. It is unclear why the Proposed Ordinance makes the distinction between compliance with the Building Code and compliance with the zoning requirements. There are no provisions for permitting expansion in the case of de minimus noncompliance or for non-conformities unrelated to substantial health and safety concerns. This provision appears to make it unreasonably difficult for a nonconforming use to grow and expand, which may negatively impact successful businesses (i.e. those looking to expand their use within a structure) in the community.

This provision appears to unreasonably restrict expansion of a nonconforming use, because it requires that the use be housed in a building that meets the then-current building code. Unless there is a compelling health and safety concern implicated by the expansion, there is no reason to require a structure to be upgraded or reconstructed just because it contains a nonconforming use that the owner or tenant wants to expand.

<u>Issue:</u> Some provisions governing the authority and procedures of various City boards duplicate other City ordinances.
There are a few sections of the Proposed Ordinance that duplicate sections of the existing Goleta Municipal Code. The sections are identified in the following table:

Proposed Chapter 17.56	Existing Chapter 2.08
17.56.030 (Levels of Design Review and Responsible Party)	2.08.150 (Levels of Design Review and Responsible Party)
17.56.040 (Scope of Review)	2.08.140 (Scope of Review)
17.56.080 (Time Limits on Approvals and Time Extensions)	2.08.170 (Time Limits on Approvals and Time Extensions)
17.56.090 (Appeals)	2.08.180 (Appeals - Hearings)
17.56.060 (Design Review Criteria)*	2.08.160 (Findings)*

* These two sections are similar but not identical.

Further, Section 17.56.030(B) appears to incorrectly cross-reference Section 2.08.140 of the Municipal Code, which is now duplicated in Section 17.56.040. In addition, the text of Section 17.56.030(B) references "development standards" but these sections actually provide the "scope of review."

[32] Section 17.37.030(D)(2).

In addition, Section 17.52.030 of the Proposed Ordinance (Planning Commission) and Section 2.09.100 (Responsibilities) are also similar, although not identical and the provisions of Section 2.09.130 of the Municipal Code (Appeal to City Council) have been included in Section 17.53.130(A)(4) and (B) (Appeals).

Does the City intends to delete the existing sections when it adopts the Proposed Ordinance? Given that several sections of Chapter 2.08 and Chapter 2.09 are *not* included within the Proposed Ordinance, it would appear that the Proposed Ordinance will not completely replace these chapters. To the extent that the provisions of existing Title 2 overlap and conflict with the Proposed Ordinance, they should be deleted. However, this will cause the provisions governing the Design Review Board and the Planning Commission to be in different chapters of the City's code. This may result in confusion and inconsistencies, as the Municipal Code is amended in the future.

Issue: The Proposed Ordinance treats projects in the entitlement process more favorably than projects that have already secured a building permit.

Sections 17.01.040(D) and (E) describe how the Proposed Ordinance will affect projects in the development pipeline upon its adoption. Section 17.01.040(D) permits a building or structure to be completed and used according to plans, specifications and permits on which a building permit has been issued, as long as one inspection has been requested and posted for the primary structure and as long as construction is "diligently pursued and completed within 12 months of permit issuance." Section 17.01.040(E) permits applicants for entitlements to choose to proceed under the Proposed Ordinance or under the existing regulations, as long as the applications have been accepted for processing prior to the adoption of the Ordinance.

Because the Proposed Ordinance is a complete rewrite of the zoning ordinance in the City, its regulations should be phased in, as contemplated by these two sections. However, the Proposed Ordinance treats projects that are farther from completion more favorably than those projects that have already obtained entitlements and building permits. Under Section 17.01.040(E), an owner who has applied for an entitlement would be permitted to proceed to completion under either the now-existing set of regulations or under those imposed by the Proposed Ordinance. This provides desirable flexibility for owners and developers who have made significant investments in planning and design to reach the stage of submitting an entitlement application. In contrast, under Section 17.01.040(D), projects further along in the development process, with building permits in hand but not having reached the point of requesting an inspection, would apparently be subject to the new provisions of the Proposed Ordinance. This presumably means those projects may even need to go through the entitlement process again if, for example, the project as designed was fully compliant with existing regulations but would require relief under the Proposed Ordinance. This disparity is unfair to the developers who already have building permits pursuant to the existing code. It has the potential for significantly increasing development costs and delaying the construction of those projects, and it is not clear what the policy rationale could be.

SBAOR believes this unfair treatment of owners operating under building permits issued by the City under the existing ordinance and suggest that Section 17.01.040(D) be revised to allow projects with a valid building permit at the time the Proposed Ordinance becomes effective to continue under the existing regulations. By amending Section 17.01.040(D), while leaving Section 17.01.040(E) in place, the Proposed Ordinance would continue to provide desirable flexibility for developers just beginning the entitlement process.

