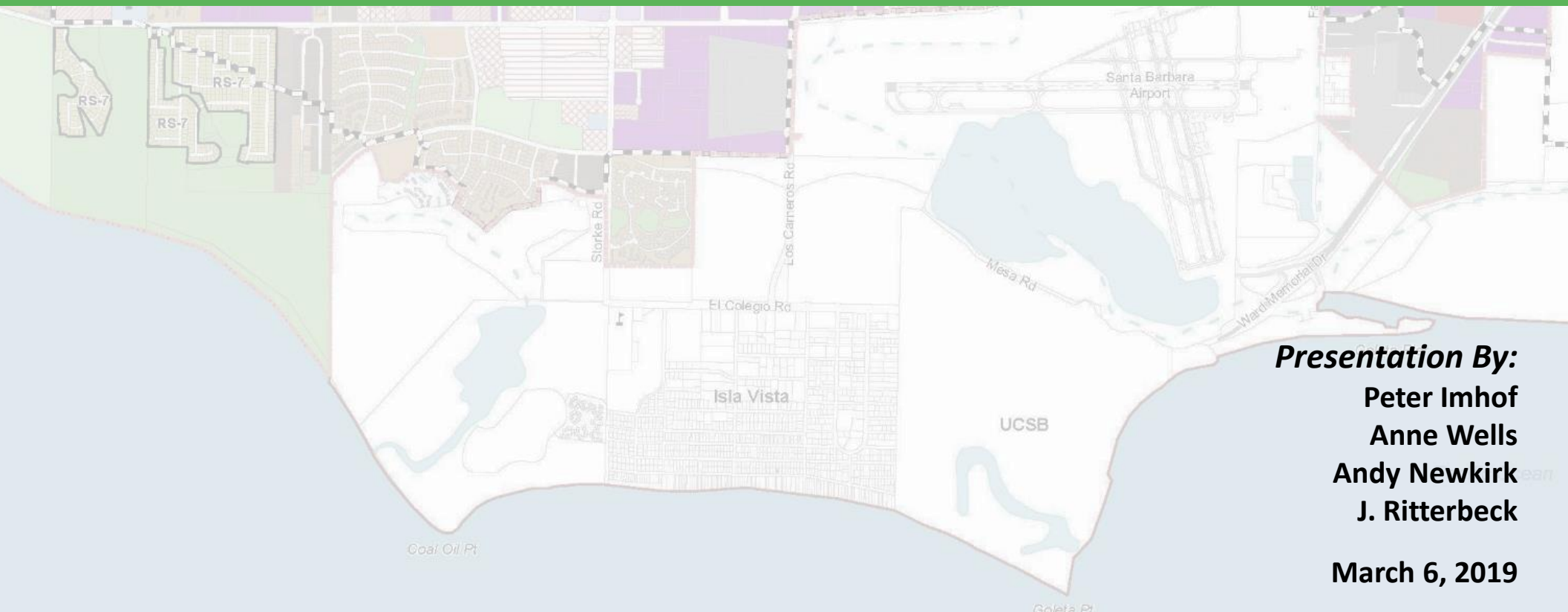




# City of Goleta Revised Draft New Zoning Ordinance

Planning Commission Workshop 2 of 7



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

**March 6, 2019**

# Public Outreach

January 31<sup>st</sup>: Release of Revised Draft NZO

February 4<sup>th</sup> – 9<sup>th</sup>: NZO Open Houses

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

**February 25<sup>th</sup> – April 18<sup>th</sup>: PC Workshops**

May 7<sup>th</sup>: Joint Planning Commission / City Council Workshop

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

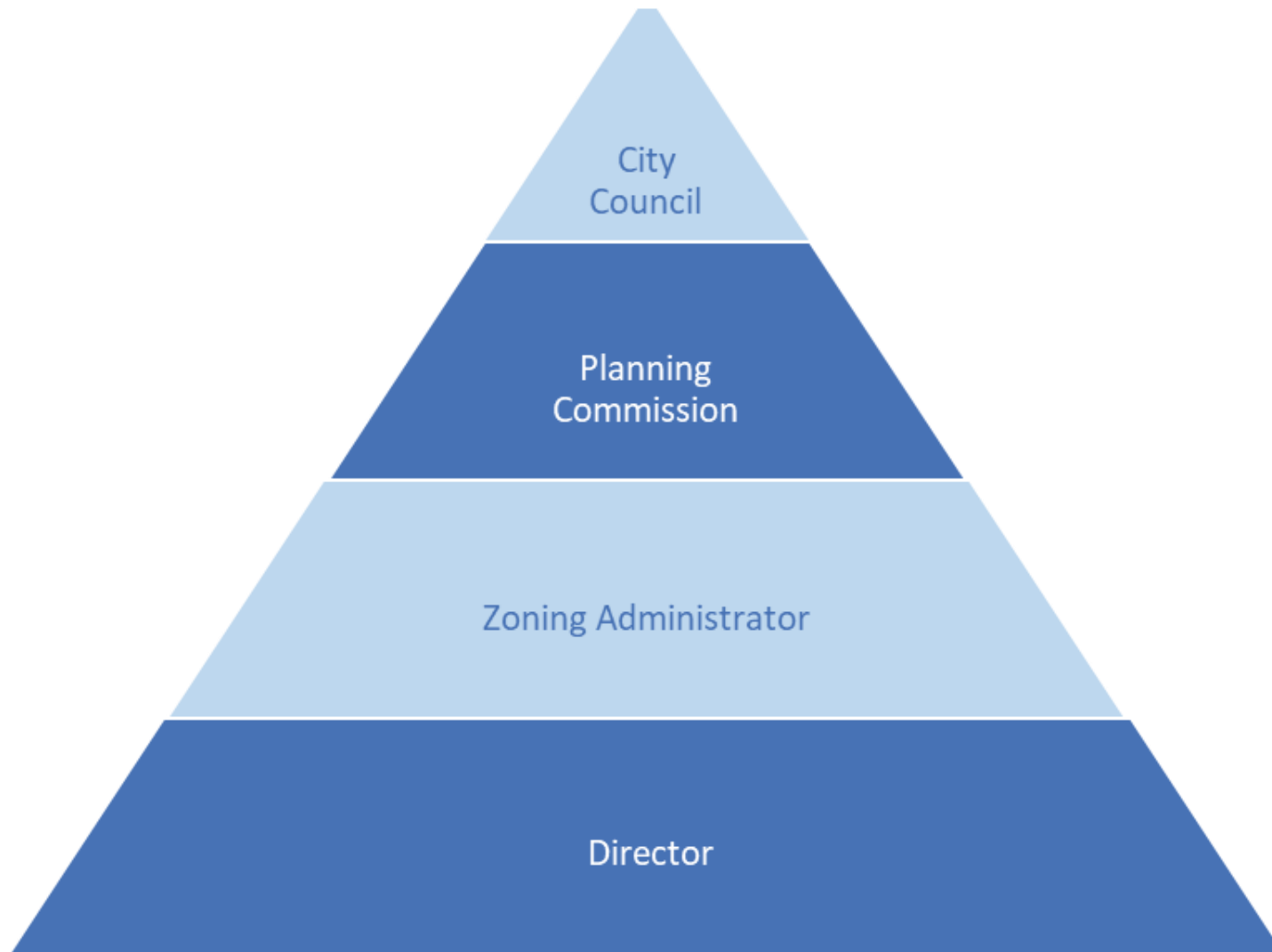
# Agenda

## Staff Overview, Questions, and Comments by Topic:

- Review Authorities
- Design Review Board
- Public Notification, Required Findings, and Appeals
- Nonconforming Uses, Structures, Lots, and Change of Use
- Permit Types

# Review Authorities

# Review Authorities



# Review Authorities

Review Authorities					
	Director	Administrative Hearing Officer <sup>1</sup>	Zoning Administrator	Planning Commission	City Council
Administrative and Legislative Action					
Zoning Code Amendment				Recommend	Decision
General Plan Amendment				Recommend	Decision
Reasonable Accommodation	See Chapter 17.63, Reasonable Accommodations for Persons with Disabilities				
Specific Plans and Amendment				Recommend	Decision
Subdivision	See Title 16, Subdivisions				
