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

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<p>In sum, even in the context of CEQA, which arguably does not impose the same level of substantive obligation on agencies as does the Coastal Act, the courts have strictly interpreted the concept of “economic feasibility” to require a real, independent analysis by the agency and substantial supporting evidence in the record. The case law is clear that reduced profitability does not constitute economic infeasibility; rather, the project must be “truly infeasible” in the sense that lost profitability is sufficiently severe to render the project impractical.</p>	<p>Review Authority in order to have the substantial evidence in the record to determine infeasibility and to make the findings for approval. This approach allows flexibility in the type of information to be requested and/or required by the City for its review of a project.</p>
<p><b>Robert Atkinson/SyWest.</b> The proposed Zoning Map changes will subject our property to increased development restrictions. Currently, our property is under the jurisdiction of two zoning designations (both M-S-GOL and M-1), and the new map proposes a change to a more restrictive 'IS Service Industrial' designation over our entire property. If applied in this manner, the new IS designation will negatively impact the development potential of this land and result in reduced opportunities for any redeployment. This degradation in value is primarily attributable to the reduction in the maximum intensity of employment being newly evoked over our entire parcel. We are very interested in understanding what options are available to the City to ensure that any change or updates to current our zoning designation do not reduce the development potential of our property and/or degrade its underlying value. As you are aware, we have an application Deemed Completed for the proposed development of a new industrial complex on our property and we are very concerned about the negative impact these proposed zoning designation changes may have on our current or future tenant negotiations. Please be advised, any reduction in the maximum intensity of employment could result in our proposed development becoming financially infeasible.</p>	<p>No change required. The zoning designation will change to match that which is shown in the City’s General Plan Figure 2-1. If the property owner wishes to have a different zone district designation that would allow more intense development, a General Plan Amendment would be required. The change in zoning should not affect the current application, as the development would have had to meet the GP land use designation standards for the zone district that the NZO shows it being designated as.</p>

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<p><b>Vic Cox.</b> The U.S. Constitutional model of checks and balances is a good one for the City to follow. Reading these and other proposed changes can become so convoluted I wonder what is the main purpose of the change-- confusion or clarity? For example, I think a property owner would prefer setbacks in specific feet compared to allowing the Public Works Dept. to arbitrarily determine the "appropriate vision triangle dimensions for new development" (Sect. 17.24.90-D) and Sect. 17.24.210).</p>	<p>No changes made. Public Works staff do not apply arbitrary standards. The standards are in engineering design standards which are updated periodically and include several variables. This is the reason why a set development standard is not included in the NZO. However, this item will be discussed at Workshop #7 on April 18 and staff welcomes comments on suggested revisions.</p>
<p><b>Cecilia Brown.</b> When does the pc see the revised sign and lighting ordinance in its entirety? Not just the synopsis of DRB discussion. While your transcription of what occurred at DRB including my comments, was good, it hardly covers all the relevant issues for these two impt ordinances, imo. Nice the photo of different color temps. Disagree on the light trespass issue, maybe not neighborhoods but for commercial development when with new lighting types can achieve 0 footcandles. Public should be happy about rv parking standards. Sure changes complexion of neighborhood character though.</p>	<p>Staff will review all PC and Public comments from the Workshops and integrate edits, as appropriate, prior to release of the Public Hearing Draft prior to its adoption, which is anticipated to be later this year (2019).</p>
Land Use and Open Space Elements	
<p><b>Eric Torbet, PC Workshop #1.</b> Eric Torbet, organic farmer, requested consideration of changes in ordinances for agriculture parcels that would provide flexibility such as allowing multiple owners of a farm, collective ownership, formation of a cooperative farm, individuals living in small homes, and people living on the farm who are not farm employees and can live in Accessory Dwellings on the farm. Mr. Torbet expressed concern that currently small farms are disappearing locally and nationwide, particularly when farms must consist of a single owner. Also, it is hard to find opportunity for potential single ownership because of the cost, and it is difficult to make a profit because of competition from larger entities and farm labor issues.</p>	<p>No changes made. As discussed elsewhere, this issue is similar to Day Care Facilities, in that Planning staff believes that the Farmworker Housing issue is more of a general policy discussion that is more-suitable for the Planning Commission and City Council to consider and provide direction to staff if changes should be made.</p>

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<h2>Response to Public Comments</h2>	
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<p><b>Barbara Massey, PC Workshop #1.</b> Requested that a policy be added to Page 4 with regard to <u>LU 7.5</u> which requires a vote of the citizens of Goleta before agricultural land of ten acres or more can be rezoned, and noted she believes it should be in the Zoning Ordinance.</p>	<p>There are no development standards in General Plan policy 7.5 to be incorporated into the NZO.</p>
<p><b>Barbara Massey, PC Workshop #1.</b> It would be simpler and better protect citizens if the entire New Zoning Ordinance was the same for both inland and coastal areas, with regard to <u>LU-IA-1</u>.</p>	<p>The NZO applies to both Coastal and Inland areas of the City.</p>
<p><b>Vic Cox, PC Workshop #1.</b> Expressed appreciation for <u>OS 8</u>, Protection of Native American and Paleontological Resources.</p>	<p>Comment noted.</p>
<h3>Conservation Element</h3>	
<p><b>Vic Cox, PC Workshop #1.</b> Commented that he requests that environmental criteria be applied to projects before a project gets started.</p>	<p>No NZO jurisdiction if no development is proposed.</p>
<p><b>Vic Cox, PC Workshop #1.</b> Also requested the City consider what it is doing to its own open spaces that diminishes the quality of life.</p>	<p>Comment noted.</p>
<h3>Safety Element</h3>	
<p><b>Barbara Massey, PC Workshop #1.</b> Suggested a separate process for the battery storage issue because of the possible hazardous conditions that have recently become known.</p>	<p>Currently, battery storage would included as a “Major Utility.” Staff welcomes comments on this issue as this will be discussed at Workshop #6 on April 11.</p>

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Housing Element	
<p><b>Barbara Massey, PC Workshop #1.</b> Requested adopting regulations to discourage the conversion of housing into non-residential uses, with regard to <u>HE 1.5</u>.</p>	<p>No changes made. The uncommon scenarios of Condo conversions require a Parcel Map, and nearly all conversions of a conforming residential use to non-residential use would require some form of discretionary review. Both of these scenarios would also be subject to CEQA and must be found consistent with all General Plan policies to be approved, including the very specific provisions listed in policy HE 1.5.</p>
Chapter 17.01 Introductory Provisions	
<p><b>Vic Cox, PC Workshop #1.</b> Questioned the application of rules for the rest of the City of Goleta that are not in the Coastal Zone.</p>	<p>The NZO standards apply to the entire City, not just the Coastal Zone. See Section 17.01.040.</p>
<p><b>Dr. Ingeborg Cox, PC Workshop #1.</b> There needs to be good guidelines in the Zoning Code for the public to understand the agencies that would need to be part of the review process.</p>	<p>Staff is considering adding a subsection in 17.01.040(B) that lists the most common other agencies that may have some form of review authority over projects within the City.</p>
<p><b>Vic Cox, PC Workshop #1.</b> Questioned how a jurisdiction such as APCD would overlap with the Zoning Code;</p>	<p>APCD has jurisdiction over Air Quality and the staff trained to analyze and condition a project as needed to ensure public protection. Also, see response above.</p>

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Chapter 17.03 Rules of Measurement	
<p><b>Section 17.03.100(B)(1) and (2)</b>  <b>Mitchell Menzer.</b> Measurement of Height. Further, the Draft Ordinance changes the method of measuring building height. Under the current Coastal Zoning Ordinance, the height is measured from the building's average finished grade to the mean height of the highest gable of a pitched roof. (Coastal Zoning Ordinance Section 35-58, definition of Building Height.) The Draft Ordinance changes the method to an absolute height limit measured from grade to the top of the building. For buildings on lots sloped less than 10 percent, the height will be measured from the average elevation of the highest and lowest point where exterior walls touch the existing grade of the site prior to development to the topmost point of the roof. For buildings on lots with an average slope of 10 percent or more, building height will be measured as the greatest vertical distance from a line established between the highest and lowest points where the exterior walls touch the existing or finished grade, whichever is lower. (Draft Ordinance Section 17.03.100(B)(1) and (2).) As a result of this change, many of the Bacara's buildings may be rendered legal nonconforming as to height. In addition, the Draft Ordinance's measurement method will be difficult to implement at the Bacara, which has numerous buildings located on a single parcel that ranges from flat to slopes of more 10 percent. The Draft Ordinance does not explain how to determine the "average slope" for a parcel as large and varied in terrain as the Bacara. For any individual building, compliance with the height restrictions will vary considerably depending on whether the building is on flat or sloped ground.</p>	<p>Potential change to be made to subsection (B). Height is defined in the NZO as the distance from existing grade to the top of the structure directly above. Section 17.03.100, Height, could be revised to clarify that the area below the proposed structure is what will be used to determine slope and the applicable measurement to be used for a particular structure and not use the average of the entire "lot." This would account for larger lots with variable terrain and allow for more site-specific protections.</p>
<p><b>Section 17.03.100(A)</b>  <b>Barbara Massey.</b> This exception to the height limit should not be allowed. Heights need to be kept to a minimum to protect views and maintain a more open feeling.</p>	<p>No changes made. The 4:12 exception accounts for existing homes that would otherwise become nonconforming, as well as incentivizes non-flat, sloped roofs on new development.</p>
<p><b>Section 17.03.140</b>  <b>Barbara Massey.</b> It is important to have these requirements on Open Space.</p>	<p>Comment noted.</p>