Issue: The Second Dwelling Unit provisions should be clarified.

Second Dwelling Units, also called accessory dwelling units (ADUs), are seen by many communities as a way to increase the supply of affordable housing and to accommodate changing family structures.[33] They provide housing opportunities for family members to live near each other, while maintaining privacy. They also benefit individuals and smaller families looking for lower maintenance costs.

The Proposed Ordinance permits Second Dwelling Units, subject to Zoning Clearance[34] and Design Review, in all residential districts.[35] To obtain a permit for a Second Dwelling Unit, the owner of the lot must reside on the lot in either the principal or second unit and must enter into a restrictive covenant with the City, requiring owner occupancy and prohibiting the second unit from being sold separately from the principal dwelling. If the lot owner no longer resides on the property, the second unit must be discontinued, although the Zoning Administrator can approve an exception for a relative, in a trustee relationship with the owner, to continue to reside on the property.[36] Second Dwelling Units are restricted to two bedrooms, with a maximum of 800 square feet and no more than forty percent of the floor area of the primary unit.[37] A Second Dwelling Unit is not permitted if the primary dwelling and the proposed Second Dwelling Unit do not comply with the minimum requirements of the zoning district.[38] One parking space per bedroom is required.[39] The Design Review process is conducted by the Zoning Administrator (provided no exceptions or modifications to the applicable development standards are requested and the design criteria are met).[40] The design criteria are that the second dwelling must be subordinate in size, location, and appearance to the principal dwelling; the exterior appearance must be consistent with the principal dwelling with respect to materials and roof pitch; and the privacy of adjoining residences must be protected by minimizing the view of neighboring buildings or outdoor living spaces from the windows of the second dwelling unit.[41]

There is no restriction on who may live in the second unit. The Proposed Ordinance, instead, permits flexibility with regard to that occupant, while addressing concerns about neighborhood impact by requiring that the owner occupy one of the units. Also, no administrative use permit or conditional use permit is required. Therefore, an owner may construct a Second Dwelling Unit without a discretionary permit, provided all of the requirements are met. The regulations on Second Dwelling Units allow for flexible use of these spaces but are balanced with reasonable regulations to protect neighbors from the potential negative impacts that accessory dwelling units can generate.

Section 17.42.330(B)(1)(f) says that a Second Dwelling Unit is not permitted if a guest house or other structure used for habitation in addition to the principal dwelling already exists. It then says: "If a second dwelling unit exists, or is currently approved on a lot, a guest house, or other dwelling, it is only allowed

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[33] Fact Book at 180.
[34] Zoning Clearance is a ministerial act performed by the Zoning Administrator to determine whether a particular use is permitted by the zoning regulations. *See* Chapter 17.54.
[35] *See* Table 17.07.020; Section 17.42.330.
[36] Section 17.42.330(A)(2).
[37] Section 17.42.330(B)(1).
[38] *Id.*
[39] Table 17.39.040(A)(2).
[40] Section 17.42.330(A)(3). If the criteria cannot be met or modifications or exceptions are requested, the provisions of Chapter 17.56 apply and Design Review will be conducted by the Design Review Board in accordance with those procedures.
[41] *Id.*

if the second dwelling unit is removed or converted into a portion of the principal dwelling." This sentence does not make sense unless the word "it" is deleted.

Furthermore this provision may be too restrictive, as it would appear to prevent, for example, a second dwelling on a lot that already contains a principal home and freestanding garage with a home office or artist's studio (which would count as space used for "habitation" even though they are not dwelling units) above the garage space.

Further, although Table 17.07.020 shows that Second Dwelling Units are permitted in the RM (Residential Medium Density) and RH (Residential High Density) districts, the footnote to the table indicates that they are only permitted with an existing single family home located on-site.[42] Detached single family homes are not permitted uses in the RM and RH districts.[43] Therefore, an existing single-family home in the RM and RH will become a nonconforming use when the Proposed Ordinance is adopted. The requirement that the primary and second dwelling units comply with "minimum requirements of the applicable zoning district" would seem to have the effect of prohibiting the location of Second Dwelling Units in these two districts, except to the extent that one can be constructed in compliance with code requirements on a lot containing an attached single unit (e.g. townhouse). These sections and tables should be revised to ensure that Second Dwelling Units can be built in the higher density residential zones (where the increased density has been deemed appropriate) on lots with pre-existing single-family units.