Zoning Code Interpretation	Decision			Appeal	Appeal
1. Potential new appeal path to Administrative Hearing Officer with no further appeals to Planning Commission or City Council.					

# Review Authorities

Review Authorities					
	Director	Administrative Hearing Officer <sup>1</sup>	Zoning Administrator	Planning Commission	City Council
<b>Planning Permit or Action</b>					
Coastal Development Permit	Decision	Appeal <sup>1</sup>		Appeal	Appeal
Coastal Development Permit (within Appeals Jurisdiction)	Decision <sup>2</sup>		Decision	Appeal <sup>2</sup>	Appeal
Design Review	See Chapter 17.58, Design Review				
Development Plan	See Chapter 17.59, Development Plans				
Emergency Permit	Decision				
Land Use Permit	Decision	Appeal <sup>1</sup>		Appeal	Appeal
Major Conditional Use Permit				Decision	Appeal
Minor Conditional Use Permit			Decision		Appeal
Modification			Decision		Appeal
Minor Change or Amendment	Decision				
Substantial Conformity Determination	Decision				
Temporary Use Permit	Decision	Appeal <sup>1</sup>		Appeal	Appeal
Variance			Decision		Appeal
Zoning Clearances	Decision				

1. Potential new appeal path to Administrative Hearing Officer with no further appeals to Planning Commission or City Council.  
 2. Coastal Development Permit with waived hearing moves Review Authority to Director and appeal body to the Planning Commission.