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Chapter 17.07 Residential Districts	
<p><b>Section 17.07.050</b>  <b>Barbara Massey.</b> Please don't rename Open Space "Amenity Space". People understand what open space is but amenity means different things to different people. The new regulations are good. The use of the term methodology doesn't seem to be the right word.</p>	<p>No changes made. Direction from PC to staff to retain the term Open Space, but perhaps staff can work to further clarify its intended function, uses, and how its area is calculated.</p>
Chapter 17.08 Commercial Districts	
<p><b>Section 17.08.020</b>  <b>Mitchell Menzer.</b> All of the current uses at the Bacara should continue to be permitted uses in the new Zoning Ordinance. As presently written, the Draft Ordinance allows "Hotels and Motels" as a permitted use in the VS zone and it lists most of the current uses at the Bacara. However, certain present uses such as weddings, wine tasting rooms, spas, swimming pools and fitness centers are not specifically mentioned and we would want those uses to be included in the definition.</p>	<p>No changes made. The Hotels and Motels use includes additional services available to guests or to the general public (e.g., conference rooms, restaurants, bars, personal services, or recreation facilities). Other uses may also qualify as allowed accessory uses. Currently, a General Plan Amendment is being processed by staff that clarifies allowable Accessory Uses.</p>
<p><b>Table 17.08.020</b>  <b>Eileen Monahan.</b> Allow all centers by right, or with a Ministerial or Minor Conditional Use Permit Allow child care centers in the General Commercial zone. Require a CUP in Intersection Commercial with CUP, if necessary.</p>	<p>No changes made.</p> <p>Planning staff believes that the discussion around Day Care Facilities is more of a general policy discussion that is more-suitable for the Planning Commission and City Council to consider and provide direction to staff if changes should be made.</p>

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Chapter 17.10 Industrial Districts	
<p><b>Section 17.10.020</b>  <b>Robert Atkinson/SyWest.</b> Table 17.10.020: Swap Meet and Drive In Movie Theater (Outdoor Entertainment) use should be added to Table 17.10.020 as “P” in the IS Zoning District. These uses have been legally operating on our property since the 1960’s providing quality entertainment for local residents and tax revenue to the City. We request these legal uses continue to be allowed as a right in the new Zoning Ordinance.</p>	<p>Possible change to be made to allow Outdoor Entertainment in CR and VS Zone Districts. Swap Meets would not meet a permitted use in any Zone District and therefore, would be subject to Chapter 17.36, Nonconforming Uses and Structures.</p>
<p><b>Section 17.10.030</b>  <b>Robert Atkinson/SyWest.</b> Side - The changes propose to increase the 'street side' setbacks from 10' to 20' and then require in 17.35.030(A) that the entire area is landscaped. This increased setback will greatly reduce the areas available for the site improvements (parking, bio swales, etc.) as well as the building footprint. Considering the ongoing drought conditions in CA, and the overall industry movement toward decreasing water consumption through irrigation/landscape reduction, a proposed 100% increase in the amount of required landscaping along side streets does not appear to be a prudent or environmentally friendly change. In addition to a straight forward reduction to the size of the setback area as proposed, please consider including in the new ordinance viable alternative for compliance, such as; allowing averages across the setback area, dual use all frontage and interior landscape/bio-swales, exemption for frontages against open space or other types of undevelopable areas, etc.</p>	<p>No changes made to standard setbacks for the zone district.</p> <p>Setbacks are not required to be landscaped under the Revised Draft NZO. Revisions made to Section 17.03.150 to clarify setbacks for irregular lots.</p>
<p><b>Section 17.10.030</b>  <b>Robert Atkinson/SyWest.</b> Lot coverage requirements were removed from Table 17.10.030 in the Jan 2019 Draft ZO, while the 2016 ZO specified lot coverage requirements. If lot coverage requirements are not applicable in certain zoning districts, then it should be stated in the ZO document.</p>	<p>Revision made to clarify that there is no lot coverage standard for Industrial districts in Table 17.10.030.</p>

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Chapter 17.16 -AE Airport Environs Overlay District	
<p><b>Section 17.16.040</b>  <b>Robert Atkinson/SyWest.</b> The boundaries of the AE Airport Environs Overlay Zoning District are not consistent with the SBCAG Exhibit A-2 Safety Compatibility Data Map for the Santa Barbara Municipal Airport dated February 2018. For example, the ZO "Clear Zone" extends east over a portion of our property, while Zone 1 in the SBCAG map does not extend over our property. To avoid confusion, the ZO map should be consistent with SBCAG map in both boundary limits and in the Zone types.</p>	<p>No changes made. The NZO includes the currently approved SBCAG safety zones. If/when a new plan is adopted by SBCAG and accepted by the City, the NZO would be updated to reflect that plan.</p>
<p><b>Section 17.16.040</b>  <b>Michael Pollard.</b> My concern is that the draft Overlay Map imposes burdens on property (such as mine) that do not exist. The RPZ is based upon a mathematical definition in FAR Part 77, and should not be subject to local determination. SBGAG has been working on an update of the ALUP for many years and they may never get around to it. I think the City would be safe, and more fair to affected properties, stating the current condition in the new zoning ordinance instead of waiting for another governmental agency to apply the Federal definition of an RPZ and then amend the zoning ordinance. I do not know of any Federal law or regulation that stops a City from applying the FAA's definition of an RPZ to the area in the City near an airport.</p> <p>I hope we can remove the more severe restrictions imposed on clear zones from portions of properties that are, in fact, not within the clear zone, now and not wait for SBCAG.</p>	<p>No changes made. Staff will discuss the RPZ with SBCAG staff. However, the City's General Plan requires the City to maintain and enforce the plans and policies of the County ALUC (see Safety Element Policy SE 9.1). In addition, the General Plan also includes a map of the Clear Zone (Figure 5-3). The Clear Zone in the Zoning Overlay Map is designed to line up with Figure 5-3.</p>
Chapter 17.24 General Site Regulations	
<p><b>Section 17.24.080</b>  <b>Mitchell Menzer.</b> Height. The Bacara is located in the C-V Resort Visitor Serving Commercial ("C-V") zone. The height limit for structures in the C-V zone is presently 35 feet, and certain features and structures, including chimneys, elevator and stair housings, spires, and similar architectural features and structures, may be up to 50 feet in height. (Coastal Zoning Ordinance Section 35-127(1).) Under the Draft Ordinance, the C-V zone is renamed the Visitor Serving Commercial ("VS") zone and the height limit for structures in the Coastal Zone will remain at 35 feet. However, the permissible height of structures such as chimneys, elevator and stair housings, and architectural features will be reduced</p>	<p>No changes made. Those existing permitted structures exceeding the allowable height would be subject to the NZO standards for Nonconforming structures. New development would be subject to all new development standards that apply to the lot and proposed uses and structures.</p>

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or eliminated. For example, chimneys and decorative features will be limited to 20% of the structure height, elevator and stair towers will be limited to 10 feet, and architectural features and projections have been eliminated. (Draft Ordinance Section 17.24.080) As a result, the maximum height of the Bacara buildings under the Draft Ordinance will be less than the currently allowed 50-foot limit and many of the Bacara buildings may exceed the new height limit.	
<b>Section 17.24.080</b> <b>Barbara Massey.</b> The new height exceptions will help prevent view obstructions. A three foot addition in height shouldn't be given for a 4:12 roof pitch.	No changes made. The 4:12 exception accounts for existing homes that would otherwise become nonconforming, as well as incentivizes non-flat, sloped roofs on new development.
<b>Table 17.24.080</b> <b>Barbara Massey.</b> Chimneys should be limited to the minimum height required by the California Building Code. The section of the Table on Chimneys through domes should be limited to a 10% increase.	No change made. Building code gives minimum requirements to allow air flow and updraft suction, the NZO gives maximum allowances.
<b>Section 17.24.090(A)(1)(a)</b> <b>Barbara Massey.</b> Front and Street Side Setbacks should be reduced to four feet or less.	The existing standard was carried forward in NZO. This item will be further discussed at Workshop #7 on April 18.
<b>Section 17.24.090(A)(1)(b)</b> <b>Barbara Massey.</b> For more than six feet a Conditional Use Permit should be required.	The existing standard was carried forward in NZO. This item will be further discussed at Workshop #7 on April 18.
<b>Section 17.24.090(B)</b> <b>Barbara Massey.</b> These limitations on materials are excellent.	Comment noted.
<b>Section 17.24.090(B)(4)</b> <b>Barbara Massey.</b> The inclusion of hedges should be the same as the rest.	Comment noted.
<b>Section 17.24.090(D)</b>	Public Works applies engineering design standards which are updated

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<p><b>Barbara Massey.</b> Doesn't give any standard and defers to 17.24.210 which has no standards. The current Zoning Ordinance should be used if you don't have anything better.</p>	<p>periodically and include several variables. This is the reason why a set development standard is not included in the NZO. However, this item will be discussed at Workshop #7 on April 18 and staff welcomes comments on suggested revisions.</p>
<p><b>Section 17.24.100(A)(1)</b>  <b>Barbara Massey.</b> There should be no exemptions for these grading and grubbing activities. A Conditional Use Permit should be required within and adjacent to ESHAs.</p>	<p>Staff is considering revisions to this section, including a requirement for a Minor CUP if within 100 feet of ESHA.</p>
<p><b>Section 17.24.130</b>  <b>Barbara Massey.</b> There should be a time limit on temporary storage of construction materials. If a project is delayed for years or it is part of a property that will have to get approval in the future, the storage should be screened from public view. An example is the wood and junk behind a chain link fence at the Southwest corner of Storke and Santa Felicia.</p>	<p>No changes made. 72 hours is the current time limit within the NZO. Additionally, the cited example would be required to meet the screening standards in the NZO.</p>
<p><b>Section 17.24.210</b>  <b>Barbara Massey.</b> There should be clearly stated standards. Staff should work with Public Works and place specific visibility standards in this document. This document shouldn't go to Council for approval without these standards.</p>	<p>Public Works applies engineering design standards which are updated periodically and include several variables. This is the reason why a set development standard is not included in the NZO. However, this item will be discussed at Workshop #7 on April 18 and staff welcomes comments on suggested revisions.</p>