On whole, SBAOR supports the Second Dwelling Unit provisions of the Proposed Ordinance. The Proposed Ordinance allows these units with only a non-discretionary permit and design review. The requirements imposed on these units are reasonable when the concerns mentioned above are addressed. Owners may create these units, thereby providing additional rental housing stock, and providing owners with additional income to offset their own housing costs. These provisions address potential impacts to the residential character of the neighborhoods by ensuring that owners continue to reside on site, by limiting unit size and requiring the units to be compatible with the surrounding architecture, and by requiring on-site parking.

Issue: Other provisions of Proposed Ordinance raise concerns for the Realtors®.
Recreational Vehicle Parking
Section 17.39.070(A)(3) permits the parking and storage of recreational vehicles ("RV"), including camping trailers, motor homes, ATVs and boats, on property in residential use, subject to certain restrictions. The vehicles cannot be parked in the front yard setback and must be screened from adjacent properties with a six-foot high fence.[44] If the vehicle is stored in a street side setback, it must be screened with a solid six-foot high fence. No vehicles larger than fifteen feet high and thirty-six feet long may be stored or parked on a residential lot.

These restrictions limit the rights of property owners who wish to keep RVs like boats, ATVs or camping trailers on their residential property for convenience or to avoid the cost of off-site storage. On small residential lots it may be impossible or impractical to keep an RV on the premises without storing it on a driveway or at another location where it extends into a front yard setback. The regulations are designed

[42] Table 17.07.030.
[43] *Id.*
[44] Section 17.39.070(A)(3).

to protect the residential character of neighborhoods by keeping these vehicles out of the front setback and by providing screening, but they do impose a burden on property owners who own those types of vehicles that is not imposed on property owners who may, for example, drive large pick-up trucks, SUVs or vans and keep them in the driveway without such limitations.

These are fairly common types of regulation for communities concerned about aesthetic impacts from long-term storage of recreational vehicles in residential neighborhoods. Clarification of the following issues could improve this regulation.

- The Proposed Ordinance does not appear to provide for even any temporary parking of RVs within the front yard on a paved driveway. A temporary parking provision would permit owners to park an RV in the driveway while preparing for or returning from a trip, or while hosting a visitor who travels in or with such a vehicle.[45]
- These types of provisions often require that, for long term storage of these vehicles, they be parked on an impervious surface or be drained of gasoline, motor oil and other hazardous fluids in order to prevent leaking of these materials onto the ground and potentially into water sources.[46]
- This section does not address the use of motor homes or "tiny homes"[47] as residential units when they are parked on a residential lot. The City should address whether Recreational Vehicles may be used as dwelling units when parked on private property, and if so, with what temporal or other limitations.[48]

Setbacks

In the residential zoning districts, the Proposed Ordinance establishes a twenty-foot front setback (except in the RP), five-foot side setbacks and ten- to twenty-foot rear setbacks. In some circumstances, zero side setbacks are permitted and rear setbacks may be reduced to fifteen feet when abutting open space or a non-accessible street.[49]

The use of setbacks is an accepted zoning control. It serves the purpose of regulating the distance of a building to street and lot lines in order to regulate density, provide adequate light and air, ensure privacy, and create open space.[50] When adopting new setback standards applicable to developed areas, it is important that a zoning ordinance provide setbacks to serve their purpose without substantially

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[45] *See* Municipal Research and Services Center, *Parking and Storage of Oversized Vehicles*, available at http://mrsc.org/Home/Explore-Topics/Transportation/Parking-Management-and-Enforcement/Parking-and-Storageof-Oversized-Vehicles.aspx, last accessed April 21, 2016; s*ee also e.g.* City of Farmington, Michigan Zoning Ordinance, Section 35.38, available at http://ci.farmington.mi.us/Services/EconomicAndCommunityDevelopment/CityCharterandCodeofOrdinances.pdf, last accessed April 21, 2016.

[46] *See* Municipal Research and Services Center *supra* n.88; *see also e.g.* Recreation Vehicle and Trailer Storage Guidelines, City of Rosemount, Minnesota, available at http://www.ci.rosemount.mn.us/DocumentCenter/View/125, last accessed April 21, 2016.

[47] Section 17.39.070(A)(3) uses the term "trailers." A "Trailer" is defined as "[a] vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or *for human habitation*, office, or storage..." (emphasis added). Section 17.7010. A "tiny home" fits within this definition.

[48] *See* Municipal Research and Services Center *supra* n.88.

[49] Section 17.07.030.

[50] *See e.g.* Thomas D. Horne, *Zoning: Setback Lines: A Reappraisal*, 10 Wm. & Mary L. Rev. 739, 740 (1969), available at http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2900&context=wmlr, last accessed April 6, 2016.

deviating from the existing or historic building patterns. Has the City done any analysis of the number of already developed properties that would be made nonconforming (with regard to setback or any other development regulation) by the Proposed Ordinance?