# Review Authorities

Please consider the following:

1. NZO proposes to retain or reinstate many existing Discretionary Actions on projects.  
Is this appropriate?
2. The Administrative Hearing Officer is currently discussed in the GMC and handles Administrative Citations.
3. Zoning Administrator to be added in Title 2 of GMC.
4. Are there any other Review Authority issues that need to be discussed?



# Design Review Board

# Design Review Board

Chapter 17.58, page V-30

- Responsible for conducting discretionary Design Review
- Ensure appropriateness of design and neighborhood compatibility
- Implements architectural and design guidelines

# Design Review Board

## Levels of Design Review



## Required Findings

Design Review approval requires making all eleven findings.

- Neighborhood compatibility (i.e., size, bulk, scale, materials, layout, color, privacy, views, solar access, screened outdoor equipment);
- Minimized grading and adequate landscaping;
- Avoidance of protected resources; and
- Exterior lighting is appropriate and dark-sky compliant

# Design Review Board

## Action vs. Recommendation

DRB conducts Design Review and make decisions on:

- Certain small projects, including:
  - Decks;
  - Fences, walls, and gateposts;
  - Additions to SFDs and duplexes; and
  - Patios or porches.
- New construction, grading or development, including signage;
- Changes in landscaping previously subject to DRB review;
- Any project where DRB review required by CC, PC, or the Director;
- Exterior changes to main structure resulting from an ADU; and
- Development otherwise considered “piecemeal,” if processed separately