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Chapter 17.30 Environmentally Sensitive Habitat Areas	
<p><b>Section 17.30.030</b>  <b>Vic Cox.</b> While some improvements over the original draft are noted, such as expansion of the biological assessment zone's trigger to a minimum of 300 feet, loss of open space to built structures within city boundaries over the last 10 years demands that we tighten protections for surviving open spaces, particularly environmentally sensitive habitats (aka ESHAs). Specifically projects like the Village at Los Carneros, where barracks-like residences surround an inadequate common open space, should never again be built.            Creek setbacks of less than 200 feet should also be banned. Too much pollution already flows from Goleta's creeks into the Pacific Ocean after strong rains. While some debris may originate in the Los Padres Forest the City must do what it can to reduce its contributions, particularly lethal plastic that ends up in the Pacific Gyre, which is about the size of the state of Texas and growing.            Vague language in proposed ordinances could be confusing or twisted to mean something harmful rather than the positive results intended. For example, Sect. 17.30.030 "Initial Site Assessment" states "The City could alter the distance from ESHA that triggers a Biological Study so as to impact fewer projects that may be less likely to impact ESHA, similar to the previous draft NZO."            What exactly does that language mean and why cannot it be understood without searching for some previous draft ordinance? When you find that kind of verbiage delete it and replace it with plain English.            Too much unclear language, and therefore ambiguous rules, mars several places in the NZO. This is dangerous when combined with an approval system that concentrates too much approval power in one or two staff positions.</p>	<p>No changed made. The City's General Plan policy CE 2.2 provides the requisite creek buffer, which is 100 feet. This same policy allows for that buffer to be reduced to a minimum of 25 feet. For the NZO to fully implement the General Plan, staff must follow those specific standards.</p> <p>The example cited in this comment that refers to "Sect. 17.30.030" is taken from pages 53-54 of the Key Issues Guide, which is a summary discussion and explanation of the approach taken, and not a development standard. As staff notes on page 53, the previous 2015 Draft NZO had a trigger of 100 feet, but the Revised NZO increased it to 300-foot. This increase would capture more lots. Staff is asking for feedback for the public and the PC on this approach.</p>
<p><b>Section 17.30.030</b>  <b>Barbara Massey.</b> The trigger for a Biological Study should be within 300 feet of an ESHA. 17.30.030 B. should read "an up to date site-specific biological study must be prepared." Too often the studies were done five or more years previously.</p>	<p>No changes made. The NZO trigger for a study is 300 feet. These studies must be current in order to be accepted by staff as part of the project application.</p>

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<p><b>Barbara Massey, PC Workshop #1.</b> Requested that the language be added in <u>CE 1.3</u> Site-Specific Studies that will require an “up-to-date” site-specific biological study.</p>	<p>Site-specific studies pursuant to Section 17.30.030 must be current as part of the application submittal; however, these are also used to establish the project “baseline” for purposes of CEQA.</p>
<p><b>Section 17.30.040</b>  <b>Barbara Massey.</b>            1) 17.30.040 D. Special care should be taken to not pick a site that has sensitive habitat or a mitigation site itself.            2) 17.30.040 F. The performance securities should be in the amount of 150% of the estimated cost of mitigations, cost estimates are always far too low to cover the actual costs. Mitigation costs can be high and there needs to be sufficient money available to complete the mitigation.</p>	<p>1) Comment noted.            2) No changes made. Normally, 100% of the estimated costs are accepted. Staff increased this to 125% to account for inflation and assumed increases in labor and supply costs. These monies are not intended to be punitive.</p>
<p><b>Section 17.30.050(J)</b>  <b>Barbara Massey.</b> 17.30.050 J. The new fencing regulations are good. If homeowners are concerned about animals getting in their yards, they can fence their yards.</p>	<p>Edits made to delete the fencing requirements of this subsection based upon Planning Commission direction.</p>
<p><b>Section 17.30.070</b>  <b>Tara Messing, Environmental Defense Center [EDC].</b> The language in the draft Zoning Ordinance is nearly identical to the language set forth under Policy CE 2.2 of the Goleta General Plan. We were glad to see that Section 17.31.070 restates the requirement in subsection (b) of Policy CE 2.2, especially “unusable in its entirety,” but based on our conversation at our meeting on January 14th, we thought that the Zoning Ordinance would also set forth the process, findings, and evidentiary requirements required before a setback could be reduced. Is this language somewhere else in the Zoning Ordinance?</p>	<p>No changes made.            The process is that a Major CUP is required to reduce a required 100-foot buffer (see Chapter 17.57). The findings are those findings listed in Section 17.52.070, Common Procedures – Findings for Approval, and the additional findings in Section 17.57.050, Conditional Use Permits - Required Findings. The evidence is that which is necessary and required by the Review Authority in order to provide the substantial evidence needed to</p>

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<p><b>Section 17.30.070</b>  <b>Tara Messing, Environmental Defense Center.</b> Section 17.30.070 of the City’s Revised Draft New Zoning Ordinance requires a minimum 100-foot SPA upland buffer on both sides of a creek, as is consistent with the requirements under Policy CE 2.2 of the City’s General Plan.</p> <p>1 The buffer may be increased or decreased upon a finding that (1) “[t]he project’s impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream, and” (2) “[t]here is no feasible alternative siting for development that will avoid the buffer.”</p> <p>2 As presently drafted, however, Section 17.30.070 is void of any process or standards by which to determine whether these factors are met. For this reason, UCC [Urban Creeks Council] and EDC advocate for clear zoning ordinance language which effectively implements Policy CE 2.2. To do so, Section 17.30.070 must set forth a process, required findings, and evidentiary requirements to inform the City’s determination of significant adverse effects and infeasibility. This clarity and transparency will benefit not only City decisionmakers, but also applicants and interested members of the public.</p> <p>In accordance with the CCC’s Suggested Modification No. 13 to Eastern Goleta Valley Community Plan LCP Amendment, EDC has drafted proposed revisions to Section 17.30.070. CCC’s recommended language is directly relevant and instructive in crafting the City’s creek protection ordinance, especially with regards to determining when creek setbacks reductions may be permitted. EDC also recognizes that its proposed language may be applicable to other sections such that the language should have more general applicability. As long as it is clear that the requisite findings and evidence applies to Section 17.30.070 as well, EDC is open to other approaches for incorporating this language in the City’s new Zoning Ordinance. we respectfully request that the City consider EDC’s revisions and amend Section 17.30.070 based on EDC’s proposed language.</p>	<p>support a decision to allow a reduction.</p> <p>Staff is currently reviewing this comment with the City Attorney’s Office and can provide a response at a later date.</p>

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<p><b>Section 17.30.070(B)(1)</b>  <b>Barbara Massey.</b> Just because the General Plan permits reduction of Streamside Protection Areas to 25 feet that doesn't mean that is what the public wants now. This was lowered to 25 feet in the General Plan by the developer bought City Council. A lower limit of 50 feet should be required for this buffer. This is the limit for many other ESHA's.</p>	<p>Staff considering edits throughout entire ESHA Chapter to revise how buffer reductions can occur to all types of projected ESHAs. Limited to 50% reduction with Major CUP, if more than 50% needed to allow reasonable economic use, a Variance would also be required.</p>
<p><b>Barbara Massey, PC Workshop #1.</b> Recommended that the SPA buffer requirement in <u>17.30.070.B.1</u> should be no less than 50 feet instead of 25, and noted she believes everything else under ESHA is 50 feet.</p>	<p>See response above.</p>
<p><b>Section 17.30.140(B)</b>  <b>Barbara Massey.</b> Coastal Bluff, Coastal Sage Scrub, and Chaparral ESHA should have a minimum buffer of 50 feet.</p>	<p>Comment noted. No changes made. Buffer remains "at least 25 feet" as discussed in General Plan policy CE 5.3.</p>
<p><b>Section 17.30.150</b>  <b>Barbara Massey.</b> Native Oak Woodlands and Savannas should have a buffer of not less than 50 feet. Minimum buffer should be 50 feet everywhere in all ESHAs.</p>	<p>Edit made to increase buffer from 25 feet to 50 feet.</p>
<p><b>Section 17.30.180</b>  <b>Barbara Massey.</b>            1) 17.30.180(B)(3) Minor pruning should be the only exception to the prohibition of the removal of vegetation.            2) 17.30.180(C)(2) This buffer shouldn't be reduced for any reason. The buffer should never be less than 100 feet.            3) This should include the General Plan requirement for a survey by an expert and preparation of a plan to protect the specific site. This is General Plan CE 4.6 a. and b.</p>	<p>1) No changes made.            2) These provisions are taken directly from General Plan policy CE 4.5.            3) Correct, a biological study would be required to have the components discussed in policy 4.6.</p>
<p><b>Section 17.30.190, Barbara Massey</b>            17.30.190(C)(1) The wording "when feasible" should be removed. This severely weakens the protection. 17.30.190 (C)(2) The wording "to the extent feasible" should be removed. This severely weakens the protection.</p>	<p>Edits made to remove "feasible" phrasing.</p>

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<b>Chapter 17.32 Hazards</b>	
<b>Barbara Massey, PC Workshop #1.</b> Questioned whether the City has a fault line map for the public to view, with regard to <u>17.32.050 Geologic Hazards</u> .	Fault lines map is included in the City’s General Plan as Figure 5-1.
<b>Chapter 17.34 Landscaping</b>	
<b>17.35.030(B) Landscaping- Unused Areas</b> <b>Robert Atkinson/SyWest.</b> This section states that "All visible areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, must be landscaped or left in an undisturbed state provided there is adequate vegetation to prevent erosion and the area is adequately maintained for weed control and fuel maintenance." We recommend that this requirement is exempt for properties with previous site improvements or add "existing paving" after vegetation.	Change made to clarify that this section applies to “All visible, undeveloped areas of a project site.”
<b>Chapter 17.35 Lighting</b>	
<b>General</b> <b>Cecilia Brown and Barbara Massey.</b> The DRB is responsible for reviewing outdoor lighting. There needs to be a way for them to do that and that is through a lighting plan. They review such plans now and adding a section on lighting plans would codify that practice. To assist in thinking about what requirements might be on the lighting plan, and there may be others required under the California building Code, the City of Goleta Outdoor Lighting Guidelines has a list of what is required and are repeated below as an example [example omitted from this table]. Request a new section be added to the lighting ordinance so that DRB can do their review of lighting projects.	Change to be made to include new section (17.35.060), which requires that a developer provide a Lighting Plan for City review.
<b>General</b> <b>Cecilia Brown and Barbara Massey.</b> The DRB is responsible for reviewing outdoor lighting. There needs to be a way for them to do that and that is through a lighting plan. They review such plans now and adding a section on lighting plans would codify that practice. Either add a section in the lighting ordinance for requirement for outdoor lighting plans or implement approved guidelines for lighting plans. Below [omitted] are some standards that could be used for such plans.	Change made. See response above.