Fees

SBAOR is concerned about whether the Proposed Ordinance would impose excessive fees. Section 17.52.020 states that the City Council will establish by resolution, a fee schedule for planning application fees, impact fees, other development mitigation fees, charges, and deposits for fees required under the Proposed Ordinance. These fees are not set out in the Proposed Ordinance and, therefore, cannot be evaluated. Does the City have any data it intends to use in determining and justifying fee amounts and provide, at least an estimate of various fees that will be adopted so that SBAOR, and the public, can comment?

Animal Keeping

Animal Keeping is permitted as an accessory use in all districts except in the Open Space Recreation district.[51] "Animal Keeping" is listed as a residential accessory use.[52] The ordinance would permit keeping four or fewer domestic household pets; one "horse, mule, goat, cow, swine, or other similar size animal" for each 20,000 square feet (but not more than three swine or five other such animals on any lot); and an undefined number of small animals kept for the residents' domestic (not commercial use), provided the keeping of the small animals is not injurious to the health, safety, or welfare of the neighborhood, does not create any offensive notice or order, and provided that enclosures for such small animals is not closer than twenty-five feet to any dwelling.

The Animal Keeping regulations should be redrafted to ensure that the provisions regarding impact to the health, safety, and welfare of the neighborhood, as well as noise and odor impacts, apply not only to the permitted small animals but also to the large animals that are permitted.

Farmworker Housing

Section 17.42.150 contains provisions for Farmworker Housing, which provides accommodations for six or fewer employees in a single-family structure with a residential land use designation. It requires that such structures be deed-restricted for occupancy for farmworkers and owners obtain a permit from the California Department of Housing and Community Development. Table 17.07.020, listing the permitted uses in each residential zoning district, references Section 17.42.150 but does not explicitly state that Farmworker Housing is permitted in all residential districts. In contrast, in Table 17.12.020, Farmworker Housing and a Farmworker Housing Complex are listed as permitted uses in the Agricultural District.

Safe and secure farmworker housing has been a concern for many communities throughout California.[53] The California Health and Safety Code requires any employee housing for six or fewer employees to be deemed a single-family structure with a residential land use designation.[54] No conditional use permit,

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[51] Table. 17.07.020; Table 17.08.020; Table 17.09.020; Table 17.10.020; Table 17.11.020; and Table 17.12.020.

[52] Section 17.42.050.

[53] *See e.g.* Michelle Chen, *California Farmworkers Often Forced to Live in Squalor, Says Report*, In These Times Blog (Mar. 7, 2014) , available at http://inthesetimes.com/working/entry/16387/california_farmworkers_dire_housing_crisis, last accessed, April 6, 2016.

[54] Harry D. Miller et al., *Miller and Starr California Real Estate 4th*, 6 Cal. Real Est. § 16.22 (4th ed).

variance or zoning clearance may be required that is not required of a family dwelling in the same zone. Similarly, the California Health and Safety Code designates employee housing of no more than thirty-six beds in group quarters of twelve units designated for use by a single family or household to be an agricultural use.[55] It should be noted that the Proposed Ordinance defines "Farmworker Housing" to mean "Employee Housing" as set forth in the Health and Safety Code,[56] so these provisions apply to more than just farm workers.

Requiring a deed restriction would prevent single-family dwellings put to Farmworker Housing use from being returned to private housing. This requirement is apparently an attempt at preserving the availability and affordability of housing for farmworkers by restricting the marketability of the home. It does not account for the potential shifting of housing needs and could cause such restricted property to become idle and unmarketable if not needed as Farmworker Housing. The provisions of the California Health and Safety Code already protect this use from restrictive zoning regulations. The deed restriction requirement is an unreasonable and excessive infringement of the owner's property rights. We also ask that the residential use provisions in Table 17.07.020 clarify whether this use is allowed in those districts.

Should you need any clarification of our comments, please contact Krista Pleiser, Government Affairs Director, at (805) 884-8609 or kpleiser@sbaor.com. Thank you for your time and consideration of concerns regarding the proposed zoning ordinance.

Sincerely,

Alec Bruice
President

[55] Id.

[56] *See* Proposed Ordinance, Chapter 17.70

Helen Gannon

Subject: RE: City of Goleta Draft ZO - Public Comment Submittal

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From: Maruja Clensay [mailto:maruja@sepps.com]
Sent: Tuesday, May 10, 2016 5:46 PM
To: Anne Wells; Greg Jenkins; Brent Daniels; Ed Fuller; Katie Maynard; Eric Onnen
Cc: Andy Newkirk; Suzanne Elledge; Laurel Fisher Perez; Steve Fort
Subject: RE: City of Goleta Draft ZO - Public Comment Submittal

Hello Ms. Wells and Honorable Planning Commissioners –

Please find our collective comments regarding the City of Goleta DRAFT Zoning Ordinance to this email. While these comments are addressing previously reviewed sections, we truly appreciate your consideration of our feedback.