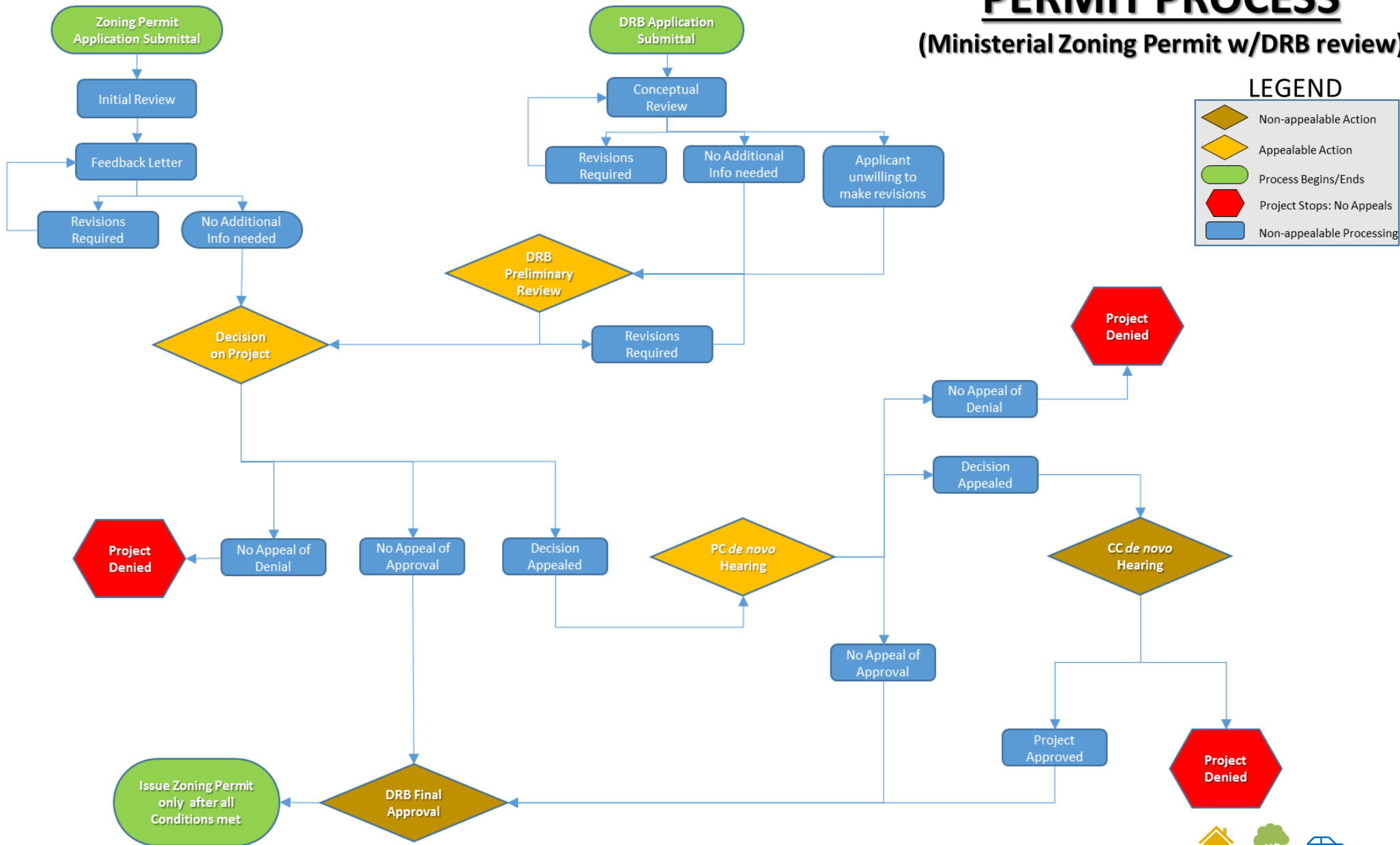
# Design Review Board

## Action vs. Recommendation

- DRB conducts Design Review and makes a recommendation on development requiring Discretionary Review by the ZA, PC, or CC
- Draft DRB findings would be formally made by the higher Review Authority
- When DRB acts as recommending body, they take no formal action that can be appealed; *Note: this is NEW*

# CURRENT CITY PERMIT PROCESS

(Ministerial Zoning Permit w/DRB review)








**LEGEND**

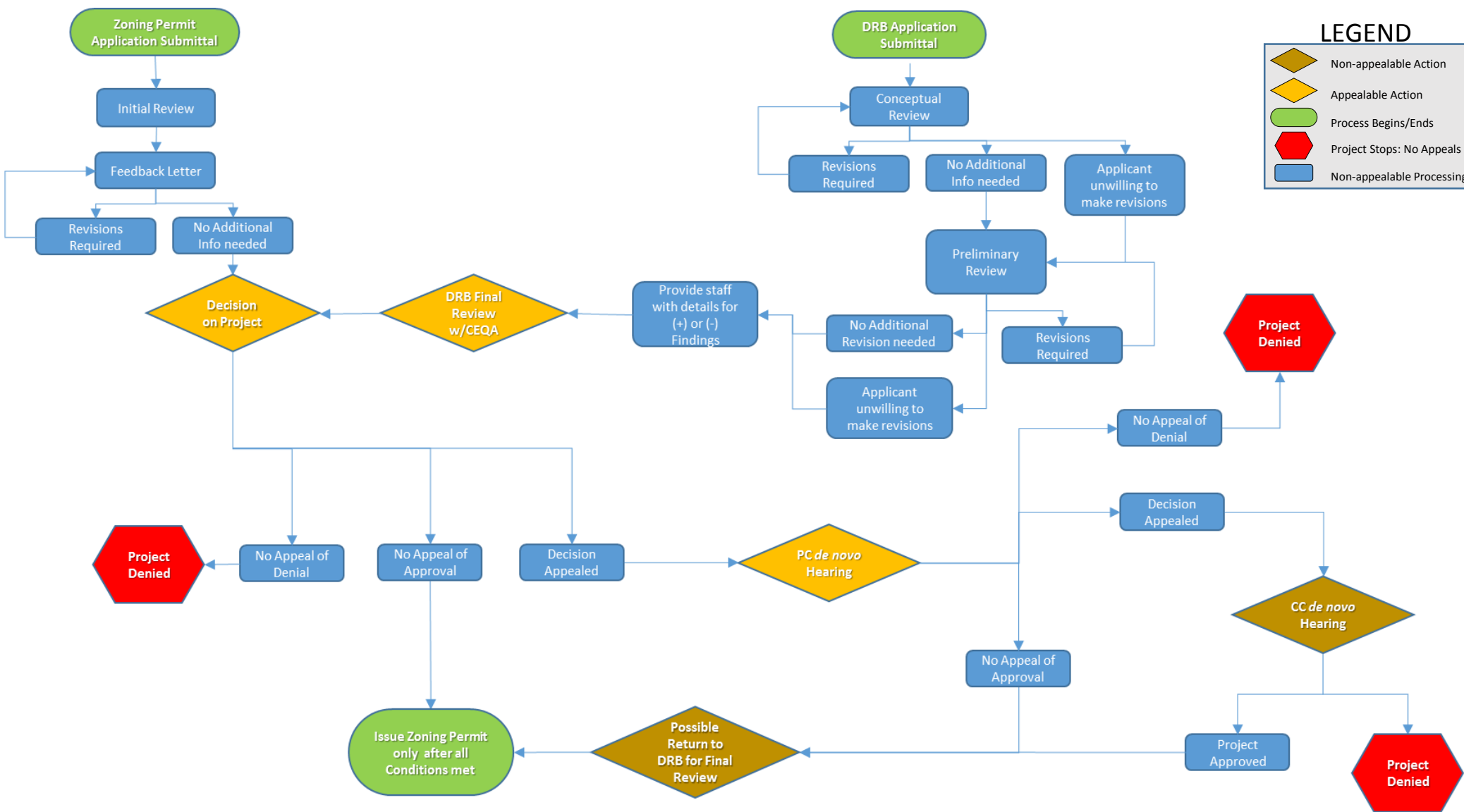
- ◆ Non-appealable Action
- ◆ Appealable Action
- Process Begins/Ends
- ⬡ Project Stops: No Appeals
- ▭ Non-appealable Processing