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<p><b>General</b>  <b>Brian Boisky.</b> To staff and commissioners, As led lighting is becoming the standard for lighting parking lots, sidewalks etc., they can be very bright and distracting when driving on the city streets at night. The examples I notice are; the new tall area lights at the remodeled Fairview Car wash. They are very dominant when coming down the overpass on Fairview from Hollister. They are predominate when looking from The Fairview shopping center towards the car wash. Can the height of these poles, angle of the light beam and the “Non- shielding” fact be addressed when changing the new zoning ordinances. The light beam pointing towards traffic on Hollister at Big Brand Tires is very distracting at night. The lights that light the lot of Roberts Body Shop on Fairview are very bright and distracting when looking down from the overpass going up from the Hollister side. There should be a rule that all night lighting should be shielded, including the city street lights. Thanks for all you are doing.</p>	<p>Change to be made to include new section (17.35.060), which requires a lighting plan for City review. The lighting plan would include details for light fixtures to verify that they comply with lighting standards, including being directed downward, fully shielded and full cut-off to prevent light trespass or glare.</p>
<p><b>Section 17.35.020(A)</b>  <b>Cecilia Brown and Barbara Massey.</b> Recommend a new exemption for LED string lighting on trees be considered.</p>	<p>No changes made. These types of lights would also be subject to standard that they must be shielded. City concern over cumulative effect and impact.</p>
<p><b>Section 17.35.020(A)(4)</b>  <b>Cecilia Brown and Barbara Massey.</b> Other jurisdictions, like the county and school districts, need to be included in this section. See the draft ZO with more complete language</p>	<p>No changes made. The City will apply sign standards, where allowed under applicable law, to all signs within the City.</p>
<p><b>Section 17.35.020(A)(4)</b>  <b>Cecilia Brown and Barbara Massey.</b> Need to include other jurisdictions in this section, like the county and school districts, etc.</p>	<p>No changes made. See response above.</p>

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<p><b>Section 17.35.020(A)(5)</b>  <b>Cecilia Brown and Barbara Massey.</b> What holiday period is being considered here, it is not clear, it is Valentine’s Day, July 4th? The draft zoning ordinance language about limiting the use of holiday lights during the holidays at year end needs to be restored.</p>	<p>City is not codifying recognized holidays due to free speech and religious protections.</p>
<p><b>Section 17.35.030</b>  <b>Cecilia Brown and Barbara Massey.</b> There should be a prohibition on unshielded string bulb lighting like that seen on the patio of the Goodland Hotel. Request prohibition of this kind of unshielded lighting be added to this section.</p>	<p>No prohibition needed. These types of lights would be subject to standard that they must be shielded.</p>
<p><b>Section 17.35.030(E)</b>  <b>Cecilia Brown and Barbara Massey.</b> Request is to add additional prohibited types of lighting Add to E. Other Light Types. Light Bulb Strings. External displays which consist of unshielded light bulbs, festoons, and strings of open light bulbs. These kinds of lights are not dark sky compliant.</p>	<p>No changes needed. These types of lights would also be subject to standard that they must be shielded.</p> <p>However, staff is considering an allowance for string lighting in residential districts, based on DRB feedback, with restrictions to ensure there are no cumulative impacts.</p>
<p><b>Section 17.35.030(E)</b>  <b>Cecilia Brown and Barbara Massey.</b> Add in section E. Other Light Types. Light Bulb Strings. External displays which consist of unshielded light bulbs, festoons, and strings of open light bulbs. The reason for this request is that these kinds of lights are not dark sky compliant. The DRB approved such a light string for the rooftop bar on the Rincon Palms, but at the time of their review, there was a covering over the light bulbs. Note that the Sign Ordinance, Section 17.40.060 L prohibits unshielded light bulbs for sign illumination. If unshielded light bulbs are prohibited for signs, why would they be allowed in other applications?</p>	<p>No change needed. These types of lights would also be subject to standard that they must be shielded.</p> <p>If lighting is approved as shielded, they must remain shielded in order to be in compliance with the approved plans.</p>

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<p><b>Section 17.35.040(C)</b>  <b>Cecilia Brown and Barbara Massey.</b> The language in Section 17.35.040C Light Trespass: (All lighting must be directed downward and shielded to prevent light trespass and glare onto adjacent properties....) doesn't reflect nor is it consistent with the language used in the General Plan Visual Resource section (see below) which requires lighting to be "Fully Shielded, full cut-off, and...to prevent sky glow" and to be consistent with the ZO language in Chapter 17.58 Design Review where findings the DRB needs to be make in their project review is "dark sky compliant exterior lighting" (section 17.58.030 B. 10) and "all exterior lighting....is dark sky compliant" (Section 17.58.060 I).</p> <p>References: General Plan policies: VH 1.4 Protection of Mountain and Foothill Views. [GP/CP] and VH 1.5 Protection of Open Space View use the following language for lightening: Downcast, fully shielded, full cut off lighting of the minimum intensity needed for the purpose. Another emphasis on "Dark Sky" lighting standards is found in policy VH 4.12 Lighting: A. Fixtures shall be fully shielded and have full cut off lights to minimize visibility from public viewing areas and prevent light pollution into residential areas or other sensitive uses such as wildlife habitats or migration routes. B. Direct upward light emission shall be avoided to protect views of the night sky."</p> <p>Request change in Section 17.35.040C to be consistent with General Plan and other zoning ordinance policies. Light Trespass wording must be changed to "All lights must be directed downward, and fully shielded and full-cut off to prevent light trespass or glare onto adjacent properties and to prevent sky glow."</p>	<p>Change made to mirror GP policy language for "full cut-off."</p>
<p><b>Section 17.35.040(C)</b>  <b>Cecilia Brown and Barbara Massey.</b> Background for reference: The General Plan policies (VH 1.4 and VH 1.5) dealing with protection of views use the following language regarding lighting: Downcast, fully shielded, full cut off lighting of the minimum intensity needed for the purpose. Another emphasis on "Dark Sky" lighting standards is found in policy VH 4.12 Lighting: A. Fixtures shall be fully shielded and have full cut off lights to minimize visibility from public viewing areas and prevent light pollution into residential areas or other sensitive uses such as wildlife habitats or migration routes. B. Direct upward light emission shall be avoided to protect views of the night sky."</p>	<p>Change made. See response above.</p>

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<p>1. The language in Section 17.35.040C Light Trespass: (All lighting must be directed downward and shielded to prevent light trespass and glare onto adjacent properties....) doesn't reflect nor is it consistent with the language used in the General Plan Visual Resource policies (see above) which requires lighting to be "Fully Shielded, full cutoff, and...to prevent sky glow. Now is it consistent with the ZO language in Chapter 17.58 Design Review where findings the DRB needs to be make in their project review is "dark sky compliant exterior lighting" (section 17.58.030 B. 10) and "all exterior lighting....is dark sky compliant" (Section 17.58.060 I).</p> <p>Therefore, in Section 17.35.040C we request that the language in this section be made consistent with General Plan policies and other Zoning Ordinance policies as follows: "All lights must be directed downward, and fully shielded and full-cut off to prevent light trespass or glare onto adjacent properties and to prevent sky glow."</p>	
<p><b>Section 17.35.040(D)</b>  <b>Cecilia Brown and Barbara Massey.</b> The language in this section states that the color temperature of each lamp must not exceed 3,000K. Request review how was this standard chosen and for what use? To have 3,000K in anything but parking lot lighting is excessive. City will be using 2800K in streets lighting in their new street lights replacing SCE street lights.</p>	<p>3,000 Kelvin is a Dark Sky Compliant standard that keeps the color in the warmer yellow and orange wavelengths of the spectrum of visible light and below the under cooler white and blue wavelengths.</p>
<p><b>Section 17.35.040(D)</b>  <b>Thomas Totton.</b> Please consider this link to information on LED lighting from the International Dark-Sky Association: <a href="https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide/">https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide/</a> as it seems important to incorporate into Goleta lighting standards restrictions on the "blue light" end of the spectrum. This also helps astronomers to filter out a narrower band of wavelengths, although all star light wavelengths are important for discrimination of various stellar characteristics.</p>	<p>No change necessary. Limiting the lighting temperature to 3,000 Kelvin and below is excluding blue light <i>de facto</i>. Blue light wavelength begins at &gt;4,500 Kelvin.</p>

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<p><b>Section 17.35.040(D)</b>  <b>Cecilia Brown and Barbara Massey.</b> The language in this section states that the color temperature of each lamp must not exceed 3,000K. Request review how was this standard chosen and for what application? To have 3,000K in anything but parking lot lighting is excessive. City will be using 2800K in streets lighting in their new street lights replacing SCE street lights.</p>	<p>3,000 Kelvin is a Dark Sky Compliant standard that keeps the color in the warmer yellow and orange wavelengths of the spectrum of visible light and below the under cooler white and blue wavelengths.</p>
<p><b>17.35.050(D)(1)</b>  <b>Cecilia Brown and Barbara Massey.</b> How was the 5.0 foot-candle determination made? Is this based on the use of LED lighting standards or some older types of lighting? Request review this standard and change to a more relevant standard.</p>	<p>5.0 foot-candle standard is taken from page 9 lighting standards of the City's Design Review Guidelines that were adopted, but uncodified. This standard would apply to all forms of lighting.</p>
<p><b>17.35.050(D)(1)</b>  <b>Cecilia Brown and Barbara Massey.</b> How was the 5.0 foot-candle determination made? This foot-candle may be too bright for certain applications. Request review this standard and change to a more relevant standard for various applications.</p>	<p>See response above.</p>
Chapter 17.36 Nonconforming Uses and Structures	
<p><b>Section 17.36.050(D)</b>  <b>Mitchell Menzer.</b> Legal Nonconforming Buildings. If the Bacara buildings are rendered legal nonconforming, the Bacara is very concerned about its ability to reconstruct any building that is substantially damaged or destroyed. The Bacara will wish to restore any damaged building to its original condition as quickly as possible in order to return the building to use and to minimize disruption of its operations. Under the Draft Zoning Ordinance, if the cost of repair or reconstruction exceeds 75% of the replacement cost of the damaged building, it may not be restored unless the Planning Commission approves a Conditional Use Permit and the building satisfies all of the standards in effect at the time of the damage. (Draft Ordinance Section 17.36.050(D).) The requirement of the Conditional Use Permit and the application of new standards will be time consuming and burdensome.</p>	<p>Options and potential changes are currently being considered. Revisions forthcoming that may include edits in Chapter 17.59 and Section 17.52.100.</p>