Thank you.

Maruja Clensay
Associate Planner

Please note: *I will be out of office from* ***Thursday, May 12th through Monday, May 16th*** *returning Tuesday, May 17th.*

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

1625 STATE STREET, SUITE 1
SANTA BARBARA, CA 93101
PH: 805-966-2758 ***x 115***

Please note we have new extension numbers!

SUZANNE ELLEDGE
PLANNING & PERMITTING
SERVICES, INC.

10 May 2016

Ms. Anne Wells
City of Goleta Planning Commission

Transmitted via email

SUBJECT: Comments on the remainder of Part IV of the Draft City of Goleta Zoning Ordinance

Dear Ms. Wells and Honorable Chair Onnen and City of Goleta Planning Commissioners,

Thank you for the opportunity to provide comments to the City of Goleta's Draft Zoning Ordinance for the City of Goleta. Attached is a bulleted list of our collective comments and suggestions related to Part IV of the Draft Zoning Ordinance, reviewed by the Planning Commission on March 21, 2016.

Based on our collective experience, we submit the attached with the intention of assisting the City to develop a zoning ordinance that provides clarity and certainty for its constituents. We truly appreciate your consideration of the attached suggestions and comments and we look forward to our continued participation in the process to refine and adopt the much anticipated City of Goleta Zoning Ordinance. You may reach me via email at maruja@sepps.com, or by phone at 805.966.2758 x15.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

Maruja Clensay
Associate Planner

The following bullet points are in regard to remainder of Part IV of the Draft City of Goleta Zoning Ordinance:

Chapter 17.38: Gas and Oil Facilities

-17.380.060.F: Findings Required for Demolition and Reclamation Permit

- No. 5: Restoration to Natural Conditions
  - Consider incorporating a definition of "natural conditions".

Chapter 17.39: Parking and Loading

-17.39.030.F: Residential Garage Conversion

- Consider including reference to the permit process (or section) for the conversion of the garage. Also, consider noting if Design Review would be required.
- No. 2: Consider flexibility regarding provision of covered parking subsequent to a garage conversion for a second dwelling unit. An absolute requirement to replace covered parking may not be appropriate in all situations and could be a disincentive for creation of much needed dwelling units.

-TABLE 17.39.040(A)(2)

- In regard to Single-Unit Dwellings, please clarify whether all parking spaces (including extra parking as required if residence is over 3,000 SF) has to be enclosed inside a garage. Consider whether this is appropriate for all zone/districts and lot sizes throughout the City, and flexibility for carports and constrained lots.
- In regard to Multi-Unit Dwellings – consider flexibility for those properties located in the Old Town District, such as the 25% reduction allowed for senior housing.
- In regard to Assisted Living Residential Facilities, 1 space per guest room may be potentially excessive considering some residents may not be able to drive or have cars. Consider flexibility similar to Residential Care Facilities.

-17.39.080.A.2: Bicycle Parking - Location

- Consider allowing flexibility regarding distance of bike parking from main entrance (if justified by site constraints).

-17.39.100.O: Parking Design – Landscaping

- The recommended parking landscaping requirements are fairly complex and detailed. Parking requirements can be a major factor as to whether a project is feasible. Consider engaging DRB, specifically the landscape architects, and the City's traffic engineer to test and vet the requirements to

ensure they are reasonable and appropriate. We encourage the City to carefully ensure these standards and requirements are reasonable and that flexibility is available when warranted.

Chapter 17.40: Performance Standards

-TABLE17.40.080(A): Noise and Land Use Compatibility Criteria

- Consider adding a footnote that confirms that the Community Noise Exposure level is measured at the property line (or other location if applicable).

- Consider adding "Schools" as a Land Use in this table.

Chapter 17.42: Standards for Specific Uses and Activities

-17.42.050.C.1.C: Animal Keeping

- Consider clarifying that small animal enclosures can be no closer than 25 feet to any dwelling on another lot (underlined language added for consideration).

-17.42.070: Automobile/Vehicle Service and Repair

- Ltr. B: Orientation of Bay Doors:
  - Consider flexibility for potential site design constraints

- Ltr. D: Work Areas
  - Consider allowing Industrial and Manufacturing zones more flexibility with requiring work areas to be fully enclosed, based on site constraints.

-17.42.110.E.2: Drive-In and Drive-Through Facilities

- It is unclear how "Walls along street face must be transparent" relates to Drive-Through facilities. Is this intended to be a general development standard applicable to fast food restaurants?