# NZO PERMIT PROCESS

## (Ministerial Zoning Permit w/DRB review)

### LEGEND

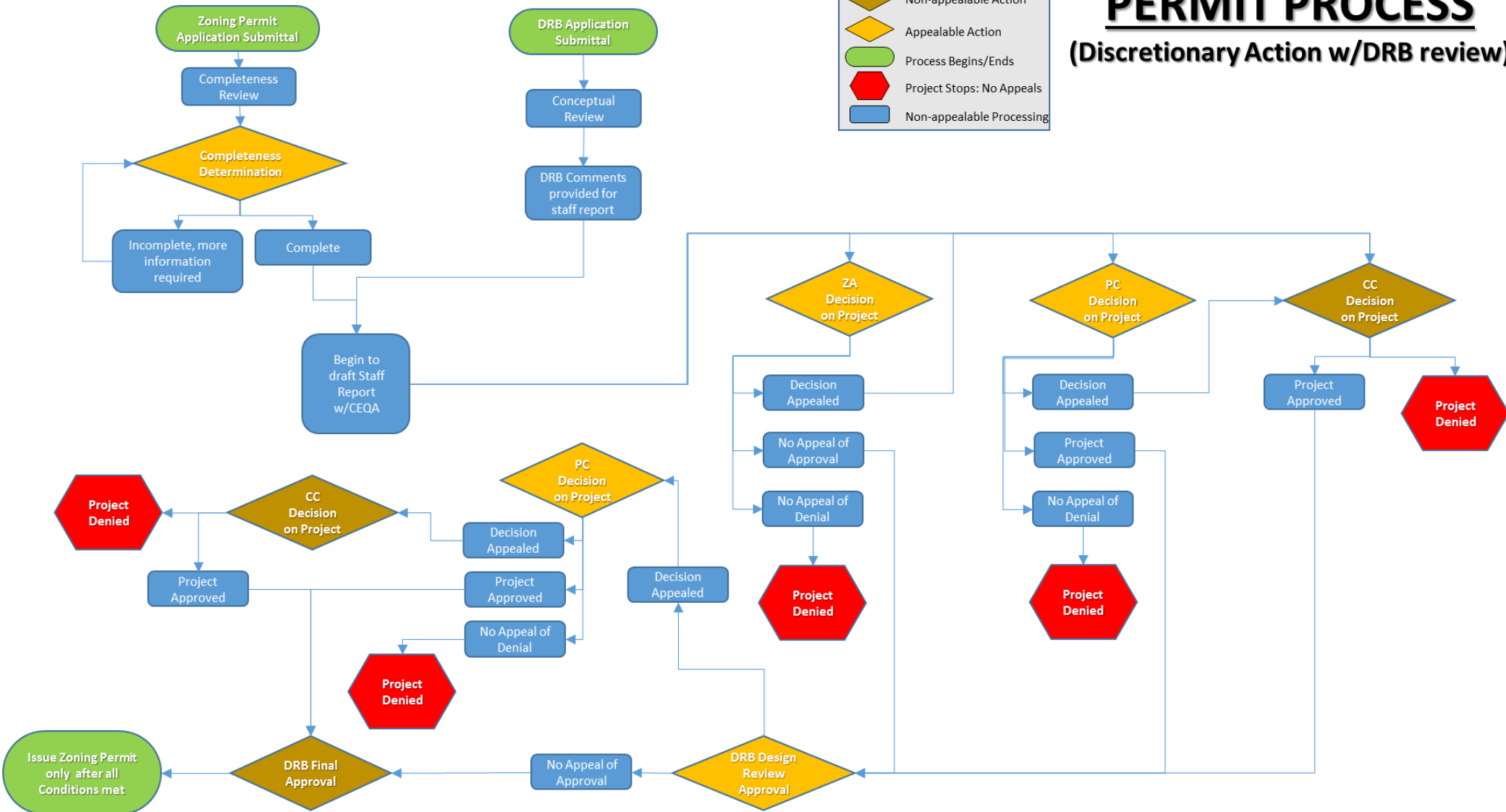
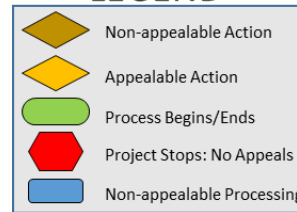
-  Non-appealable Action
-  Appealable Action
-  Process Begins/Ends
-  Project Stops: No Appeals
-  Non-appealable Processing