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<p><b>Vic Cox.</b> A basic question I've yet to hear answered by staff is will these proposed new rules apply to existing residences, developments, etc. or will they be exempted or "grandfathered"? Also, will owners be required to conform to the plethora of new standards when they sell to new owners?</p>	<p>As indicated in our Open Houses and the Key Issues Guide, and as discussed in detail at Workshops #2 and #3, existing structures and uses that do not meet the new NZO standards would be considered nonconforming, which is commonly known as "grandfathered." This does allow them to continue to exist and to be bought and sold "as-is."</p>
<p><b>Vic Cox, PC Workshop #1.</b> The Ellwood Onshore Facility (EOF) should be a part of the New Zoning Code, in his opinion; and</p>	<p>The EOF would be subject to Chapter 17.36, Nonconforming Uses and Structures.</p>
Chapter 17.38 Parking and Loading	
<p><b>General</b>  <b>William Master.</b> This letter is to request that the City of Goleta add RV Storage to the allowed uses within the Office (BP, OI) and Commercial (CC, CI, CG) Zoning Districts.</p> <p>There is an extreme shortage of RV storage parking locations in the City of Goleta and the surrounding area. While the City has adopted regulations to prevent parking of RVs and boats on City streets, the City has not provided any realistic opportunity for the development of RV storage lots within the City's Zoning Districts. By adding RV Storage to the allowed uses within the Office (BP, OI) and Commercial (CC, CI, CG) Zoning Districts, one or more RV storage lots can be established, and City residents will be able to comply with the City's large vehicle parking regulations.</p> <p>RV storage lots ("Vehicle Storage") are currently only allowed in the Service Industrial (IS) and General Industrial (IG) Base Zoning Districts in the Revised Draft New Zoning Ordinance. There are only a few parcels with IS and IG zoning, and these parcels are fully occupied with industrial uses that are</p>	<p>No changes made to NZO, which is drafted to align with the Land Use Tables in the General Plan.</p> <p>RV storage lots would be considered Outdoor Storage. Therefore, it would be an allowable use within the C-G (General Commercial), I-S (Service Industrial), and I-G (General Industrial) zones.</p> <p>A developer wishing to create a new RV storage lot would have four options:</p>

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<p>intended for these zones. Limiting RV storage lots to these two industrial zones which are in high demand for intense high-impact industrial uses, ensures that no new RV storage lots will be established in the City. This will force RVs back onto City streets or onto the front and side yards of residential and commercial properties.</p> <p>An RV storage lot is a very low impact land use. As RVs and boats are normally parked for days or weeks without use, RV storage lots create very little vehicle traffic or congestion. The only notable potential impact is a minor visual impact, and the current ordinance adequately addresses visual screening of RV parking. Therefore, RV storage is compatible with Commercial and Office Districts which already provide for normal vehicle parking.</p> <p><u>History of RV Parking in City</u>            Prior to the adoption of the Large Vehicle and Trailer Parking Restrictions by the City, RVs , boats and large work trucks were allowed to be parked on the City streets. During the lengthy hearing process for the Large Vehicle parking regulations, the City council heard from many residents that there was inadequate RV storage in the City and the surrounding area to accommodate these large vehicles. The Council encouraged local businesses to develop additional vehicle storage lots within the City to accommodate those vehicles.</p> <p>Unfortunately, due to zoning restrictions, no new vehicle storage lots have been established, and three of the largest vehicle storage lots have been forced to close due to zoning conflicts. The most recent example is the Vehicle Storage lot at 650 Ward Drive which was forced by the City to close due to zoning issues. Consequently, another 150 RVs and boats stored on that lot have been displaced onto City streets and residential property.</p> <p>I have made repeated attempts to locate RV storage lots in Goleta, and to my knowledge there is now only one RV storage lot remaining in the City, and the survival of that single lot is also in question.</p> <p>In conclusion:</p>	<ol style="list-style-type: none"> <li>1) Look in one of the three zone districts that allow Outdoor Storage.</li> <li>2) Request a General Plan Amendment to allow the use within other zone districts.</li> <li>3) Pursue a Rezone (and General Plan Amendment) to change the current zoning on a parcel to one of the three zone districts that allow Outdoor Storage/RV lots.</li> <li>4) There may be a potential to have Outdoor Storage as an Accessory Use to a business where it would be customarily incidental to the Primary Use and meet the Accessory Use standards of Section 17.41.040.</li> </ol>

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<p>(1) Over 300 RVs, boats, trailers and work trucks, displaced from closed RV storage lots in Goleta, are in need of vehicle storage locations within the City to enable compliance with the City's Large Vehicle parking regulations.</p> <p>(2) As the current draft zoning ordinance restricts RV storage lots to just a few parcels zoned IS and IG, it is highly unlikely that any more RV storage lots will be developed in the City unless RV storage is allowed in additional Base Zoning Districts.</p> <p>(3) RV storage is a very low impact land use and is compatible with most other zoning districts.</p> <p>(4) By adding RV storage as an allowed use to Office (BP, O1) and Commercial (CC, CI, CG) Zoning Districts, one or more RV storage lots can be established, and City residents will be able to comply with the City's large vehicle parking restrictions.</p> <p>Thank you for your consideration of this matter.</p>	
<p><b>General</b>  <b>Jim Fox.</b> Commenter provided photos of RVs and Trailers around the City.</p>	<p>Comment/Photos noted.</p>
<p><b>Barbara Massey, PC Workshop #1.</b></p> <p>1) Regarding <u>TE 2 Transportation Demand Management</u>, reducing parking does nothing to reduce traffic or pollution, but does cause problems because cars need to drive around looking for parking spaces and take up parking spaces on the street;</p> <p>2) Reducing on-site parking is not a valid incentive that will help the problem but will increase parking problems for others;</p> <p>3) Regarding <u>TE 9 Parking</u>, there will be an increased need for parking when the shortage of parking is combined with the increasing population;</p> <p>4) Regarding <u>TE 13 Mitigating Traffic Impacts of Development</u>, inadequate transportation infrastructure and failure to maintain infrastructure will get worse partly due to inadequate in-lieu fees; and</p> <p>5) Regarding <u>TE-IA-5</u>, the General Plan expected RDA money is no longer available.</p>	<p>1) Comment noted.                  2) Comment noted.                  3) Comment noted.                  4) Comment noted.                  5) Correct.</p>

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<h1>Response to Public Comments</h1>	
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<p><b>17.38.040</b>  <b>K. Graham.</b> In fact, the only useful information I could glean was that the City "encouraged" alternate sources of transportation so they were scaling back required parking spaces for new projects. As encouraging as they may be, this has no impact on who owns and drives a car. Even in my residential neighborhood, Coronado Dr., we consistently have people from the apartment complexes of Ellwood Beach Drive and the mobile home park using street parking in this area. Not providing realistic parking for any new development will just exacerbate this problem over the entire city, and not just my neighborhood.</p>	<p>Comment noted.</p>
<p><b>Section 17.38.040(A)(2)</b>  <b>Mitchell Menzer.</b> Parking. The Draft Ordinance proposes to significantly increase parking requirements for hotels from the current requirement of one space per guest room and one space per five employees (Coastal Zoning Ordinance Section 35-110), to one space per guest room and one space per employee (Draft Ordinance Section 17.38.040(A)(2)). The Draft Ordinance would result in a five - fold increase in the number of parking spaces for employees. Because the peak employee count can be high at certain times, the new parking requirement will likely render the Bacara legal nonconforming as to parking. The Bacara's current parking capacity has adequately served the property's parking demands during the entire period of its operation, and there is no basis for increasing the amount of parking required for the hotel. Rather, the increasing use of ridesharing services such as Uber and Lyft, and availability of other alternatives to cars, such as shuttles, indicates that the parking requirements could actually be reduced, since not every guest room or employee uses a car that requires parking upon the premises.</p>	<p>Options and potential changes are currently being considered to bring the parking requirement for hotels back to the current standard. Intent of the City was not to create a more-strict parking requirement in this Section.</p>
<p><b>Table 17.38.040(A)(2):</b>  <b>Eileen Monahan.</b> Parking for centers –There is a constant battle for space between cars and children. During the development process, space that should be available for children – the facility and/or the playground, is required for parking of cars, and other regulations such as setbacks and parking lot design. Consider parking in this light and create the smallest footprint possible. Allow for modification plans from the applicant such as parking based on drop off/pick up schedules, age ranges of children, and number of siblings, that are specific to the program. Encourage the use of loading/unloading</p>	<p>No changes made.</p> <p>Planning staff believes that the discussion around Day Care Facilities is more of a general policy discussion that is more-suitable for the Planning Commission and City Council to</p>

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<p>zones and temporary parking places in lieu of permanent spaces, as well as off-site parking for staff within a specified number of feet from the facility.</p>	<p>consider and provide direction to staff if changes should be made.</p>
<p><b>Section 17.38.070(A)(3)</b>  <b>David Low.</b> I am concerned about the new RV parking restrictions. I live on a corner lot such that my driveway is not visible by my neighbors. I am thinking of purchasing a camper van (Mercedes van - based) that I will park on my driveway, but I think the new ordinance will prevent me from doing this. This will not be unsightly, and the camper will not be much larger than a large SUV. If the new ordinance prevents this for me or my neighbors then I am very much against it. I can see regulating really large RV parking, but not relatively small camper vans that can also be used for everyday travel.</p>	<p>No changes made. There is no prohibition for parking an RV in the driveway of a home. Further, subject to Section 17.38.070(A)(3) an RV may be parked anywhere within a side or rear setback and may be parked in the front setback in cases where it cannot be accommodated elsewhere.</p>
<p><b>Section 17.38.070(A)(3)</b>  <b>Dana Trout.</b> I have a problem with the proposed Zoning Ordinance relating to parking of RVs and trailers on residential property. Here is the relevant text from the current proposed Zoning Ordinance: Trailers and Recreational Vehicle Parking/Storage. Trailers and recreational vehicles may be parked/stored in any setback area, subject to the following provisions:            a. The trailer or recreational vehicle must not project into the public right-of-way at any time.            b. The trailer or recreational vehicle must be operable and have a current year’s registration for operation on public streets.            c. The trailer or recreational vehicle must not be occupied for living purposes.            d. The trailer or recreational vehicle must be parked on a paved or gravel surface.            e. Access is provided via a City-approved driveway approach along the street frontage.            f. The trailer or recreational vehicle may only be parked or stored within the front setback where there is no existing driveway or other access to another portion of the property that can accommodate the trailer or recreational vehicle.            I want to focus on provisions (d) and (e). I would first like to note that in the Ellwood area there are roughly 1 to 3 RV pads per block already installed. The majority of these pads meet provision (d), but not (e) -- they "jump the curb" instead of using the property's driveway. I would also like to remind the Commission that RVs and travel trailers, even when used extensively for trips, do not often make the journey between the street and parking pad. Unlike cars which go in and out of a driveway almost</p>	<p>Ingress and egress onto the City-owned public road right-of-way is allowable only as permitted by the City. Properties are afforded one curb-cut as part of the legal access to the lot. Any unauthorized ingress and egress to the roadway is a violation and enforced by the City’s Public Works Department, which has full jurisdiction over the City’s public rights-of-way.            Public Works staff has communicated with Planning staff that there is an existing and ongoing concern that unauthorized ingress and egress that “jumps the curb” creates safety hazards for sidewalk users, damage or potential damage to City infrastructure (e.g., curbs, sidewalks), and create</p>