-17.42.150: Farmworker Housing

- The introductory paragraph is confusing. It is unclear whether the intent to identify where farmworker housing is allowed or identify that farmworker housing for 6 or fewer people will be treated as a single family residence in some manner?

- Based on experience we are not aware of requirements of Housing and Community Development (HCD) permits for farmworker housing for 6 or fewer employees.

-17.42.220: Manufactured Homes

- Consider relying on building code and existing law rather than prescribe that a manufactured home must be no more than 10 years old.

-17.42.310: Residential Care Facilities

- Why are Residential Care Facilities required to be separated by 300'? And, is this intended to be measured from property line or structure. What is the potential impact that the separation requirement intend to address?

-17.42.330: Second Dwelling Units

- Will second dwelling units be allowed on legal non-conforming lots or with legal non-conforming structures? The need for affordable housing on the South Coast is so great, we hope the City will facilitate reasonable housing opportunities to the extent possible.

Helen Gannon

Subject: RE: Draft Zoning Ordinance November 2015 suggestions - Second Dwelling Units

-----Original Message-----
From: Ken Alker [mailto:ken@impulse.net]
Sent: Tuesday, May 31, 2016 11:31 AM
To: Anne Wells
Subject: Draft Zoning Ordinance November 2015 suggestions - Second Dwelling Units

Anne,

Please find attached a letter from me dated 5/27/2016 regarding Second Dwelling Units with respect to the November 2015 Draft Zoning Ordinance.

Please write back and let me know that the PDF I have attached is readable.
I'm out of town right now and want to make sure you got his.

Thank you!
Ken Alker
(805) 685-2030

Ken Alker
290 Winchester Canyon Road
Goleta, CA 93117
(805) 685-2030
ken@impulse.net
May 27, 2016

SECOND DWELLING UNITS

Anne Wells
City of Goleta Planning Manager
130 Cremona Drive
Goleta, CA 93117

Dear Anne,

The DRAFT Goleta Zoning Ordinance dated November 2015, section 17.42.330 "Second Dwelling Units", paragraph "A. 2." states, "If the owner ceases to reside on the property, use of the residential second unit must be discontinued ... The Zoning Administrator may approve an exception to this requirement to discontinue the use in the case of temporary absences provided a relative is living on the property in a trustee relationship with the owner." In the event of a necessary absence, it may not be practicable, or even possible, for an owner to find a relative to move onto their property. This requirement could become unrealistic and unreasonable. I offer the following language as a direct replacement, "The Zoning Administrator may approve an exception to this requirement to discontinue the use when a) disability or infirmity require institutionalization of the owner, or b) the Zoning Administrator approves owner's request for temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause."

The same paragraph states that, "The owner or a trustee of the owner of the lot must reside on the lot, either in the principal dwelling or in the second dwelling unit." Requirements by agencies restricting occupancy of a second-unit have been challenged legally. This could, perhaps, be extended to the principal dwelling. I am not an attorney, but I am aware of case law that, due to violations of the right to privacy, overturns ordinances in which agencies limit occupancy of a second unit to persons related to the main unit's owner. Government Code Section 65852.2 spells out many restrictions that local agencies may adopt, but the restriction that an owner or a trustee of the owner must reside on the lot is not one of them. Agencies are allowed to adopt less restrictive requirements, but this would be considered more restrictive. Additionally, the Division of Housing Policy Development states that restrictions and requirements should be developed in a manner that encourages the creation of second-units as opposed to restricting the development of second-units. Such a requirement would be considered a restriction of development of a second-unit by anyone who travels extensively, for instance. If it has not already been done, I suggest that someone looks into this paragraph further to ensure it is not overreaching.

Paragraph "A. 3. b." requires the exterior appearance of the second dwelling to be consistent with that of the principal dwelling in regard to architectural features and paragraph "A. 3. c." (regarding manufactured homes) requires consistency with roof pitch. It is common to build second dwelling units on top of accessory structures, resulting in a two-story structure. The 25' building height limitation in

the RS zone (Table 17.07.030) is too restrictive and may make these requirements impossible to achieve, especially if the already-existing principal building has a conventional pitched roof, as many of the outlying homes in Goleta have (which are the very homes that are most likely to add a second dwelling). I have addressed the 25' height limit in a different letter.

Paragraph "B. 1. a." states, "No more than one second dwelling unit is permitted on any one lot." While this makes sense for the majority of lots in Goleta, there are several large lots where multiple second dwellings could be located without creating excessive density. My property is 2.5 acres. My kids will likely never be able to afford a house in Goleta. My parents likely will not either. It would be nice someday to build second dwellings for my parents, as well as my children. Perhaps allowing multiple second dwellings only on larger lots would be in order. I suggest adding language to allow one second dwelling per every 10,000 (or 15,000, or even 20,000) square feet of land.