# CURRENT CITY PERMIT PROCESS

(Discretionary Action w/DRB review)

## LEGEND








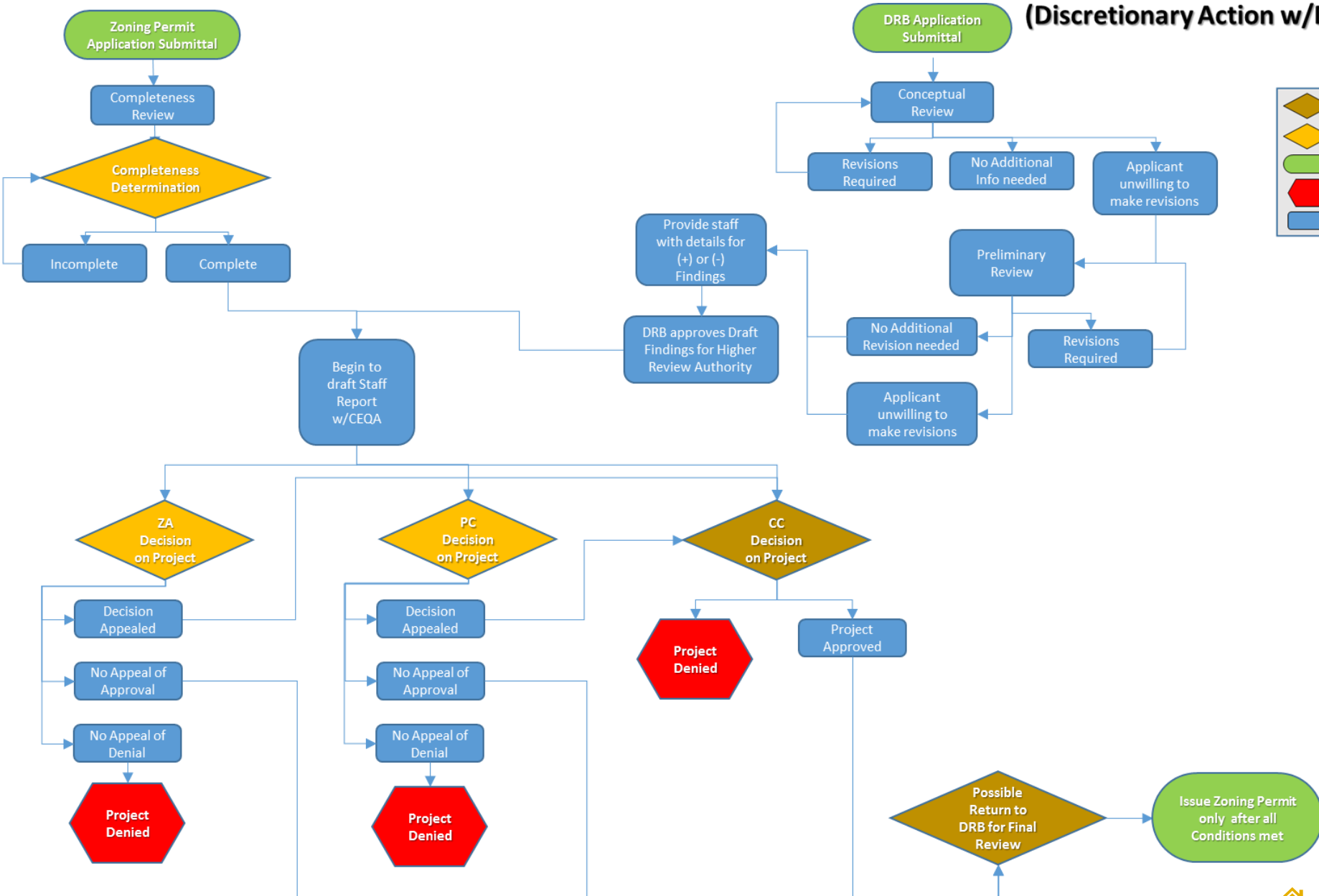


# NZO PERMIT PROCESS

(Discretionary Action w/DRB review)

## LEGEND

-  Non-appealable Action
-  Appealable Action
-  Process Begins/Ends
-  Project Stops: No Appeals
-  Non-appealable Processing



# Design Review Board

Please consider the following:

1. Are there additional or fewer types of projects that should be exempt from Design Review?
2. When is the appropriate point for an Appeal of a DRB action?
3. Is the distinction for DRB as both decision-maker and recommending body clear?
4. Does DRB crafting draft findings help the review process?
5. This process recognizes DRB action as a “Discretionary” action that requires CEQA.
6. Are there other DRB issues that need to be discussed?