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<p>daily, RVs and trailers tend to be away from home for days or weeks at a time. Thus most RVs make the journey between the street and parking area at most only several times a month. My first question is why "jumping the curb" is disallowed for RVs and trailers in light of the fact that they so seldom need to do so. My second question is how you intend to handle all the property owners that already have pads that meet provision (d), but not (e). They have already installed proper parking, often at significant expense, that was code-compliant at the time of installation. These owners typically also use temporary removable ramps to ease the shock to their RVs and/or trailers, which has the salutary effect of also lessening the pounding on the pavement and curb as the RV jumps the curb. If you wish to claim that "jumping the curb" causes rapid deterioration of either streets or curbs, I would like to see documentation of cases where this has occurred in Goleta. I walk and ride through many Goleta neighborhoods and have seen many deteriorated streets, but the deterioration I've seen is due to other factors, including tree roots, heavy traffic, and delayed maintenance. If you wish to claim that the RV or trailer would be entering the street from an unexpected location, be advised that most already-existing pads are either adjacent to the property's driveway or the neighbor's driveway, but due to the turning radius of the vehicle it is not accessible from a driveway. I have a question about Provision (f): it states "... other access to another portion of the property that can accommodate the trailer or recreational vehicle." However, Provision (e) is quite adamant that "Access is provided via a City-approved driveway approach along the street frontage." So what other access do you have in mind?</p>	<p>other traffic and stormwater hazards by introducing other unpermitted structures and improvements into the public road right-of-way, reduce public access to on-street parking, all of which could be considered a public nuisance, pursuant to Title 12 (Streets, Sidewalks and Public Places) of the City's Municipal Code.</p>
<p><b>Section 17.38.070(A)(3)</b>  <b>William Tingle.</b> My wife and I attended the zoning ordinance meeting last night with our main interest being Section 17.38.070(A) (3) dealing with RV parking. It was a surprise to us that more RV owners did attend but we agree with the statement made at the workshop that most likely they were satisfied with the new wording and felt no need to be there, in fact after talking with you and reading the new wording we almost did not attend ourselves. Unfortunately, they should have been there for this important issue. Instead only a few disgruntled people were in attendance.</p> <p>Our concern is where does this go from here? We were confused about what the next steps will be in regards to this portion of the zoning ordinance. Can you please clarify with us where this goes from</p>	<p>Staff encourages all interested parties to sign up for email notifications for all future Workshops and public outreach on the NZO. At least one wrap-up Workshop will scheduled to cover topics that staff and the PC could not fully cover in the first seven scheduled Workshops. One of the future Workshops will revisit the RV topic and allow the public, staff, and the PC</p>

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<p>here and also if those who attended the original meetings or who have submitted comments will be notified and how that will happen.</p> <p>We tried to verify some of the complaints and I would like to share with you what I found:</p> <ol style="list-style-type: none"> <li>1. If I remember correctly Jamie Pierce stated there was a large RV parked next to her house which could fall down on her property. The only thing we could see was that she lives on a corner and there is a camper stored on top of saw horses stabilized by four legs or, camper stands. The camper is stored on the street side of the residence located behind her house and if it did fall there is no way it could fall on her property.</li> <li>2. Barbara Massey complained about RV's and that they should not be parked anywhere in or near the front yards. Barbara Massey, I she lives in Winchester Canyon in a newer PUD that has HOA governing all the homes in the subdivision. Point in question, there are NO RV's allowed in her neighborhood period! that would mean she is not directly affected in anyway by RV parking.</li> <li>3. James &amp; Michelle Fox bought a huge fifth wheel and parked it on the street because they had no room on their property to park an RV. When the city enforced NO RV Parking on the street this forced them to store it, which as they said, they did at Lake Cachuma. She also stated it was expensive which is why they sold their fifth wheel. Now since they can't have an RV which they had to store on the street they complain about those who do have RV's which they store on their property. It was my feeling they all want to turn Goleta into another Santa Barbara.</li> </ol> <p>From everyone I talk with very few people want to turn the City of Goleta into another Santa Barbara where you almost have to have a permit and approval from the city to paint your bathroom a different color. In my opinion most people in Goleta would like to see Goleta remain a place where the average person can buy a house built in the 60's or 70's and enjoy their little piece of land unlike the new high density developments popping up which have little or no land and come with HOA's with endless restrictions.</p> <p>We would like to thank you for the many hours of hard work you all put in on the zoning ordinance revisions and the time you spent explaining the RV parking portion to us. Please let us know what direction this issue will take and the process it will go through.</p>	<p>members to further discuss the issues around Trailer and RV parking.</p> <p>Staff will be reviewing our records for all comments received during the outreach efforts associated with the prior 2015 Public Release Draft NZO. Staff will make every effort to let those who commented on RVs then know that the matter will be discussed again at a future Workshop as well.</p>

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<p><b>Section 17.38.070</b>  <b>Edward Fuller.</b> Please distribute to Planning Commissioners and staff, and place in the record.  <a href="https://www.commercialrealestate.loans/commercial-real-estate-glossary/parking-ratio">https://www.commercialrealestate.loans/commercial-real-estate-glossary/parking-ratio</a></p> <p>What is a Parking Ratio in Commercial Real Estate?</p> <p>A parking ratio is a statistic that takes the number of available parking spaces, typically for an office property, and divides it by the property's entire gross leasable area (GLA). This ratio is most commonly expressed per every 1,000 sq. ft. of property, i.e. a 20,000 sq. ft. office building with 100 parking spaces would have a parking ratio of 5 (spaces per 1,000 sq. ft.). Cities often have requirements for minimum parking ratios, which may vary based on property type; for example, retail projects may require a higher parking ratio than industrial developments.</p> <p>Higher Parking Ratios Can Be More Desirable, But Also More Expensive</p> <p>In most cases, the higher a building's parking ratio, the more desirable it will be for potential tenants. For example, class A office buildings may often have a higher parking ratio than class B buildings, though this can vary greatly between individual projects. Despite their benefits to tenants, higher parking ratios also typically lead to higher CAM, or common area maintenance fees, since office building tenants usually pay rent on their portion of a building's common areas, which often include parking spaces.</p> <p>Office Parking Ratios May Be Increasing</p> <p>Research suggests that office building tenants are asking for more parking-- and many developers are responding by adding more parking spaces to their current developments, increasing their parking ratios. While the most common office building parking ratio is currently around 4 (spots per 1,000 sq. ft.), many tenants have been asking for ratios of 5 or 6. Though adding parking spots can be expensive (\$2,000 to \$6,000 per space for surface lots, \$12,000 to \$25,000 for garages), developers are often seeing this as an investment that may be able to improve the long term occupancy of their projects. Parking Must Be In Compliance With The Americans With Disabilities Act.</p>	<p>Comment noted.</p>

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# Response to Public Comments

## PUBLIC COMMENT

## CITY STAFF RESPONSE

In addition to making sure that their parking ratio is sufficient for local regulations (and is enough to keep tenants happy) developers interested in building new properties must take into account the Americans with Disabilities Act (ADA) when designing or planning a parking lot. For the first 100 parking spots, there must be 1 handicapped spot per 25 spots. Beyond that, handicapped parking requirements include:

- 101-150 Spots: 5 handicapped spots
- 151-200 Spots: 6 handicapped spots
- 201-300 Spots: 7 handicapped spots
- 301-400 Spots: 8 handicapped spots
- 401-500 Spots: 9 handicapped spots

**CHAPTER 8  
GENERAL PROVISIONS**

**SECTION 801  
OFF-STREET PARKING**

**801.1 General.**

Off-street parking shall be provided in compliance with this chapter where any building is erected, altered, enlarged, converted or increased in size or capacity.

**801.2 Parking space requirements.**

Parking spaces shall be in accordance with Sections 801.2.1 through 801.2.4.

**801.2.1 Required number.**

The off-street parking spaces required for each use permitted by this code shall be not less than that found in Table 801.2.1, provided that any fractional parking space be computed as a whole space.

**TABLE 801.2.1  
OFF-STREET PARKING SCHEDULE**

USE	NUMBER OF PARKING SPACES REQUIRED
Assembly	1 per 300 gross square feet
Dwelling unit	2 per dwelling unit
Health club	1 per 100 gross square feet
Hotel/motel	1 per sleeping unit plus 1 per 500 square feet of common area
Industry	1 per 500 square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Warehouse	1 per 500 gross square feet

For SI: 1 square foot = 0.0929 m<sup>2</sup>

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<p><a href="https://blog.vts.com/crowded-parking/">https://blog.vts.com/crowded-parking/</a></p> <p><b>Increased Office Density is Causing Real Trouble for Parking Lots</b> Liz Wolf Freelance Writer, VTS</p> <p>As companies squeeze more employees into less office space – in an effort to increase efficiency and productivity — landlords are facing a dilemma: How can they accommodate increased parking demands? And, what happens if a space becomes unleaseable because of inadequate parking? This quandary is especially true in suburban markets not served well by mass transit where employees are dependent on cars. These buildings’ parking lots are becoming clogged, and landlords are looking for creative solutions.</p> <p><b>What’s driving the space reduction?</b> In addition to cost savings, today’s employee work habits are spurring the downsizing of office space. Collaborative, flexible workspaces are replacing big, private offices and fancy conference rooms. “It’s been an easy transition because, just as companies are trying to get more efficient and save money, millennials are more open to the idea of less hierarchy in real estate,” Christian Beaudoin, director of corporate research for JLL in Chicago, told VTS in an interview. “So those two trends have combined at the same time — companies trying to save money and millennials entering the workforce, who value compensation and freedom and flexibility more than they do a big office.” But just how much less office space are we talking? Pre-recession, 250 square feet per employee was the standard in office space. Today, that’s been slashed to around 175 square feet or less, with projections estimating a drop to an average of 151 square feet per employee by 2017. That’s a significant reduction in space, and Beaudoin said that such density takes a toll on office buildings that were not designed to handle these increased demands. It not only impacts parking, but also building’s elevators, restrooms and utilities.</p>	