Paragraph "B. 1. d." limits second dwelling unit floor area to 800sqft. I understand that this was done in order to keep second dwelling units from creating excessive density. One of the uses of a second dwelling unit is to promote close family proximity. As per above, I foresee the possibility of building such a unit for my parents. My parents would not be comfortable or happy living in an 800 square foot dwelling. With 2.5 acres of land, a second dwelling unit larger than 800 square feet is very reasonable. I suggest either limiting second dwelling units to 50% of the principal dwelling gross square footage (the draft Ordinance says "primary unit" which is in conflict with the term elsewhere in this section), or capping at 1500 square feet (or at least 1200 square feet). As I understand it, the limitation on size is to ensure that the second dwelling looks subordinate to, and does not overwhelm the principal dwelling. Thus, I feel that limiting the second dwelling size to a fraction of the principal dwelling's gross square footage (including porches and garage) is more appropriate than using the principal dwelling's gross floor area. The reason for this is that a house on a large parcel may have a disproportionate amount of gross square footage attributable to porches rather than living space and this area contributes toward the bulk and scale of the principal dwelling, and thusly, should be included when determining the maximum size of the smaller, less dominant structure. Another option would be to instead cap second dwelling size based on land area.

Paragraph "B. 1. f." states that a second dwelling will not be permitted on a lot where there is a guest house. Removing the language surrounding guest houses, artist studios, and cabanas has brought clarity to the ordinance. I feel that the current ordinance was becoming overly complex in trying to foresee how different types of accessory structures might interplay with a second dwelling. That said, the draft Ordinance has incorporated "guest house" (per above quote) which is from the current ordinance and is not defined in the draft. I see no reason why a guest house and a second dwelling could not both exist simultaneously as they serve very different purposes. The definition of a guest house (from the current ordinance) states that it shall be used on a temporary basis, is not to be rented out, and may not have a kitchen or cooking facilities. On the other hand, a second dwelling unit is meant for permanent residence and may include all of the aforementioned amenities. Based on these facts, a guest house is, quite literally, extra and removed space from the primary dwelling where visitors may stay overnight while a second dwelling is where someone lives permanently. Since a second dwelling is meant for permanent living, just as is the primary dwelling, it would typically be unavailable for overflow from the primary dwelling as sleeping quarters for temporary guests. Disallowing a guest house on a parcel where there is already a second dwelling effectively punishes the land owner for having built a second dwelling and eliminates the possibility for the owner to house visitors outside of the primary dwelling.

Consider a larger parcel where parents are living in a second dwelling, the primary dwelling has no guest bedrooms, and the kids and grandchildren come to visit; there is no place to house the guests overnight. Allowing both a second dwelling and guest house is only logical, especially on a larger parcel. The only reason I can surmise to disallow the creation of both a guest house and a second dwelling would be in anticipation that a land owner might utilize a guest house for the purposes intended of a second dwelling. However, the very definition of a guest house legally eliminates that possibility, and to disallow a guest house for this reason would not be appropriate. Code enforcement of violations surrounding illegal use of a guest house would be the more appropriate course of action.

Paragraph "B. 2. c." states that, "the maximum height of such unit must not exceed 16 feet." I suggest changing maximum height to "either 16 feet or the height of the dwelling to which the second unit is attached." If one has a single story primary residence with an 18' roof line and wants to extend the roof line to the newly attached second dwelling to maintain consistency and character, the draft Ordinance would not allow such an architectural feature. By adopting my suggestion, one still prevents the second dwelling from becoming taller than the primary residence, which I assume was the goal of this ruling.

Sincerely,

Ken Alker

Ken Alker

Helen Gannon

Subject: RE: Draft Zoning Ordinance November 2015 suggestions - RS Zone District maximum height

-----Original Message-----
From: Ken Alker [mailto:ken@impulse.net]
Sent: Tuesday, May 31, 2016 11:34 AM
To: Anne Wells
Subject: Draft Zoning Ordinance November 2015 suggestions - RS Zone District maximum height

Anne,

Please find attached a 3-page letter from me dated 5/27/2016 regarding the RS Zone District maximum height with respect to the November 2015 Draft Zoning Ordinance.

Please write back and let me know that the 3-page PDF I have attached is readable. I'm out of town right now and want to make sure you got his.