# Public Notification, Required Findings, and Appeals

# Public Notification

§17.52.050, page V-9

MAILED NOTICE	
ON-SITE POSTING	
NEWSPAPER PUBLICATION	
CITY WEBSITE AND EMAILED NOTICE	

# Required Findings

§17.52.070, page V-12

Action to Approve = All findings made affirmatively

Action to Deny = At least one finding made negatively

## Four Common Findings

- Adequate infrastructure and services
- Compliant with applicable development standards
- Lot legality
- Compliant with CEQA

## Additional Findings

- Specific to permit type
- Specific to type of use/development

# Appeals

§17.52.120, pages V-17 to V-19  
Filing an Appeal

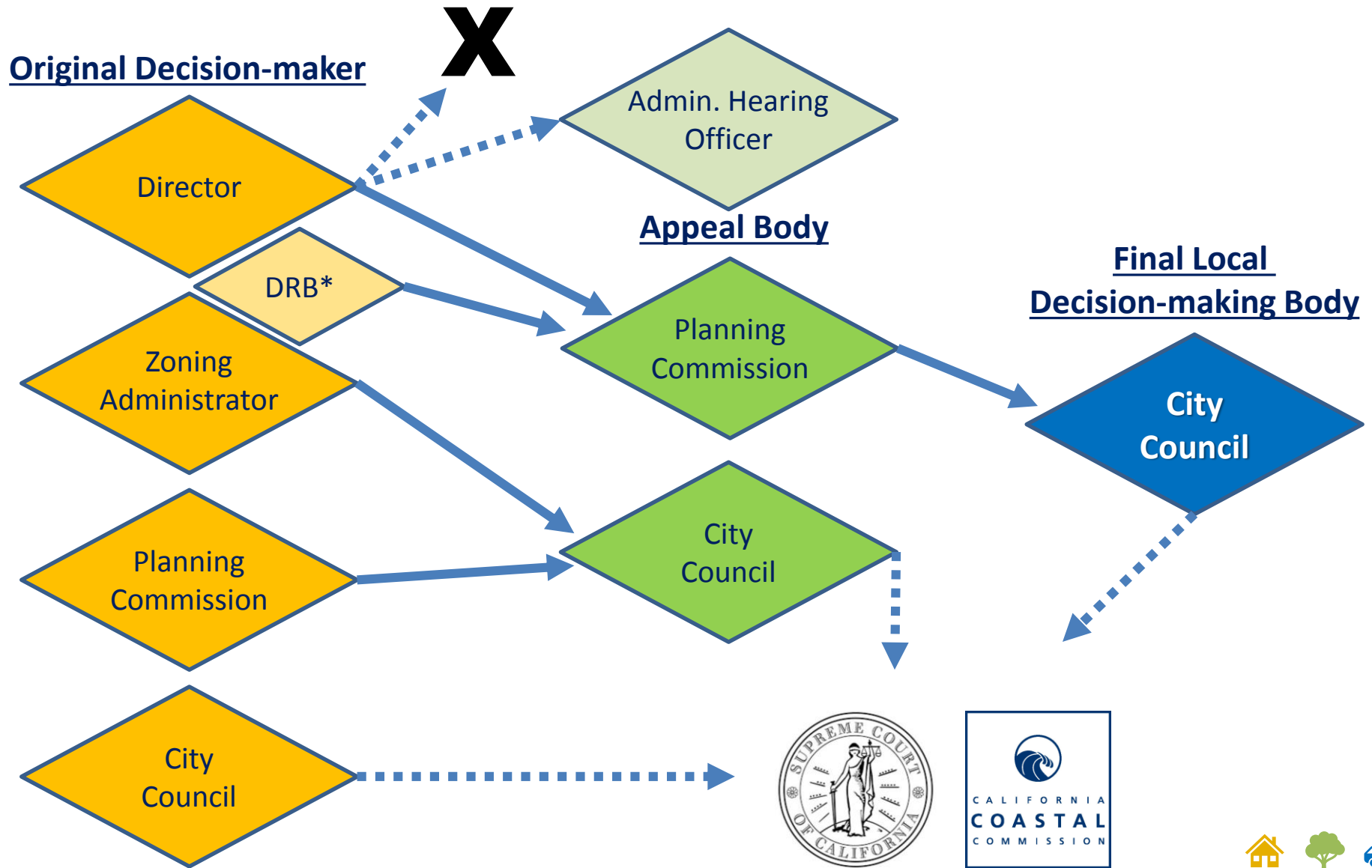
## Development Standards

A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific zoning requirement or development standard set forth within the NZO, the General Plan, or other applicable law.