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<p><b>What can landlords do?</b></p> <p>Before the trend of shrinking office space, a parking ratio of four stalls per 1,000 square feet was sufficient for most tenant parking space requirements. However, buildings today may need six or even seven parking spots per 1,000 square feet to accommodate the more packed offices.</p> <p>To manage this greater density, landlords are exploring several options including:</p> <p><i>Build more spaces</i></p> <p>Some building owners are accommodating needs by building parking decks on top of surface parking lots. Of course, that’s not cheap - it could cost around \$100 per-square-foot to build that deck. If building parking decks aren't feasible, landlords are also exploring the use of adjacent lots. In one Chicago suburb example, Principal Real Estate Investors demolished 68,000 square feet of warehouse space of a nearly 200,000-square-foot building to create more parking for tenant CVS Caremark Corp.</p> <p><i>Shuttle tenants</i></p> <p>“Owners are experimenting with the idea of shuttles,” Beaudoin said. “If there’s an off-site parking lot like at a shopping mall or a nearby stadium, they can shuttle people in with a shuttle bus. Also, owners are looking at encouraging the use of public transportation, at least as close as they can get to the site and then bussing from there to the actual building.” Carpooling and biking are also encouraged, and many office buildings have bike racks and locker rooms/showers if they’re near a trail system. These ideas may work well for millennials, who drive less and own fewer cars than previous generations. They prefer to bike, car-share, walk and use public transportation. According to the Department of Transportation and American Automobile Association, miles traveled by car for people 34 or younger dropped 23% and the percentage of high school seniors with driver’s licenses dropped 73% between 1996 and 2010.</p> <p><i>Acquire new assets with better parking</i></p> <p>As new office development is starting up again in some markets, developers are paying close attention to parking ratios. “Markets like Phoenix are seeing new suburban office development, and they’re building parking spaces of six spots per 1,000 square feet,” Beaudoin said. Landlords may look to acquire these assets to mitigate future challenges.</p>	

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<b>Looking ahead</b>	
<p>Further down the road, the importance of on-site parking might be less significant. Driverless cars could have a huge impact on office parking lots. Although these cars are still being tested, it's believed that they will be available for average consumers to purchase in the next decade.</p> <p>With self-driving vehicles, people won't have to follow current parking routines. For example, rather than park at the office, they could park at a distant, centralized lot and call for the car when they're ready to leave. This trend could eliminate parking lots as we know them today.</p>	
<b>Chapter 17.39 Performance Standards</b>	
<b>17.39.080</b>	
<p><b>Robert Atkinson/SyWest.</b> Noise- The change proposes to lower the maximum allowable noise levels from 75 dBL to 70 dBL. There are no sensitive receptors or residential in the vicinity, and we are abutting a state highway, Highway 217, where ambient noise levels already exceed the proposed new noise levels. Further, due to the industrial nature of our current zoning and the fact that all property surrounding are industrial zoned, we do not believe any change is necessary, and that noise standards in the IS District should be consistent with standards in the IG District.</p>	<p>No changes made. These standards are taken directly from General Plan, Table 9-2.</p>
<b>Chapter 17.40 Signs</b>	
<p><b>General Cecilia Brown.</b> The sign ordinance is much improved and greatly detailed. While this is good it means it will require much careful review to understand the changes from the antiquated County ordinance the City adopted because they are considerable. So, I request the City allow another opportunity for public to share their comments to DRB on this ordinance at later dates. There should be multiple reviews planned not just one. The review of this section of the ZO is being rushed and deserves unhurried and careful attention. I am concerned that the city hasn't allowed enough time for the public to review the sign ordinance. The decision makers who understand signs and are responsible for reviewing and approving them in the city, The DRB, meet Tues Feb 12th to do their review. And this meeting occurs just barely a week after the ZO rollout. Having just gotten my copy of the revised ZO and barely time to read it much less consider the changes, there isn't sufficient time to thoroughly review and understand the 20 page</p>	<p>Comment noted. After releasing the Revised Draft NZO in January 2019, the public was afforded the opportunity to share ideas on the NZO to the DRB on three occasions (February 12 &amp; 26, and March 12, 2019), with the last meeting focusing particularly on Signage. Signs is also a key issue that will be discussed at the PC Workshop #5 on April 8. As such, this gives the public over seven</p>

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<p>review and understand the 20 pages of sign ordinance standards to prepare for this meeting or even comment on them thru written or verbal testimony.</p>	<p>weeks to review the 20 pages of Sign standards and provide feedback.</p>
<p><b>General</b>  <b>Cecilia Brown and Barbara Massey.</b> City’s current ordinance and what is in the proposed sign ordinance. These differences need to be known in order for decision-makers and the public to understand the implications of what is being proposed (e.g., Are there changes in square footage allowances from what currently exists?). And some signs proposed in the draft ordinance were eliminated.</p> <p>In some cases, proposed ordinance language is contrary to the policies in the General Plan. Below are those policies against which proposed regulatory language must be vetted. If the standards don’t meet these policies, then they must be eliminated or changed in order that the proposed sign ordinance is consistent with the General Plan.</p> <p>General Plan Policies regarding signage            Policy VH 1.4 Minimize structural intrusion into the skyline            Policy VH 2.3 for development along scenic corridors... (101 and Hollister) limit height and size of structures and minimize usage of signs            Policy VH 3.7 Community Design Character mentions that “character is enhanced through the use of restrained and tasteful signage that conveys an orderly and attractive appearance and enhances city image            Policy VH 4.13 Signage            c. Goodland Hotel views ....or streetscape. Protrusion of signs and/or sign structures into the skyline should be minimized.            f. Internally illuminated cabinet signs shall be prohibited            g. Billboards and other off-premise signs prohibited</p>	<p>No changes made. This public comment lists a number of General Plan policies but fails to demonstrate or provide examples of how the Revised Draft NZO standards are contrary to those policy standards. Furthermore, these policies from the General Plan are subjective in nature and are therefore not included within the objective development standards of the City’s Zoning Ordinance. Such subjective analysis and decision-making is best left to those Review Authorities with discretion over these projects.</p>

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<p><i>General</i>  <b>Cecilia Brown and Barbara Massey.</b> Why is there no mention of Old Town guidelines in the proposed sign ordinance? This needs to be corrected... There is a General Plan Policy VH 4.2 Old Town which applies. It states that all design shall be consistent with the three pages of the sign guidelines in the Old Town Heritage District Architecture and Design Guidelines.</p>	<p>No changes made to Chapter 17.40.            The Goleta Old Town Heritage District Architecture and Design Guidelines are included in the Scope of Design Review which must be reviewed. In addition, the -OTH Overlay District states that all structures and development with the Overlay are subject to design review by DRB and the project must be consistent with the Architecture and Design Guidelines.</p> <p>Clarification added Chapter 17.19 to make clear that signs are included in “all structures and development”.</p>
<p><b>17.40.030</b>  <b>Cecilia Brown and Barbara Massey.</b> Equipment signs: Why was this section eliminated in the draft ZO? What is occurring is that advertising signs are appearing on gas station pumps, like the small TVs on the gas station pumps at the Gas Depots. These kinds of signs are pure advertising, have nothing to do with equipment identification and add to the visual clutter of the area...</p>	<p>No changes made. Equipment signs were not eliminated but were instead simply removed from the <i>exempt</i> section and therefore require City review and approval.</p>

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<p><b>17.40.030</b>  <b>Cecilia Brown and Barbara Massey.</b> Window Signs in Commercial Areas. The draft ordinance restricted signage on commercial window signs as follows: “In non-residential zones, window signs not exceeding 10 percent of the area of the window and transparent door frontage on any building façade (were exempted). Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign and must be counted as part of the permitted signage.”            The proliferation of all kinds of signs on non-residential storefronts, most of which are primarily advertising, add clutter to shopkeeper’s windows, degrade the streetscape and allow accidence of sign area promulgated elsewhere in the ordinance, and is contrary to the General Plan policy about ionizing signage...            Explain why this important standard for signs in non-residential areas was eliminated?”</p>	<p>No changes made. The 2015 Public Draft NZO did not restrict this type of signage to 10%. Rather, up to 10% of window signage was <i>exempt</i> from the standards of the Chapter. The 2019 Revised Draft NZO counts this type of signage as a Wall Sign and subject to review and approval as part of the overall allowable advertising space/signage for the business.</p>
<p><b>17.40.030(D)</b>  <b>Cecilia Brown and Barbara Massey.</b> Construction signs: Where were the numerical standards obtained? Please review the standard for 8ft max height for construction signs in non-residential areas. This seems excessive.</p>	<p>Change made to the Commercial numerical standard to reduce to 20sf. Although these were the same that were in the 2015 Public Release Draft NZO, the commercial size was larger than the current standard of 8sf for all zone districts. The larger commercial size (32sf) was intended to account for the larger size of the commercial properties, but could be reduced if the PC/CC would like. Staff recommends considering a size up to 20sf, which would match the existing Institutional Signs size limit and with a 6-foot max height in non-residential, but 8sf/5ft max height in residential areas.</p>