Thank you!
Ken Alker
(805) 685-2030

Ken Alker
290 Winchester Canyon Road
Goleta, CA 93117
(805) 685-2030
ken@impulse.net
May 27, 2016

RS ZONE DISTRICT MAXIMUM HEIGHT

Anne Wells
City of Goleta Planning Manager
130 Cremona Drive
Goleta, CA 93117

Dear Anne,

In the DRAFT Goleta Zoning Ordinance dated November 2015, the RS base zoning district shows a Maximum Building Height of 25' (Table 17.07.030). In the General Plan, the Recommended Structure Height is 25'. Note that in the General Plan, this is a "Recommended" height, while in the DRAFT Ordinance it appears that this has become an absolute. At the very least, the term "Recommended" should be carried forward from the General Plan to the Zoning Ordinance. However, I feel it would be best to set the maximum height to 35' in the Ordinance. In certain circumstances, it may be appropriate to limit this height (Costal Zone, etc.), in which case such limits could be spelled out in the Ordinance. Setting the maximum height to 35' and then creating restrictions for unique situations is more appropriate than arbitrarily setting a 25' height and requiring people to apply for exceptions.

Trying to build a two-story home restricted to 25' is very difficult and severely limits architectural design styles. If one wants a 9' plate height on the lower story, as the house gets wider (35'-40') it becomes increasingly difficult, if not impossible, to build a unit that looks good with a gabled roof and a 25' height limit. A flat roof would solve this, but this severely limits architectural style and increases costs due to the precautions necessary to prevent leaking.

I asked my father, a General Contractor, to study this issue, and have attached his conclusions and a spread sheet showing the grade to rooftop build-up for a conventional two-story home.

I believe that a 35' maximum height should apply to the entire RS zoning district. But at the very least, the 25' limit should not be applied to any land that is in a DR zoning district under the current ordinance. Since some (or all) of the DR zoned properties are proposed to be rezoned into the RS zoning district, applying said limit would cause land owners in the DR zoning district to lose their option to build higher than 25'. I own property in the DR zone district where I intend to build a two-story accessory structure.

I would like the roof pitch of my new structure to match that of my existing structure. Due to the height limitations that are being imposed, I would be unable to match the roof pitch. There is a push for second dwellings to conform to the primary dwelling in architectural features, and style, and this could not be achieved in my situation, and probably others, with such a constrained maximum height (especially when the second dwelling is the second story of an accessory structure). My property is 2.5 acres, is in a valley, and is completely hidden from view. My neighbors have barns which are all about 35' tall, some likely taller. I don't want to have to fight for the right to build my accessory structure to a realistic height by going through extra permitting processes. The 35' maximum height that applies to my current DR zoning district should be carried forward in the new Ordinance, and, ideally, to the entire RS base zoning district.

Sincerely,
Ken Alker
Ken Alker

BRUCE ALKER CONSTRUCTION

5540 West 5th Street #171 Oxnard, CA 93035 tel (805) 990-2919
CSLB LICENSE NUMBER: 747539

To: City of Goleta Planning Department

Dear Sirs,

Following are comments on the RS-xx building height restriction on SFR's contained in Draft Zoning Plan (GMC) Title 17:

The table on page two of this letter is a study of the build-up elements required to construct a conventional two story home on a raised foundation with a roof pitch of 6/12. Note that the height is 32' or 33' depending on 8' or 9' first story plate height. Consequently, a designer could not apply architectural diversity to SFR's in the RS-xx zone if you were constrained by the 25' height limit indicated in Table 17.07.030 of the "Draft City of Goleta Zoning Ordinance Title 17 Of the Municipal Code". The city government can of course mandate that all homes be low pitch or flat roof (aka 25' height limit) but this will give the Goleta community the appearance of cookie-cutter, boxy homes. Also, restricting the height to 25' will severely limit any stylized rooftop articulation of new home or remodel designs.
Thank you for your consideration.

Sincerely,
Bruce Alker
Bruce Alker

GRADE TO ROOF TOP BUILD-UP FOR CONVENTIONAL TWO STORY HOME.

	2 story Gable roof Raised Foundation 8' plate height 6/12 pitch 40' width home		2 story Gable roof Raised Foundation 9' plate height/8' plate 2nd floor 6/12 pitch 40' width home	
Roof Sheathing and Materials (Spanish Tile)	8.0		8.0	
Pitch gain	120.0		120.0	
Roof rafters	12.0		12.0	
Floor to Top Plate	96.0		96.0	
2nd Floor Diaphragm	1.0		1.0	
Floor Joists (2nd Floor)	14.0		14.0	
Floor to Top Plate	96.0		108.0	
1st Floor Diaphragm	1.0		1.0	
Floor Joists (1st Floor)	14.0		14.0	
Mud Sill	1.5		1.5	
Raised Footing above Grade	18.0		18.0	
Slope to 5'	1.3		1.3	
	382.8	inches	394.8	inches
SFR Height	**32**	**feet**	**33**	**feet**