## Design Standards

A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific design requirement set forth within the NZO or the General Plan.

# Appeals



# Noticing, Findings, Appeals

Please consider the following:

1. Are there additional forms of public noticing to consider?
2. Are the required findings for approval/denial sufficient?
3. Should the City use the existing Administrative Hearing Officer to hear Appeals on stand-alone Ministerial Permits?
4. Are there any Director-level decisions on a permit that should be final and not subject to local Appeal?
5. Are there other issues within these three areas that need to be discussed?



# Nonconforming Uses, Structures, and Lots, and Changes of Use

# Nonconforming Uses, Structures

Chapter 17.36, page IV-66

## The NZO includes the following:

- Nonconforming uses may continue to operate and potentially become conforming uses;
- Termination of a use as outlined in Ordinance No. 15-01;
- Specific regulations for both nonconforming uses and nonconforming structures; and
- Rights to continued repair and maintenance

# Nonconforming Lots

§17.24.060 page IV-5 and §17.36.060, page IV-71

## The NZO includes the following:

- Allows nonconforming lots may still be developed; and
- Protections for lots that became nonconforming because of a conveyance through eminent domain.

# Changes of Uses

§17.55.020(A), page V-24

**In the NZO, a “*Change of Use*” occurs when:**

- The new use is within a different occupancy group under the California Building Code;
- The new use requires additional parking; or
- The new use requires new structures

**A Land Use Permit is required for a Change of Use**

- Allows DIFs to be collected

# Nonconforming, Use Changes

Please consider the following:

1. Are the NZO requirements and allowances for nonconforming use, structures, and lots adequate?
2. For change of use, the City could do one of the following:
  - Keep the existing proposed Change of Use requirements,
  - Remove them altogether, or
  - Further refine when a Change of Use permit is required and what type of Zoning Permit must be approved/issued
3. Are there other issues within these areas that need to be discussed?

# Permit Types

# New Permit Types in the NZO

New Permit Type	Description
<b>Zoning Clearance (ZC)</b>	<p>A type of Zoning Permit required prior to development subject to Chapter 17.54 [Zoning Clearance], to ensure compliance with the provisions herein and all applicable standards and policies of the General Plan, which is neither noticed nor appealable.</p>
<b>Temporary Use Permit (TUP)</b>	<p>A type of Zoning Permit required prior to the use of real or private property in a manner that is subject to Chapter 17.56 [Temporary Use Permits] and intended to be conducted for a short period of time, or intermittently for short periods of time for a duration of not more than one year, not have unreasonable effects or negative impacts on adjacent properties, not interfere with traffic, circulation, or safety, and has adequate trash and dust controls.</p>

# Retained Permits in the NZO

## Retained Permit Types

Overall Sign Plan (OSP)

Time Extension (TEX)

Amendment (AMD)

Substantial Conformity Determination (SCD)

Land Use Permit (LUP)

Conditional Use Permit (CUP)

Development Plan (DP)

Variance (VAR)

Coastal Development Permit (CDP)

Coastal Development Permit/Public Hearing (CDH)

Modification (MOD)

Emergency Permit (EMP)

Specific Plans (SP)



# Removed Permit in the NZO

## Removed Permit Types

Lot Line Adjustments (LLA)

Parcel Maps (TPM)

Sign Certificate of Conformance (SCC)

Oil Drilling and Production Plans

Reclamation of Surface Mining Permits

# Permits

Please consider the following:

1. Should the NZO add, add back in, or remove any other types of permits?
2. Should the NZO consider changes to the permit triggers?
  - More strict provisions, or
  - More lenient allowances?
3. Are there other issues within these areas that need to be discussed?

# Next Steps

# Workshop Schedule

**Workshop 3: Tuesday, March 12, 2019, 6:00 pm**  
**Topic: Permit Procedures Part II**

Workshop 4: Thursday, March 21, 2019, 6:00 pm  
Topic: Open Space, Height, Floor Area, Fences and Hedges, Outdoor Storage, and ESHA

Workshop 5: Monday, April 8, 6:00 pm  
Topic: RV Parking, Parking Reductions, Signs, and Lighting

Workshop 6: Thursday, April 11, 2019, 6:00 pm  
Topic: Housing, Community Assembly, Mobile Vendors, Accessory Uses, and Energy

Workshop 7: Thursday, April 18, 2019, 6:00 pm  
Topic: Remaining Issues and General Feedback