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<p><b>17.40.030(E)</b>  <b>Cecilia Brown and Barbara Massey.</b> Directional Signs: The draft ordinance had a better definition of directional signs, why was it changed? This one in the revised ordinance is too truncated to know what is allowed on a directional sign. Reinstate the draft ordinance language.</p>	<p>No changes made. Definition of “Directional Sign” moved to Part 6, definitions.</p>
<p><b>17.40.030(H)</b>  <b>Cecilia Brown.</b> I think there should be a category "regulatory signs" and they should be in the exempt category. For example, Service dogs allowed, the handicap sign with a wheelchair against the blue background, a no smoking sign, the CA health hazard warning sign, FDIC and a SPIC sign on a bank window (these are required by fed regulatory agencies to be displayed on store/doorfronts), etc.</p>	<p>No changes made. All of the signs listed in this comment fall into the category of Government Signs.</p>
<p><b>17.40.030(H)</b>  <b>Cecilia Brown.</b> Also what about an exempt sign indicating a store is open or closed? Another type of wall sign that shouldn't be counted against the business sign allowances.</p>	<p>Revision made to include “Door Signs” and to add the term to Part 6, Definitions under Sign Types.</p>
<p><b>17.40.030(H)</b>  <b>Cecilia Brown and Barbara Massey.</b> Government Signs. The draft allowed other types of regulatory signs needed on commercial establishment windows and doors. Why was this information deleted?</p>	<p>No changes made. The text for Government Signs in the two drafts of the NZO are identical.</p>
<p><b>17.40.040</b>  <b>Cecilia Brown and Barbara Massey.</b> Add to this section the prohibition of Billboards and other off-premise signs.</p>	<p>Revision made to include billboards in subsection (C), General Advertising for Hire.</p>
<p><b>17.40.040(L)</b>  <b>Cecilia Brown and Barbara Massey.</b> Add to L. Roof Signs. “Signs on rooftops structures such as penthouses, walls, or mechanical enclosures.</p>	<p>Revision made to include prohibitions on roof-top signs.</p>
<p><b>17.40.040(O)</b>  <b>Cecilia Brown and Barbara Massey.</b> Add to O. “Signs within five feet of a fire hydrant, street sign, or traffic signal.”</p>	<p>Revision made to include fire hydrants in subsection (M)(3), Signs Creating Traffic Hazards or Affecting Pedestrian Safety; however, the signs in these locations would be within the road right-of-way and already prohibited in subsection (I).</p>

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<p><b>Section 17.40.060(I)</b>  <b>Cecilia Brown.</b> As a follow on to my Monday meeting with you and initial inquiry about LED signs in the revised ZO, I was on so very happy when I read in the sign ordinance that the use of electronic changeable copy signs was much limited as compared to the last iteration of the ZO. This was an important and necessary change. Hurrah! Thank you!</p>	<p>Comment noted.</p>
<p><b>Section 17.40.060(I)</b>  <b>Cecilia Brown.</b> There is no mention of what colors can be used on the electronic changeable copy sign. One color, multiple colors in the changeable copy? Copy need not change but color many times over the day could. I think your intent is for one color for the sign, like the gas station pricing signs, but this needs to be clear and specified. I am against the color changes because it goes against the standard for allowing the copy to change only twice a day.</p>	<p>Revision made to include language that no changes in light color is permitted without review and approval by DRB.</p>
<p><b>17.40.060(I)(1)</b>  <b>Cecilia Brown and Barbara Massey.</b> Color: what color is allowed for electronic changeable copy signs? One color, like the red in the gas fuel pricing signs or the theater marquee sign or white in the time and temp signs. The intent should be just one color for the changeable copy. Prohibit color changes throughout the day for the electronic changeable copy signs...</p>	<p>See response above.</p>
<p><b>17.40.060(I)(1)</b>  <b>Cecilia Brown and Barbara Massey.</b> Prohibition in certain areas: There is a General Policy Plan policy to minimize the use of signage along scenic corridors (i.e., Hollister Ave). Changeable copy signs should be prohibited along these corridors.</p>	<p>No changes made. GP policy VH-3.7 does not provide a nexus to prohibit any form of signage. GP Policy VH 4.13 provides the nexus to prohibit only cabinet/can signs and billboard/off-premises signs.</p>
<p><b>17.40.060(I)(1)</b>  <b>Cecilia Brown and Barbara Massey.</b> There is no mention of the glare from any of these LED electronic changeable copy signs because of the intensity and quantity of LED lights as in the gas pricing signs, like the one at the Fuel Depot. Request you address this in the ordinance.</p>	<p>No changes made. Glare is addressed the subsection (L), Illumination. Additionally, external light sources are subject to the standards in Chapter 17.35, Lighting.</p>

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<p><b>17.40.060(1)(1)(a)</b>  <b>Cecilia Brown.</b> I think there needs to be some review of the following: Besides gas stations and indoor theater marquee signs, there are currently time and temp changeable copy signs in the city which need to be considered. And they change copy more frequently than 2x per day, an ordinance standard. (Maybe they are listed elsewhere and I missed it, there is much to review.)</p>	<p>No changes made. See Section 17.40.080(G), Time and Temperature Devices. There are no timing standards for these types of devices within the NZO.</p>
<p><b>17.40.060(1)(1)(a)</b>  <b>Cecilia Brown and Barbara Massey.</b> Besides gas stations, indoor theater marquee signs, there are time and temperature signs in the city, these later types of signs need to be included in this section, particularly because they change copy more frequently than the 2x per day, an ordinance standard.</p>	<p>See response above.</p>
<p><b>17.40.060(1)(1)(a)(iii)</b>  <b>Cecilia Brown.</b> The limitation of these signs to quasi public uses (the text of the ordinance uses the word semi-public use, see p. iv-117 and should be changed for consistency) was fortunately tempered by the requirement for at least 400ft street frontage of the particular use and in non residential districts. Well thought out.</p>	<p>Revision made to change “Semi-“ to “Quasi-“, otherwise, no response required.</p>
<p><b>17.40.060(1)(1)(c)</b>  <b>Cecilia Brown.</b> There are existing gas station pricing signs and marquee signs which are currently higher than the 10ft height limit of the ordinance. Believe that the 10ft height standard for a sign for a quasi public use that meets the ordinance standards might mean a pole sign, which isn't allowed, or a 10 FT freestanding sign, which in most instances is not appropriate and most likely not be approved by the DRB. Pls review the 10ft height limitations for each kind of sign.</p>	<p>No changes made. The 10-foot height limit is for Changeable Copy signs for Service Stations, Indoor Theatres, and Public/Quasi-Public uses. Service stations may only have 25sf of advertising and 50% of that may be Electronic Copy.</p>
<p><b>17.40.060(1)(1)(c)</b>  <b>Cecilia Brown and Barbara Massey.</b> Height: Existing fuel pricing signs and marquee signs are currently higher than the 10ft height limit of the ordinance.</p>	<p>No changes made. Existing signs that exceed the 10-foot height limit are subject to Chapter 17.36, Nonconforming Uses and Structures.</p>

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<p><b>17.40.060(I)(1)(c)</b>  <b>Cecilia Brown and Barbara Massey.</b> Also, height for an electronic changeable copy sign for a public/quasi public use (change language in draft ordinance from semi-public use to quasi public since no definition for semi-public use) not might mean a freestanding sign at 10ft. This is too tall and not in accordance with general plan standards addressed elsewhere. Review these standards.</p>	<p>“Semi-“ changed to “Quasi-“ and prohibited Pole Sign clarified to be those exceeding six feet in overall height.</p>
<p><b>17.40.060(K)</b>  <b>Cecilia Brown and Barbara Massey.</b> Description of materials isn’t sufficient to prohibit signs to be made of less than durable materials. Now, some signs are being covered up with plastic-like covers when sign face needs to be updated to a new tenant or sign content changed, like the sign covering the cabinet sign pole sign at Calle Real and Kellogg. There needs to be explicit language to prohibit the use of less than durable materials for signs. There was such language in the draft ordinance. Request add additional standard for sign materials.</p>	<p>No changes made. The broad discussion in the NZO for materials is to leave this within the discretion of the DRB to determine appropriateness of materials used. Staff does not believe the City should be codifying specific materials or attempt to enumerate all possible types that exist or could be developed in the future.</p>
<p><b>17.40.080</b>  <b>Cecilia Brown and Barbara Massey.</b> Missing from this or any section in the ordinance is the provision for “Menu Board for drive through restaurants” sign in the current ordinance. These kinds of signs are in use in the City and need to be added to the proposed ordinance. Even though there won’t be many drive-through restaurants in the future, standards for such signs must be allowed. Request that Menu Boards be added to proposed sign ordinance. Below are some standards from the SB County ordinance 35.38.100e. p. 3-79 that could be used for review...</p> <ol style="list-style-type: none"> <li>1. Not to exceed two on-site single face signs</li> <li>2. Locations limited to adjacent vehicle queuing lane for the service point of the drive-through</li> <li>3. Free standing menu board shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.</li> <li>4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located</li> <li>5. Not to exceed 36 square feet total in combined area of both signs unless a sign modification.</li> </ol>	<p>Revision made to include Menu Boards in 17.40.090(D) and provide standards for Location, Max. Number, Max. Size, Max. Height, Illumination, and Noise.</p>

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<p><b>17.40.090</b>  <b>Cecilia Brown and Barbara Massey.</b> A-Frame Signs These are portable signs and not allowed per section 17.40.040. Resolve the discrepancy of prohibiting and then allowing them in this section. Prohibit these signs in the public right of way or on any walkway on private property.</p>	<p>Revision made to narrow the prohibition in 17.40.040 to those located within the public road right-of-way without an Encroachment Permit.</p>
<p><b>17.40.090(C)</b>  <b>Cecilia Brown and Barbara Massey.</b> If a freestanding sign is allowed to be 4ft tall and a max 100sq, feet for sign area, then that means the length would be 25ft. Or if the sign is allowed to be 6ft area dimensions need to be reviewed since not appropriate considering General Plan visual policy standards to “minimize signage.” Review max area for dimensions.</p>	<p>No changes made. These are the maximums and may be suitable for large industrial areas, (e.g., Cabrillo Business Park).</p>
<p><b>17.40.110(A)</b>  <b>Cecilia Brown and Barbara Massey.</b> Does this section include allowance for a new sign face if there is no other maintenance or repair needed on the sign? DRB has allowed and reviewed throughout its history a new sign face on pole signs, which are prohibited under this ordinance. Address when a new sign face is allowed on legal non-conforming signs.</p>	<p>No changes made. New sign faces are permissible on nonconforming signs, as this is a protected speech issue and settled case law.</p>
Chapter 17.41 Standards for Specific Uses and Activities	
<p><b>Section 17.41.130 Family Day Care Homes, Large</b>  <b>Eileen Monahan.</b> Streamline the process and reduce or eliminate costs for anyone who is willing to do what it takes to start or expand a child care center or family child care home in Goleta. Offer incentives or encouragement to all child care applicants, as well as to developers to include child care space in their nonresidential or residential projects. Use the terms Family Child Care and Child Care Facility instead of Day Care – this distinguishes child care from adult day care and pet day care and is the more common and up to date term. Designate a City staff person to be the child care expert, to be knowledgeable about child care development, the City’s policies, and the process. Plan for child care – study it and include it in discussions throughout the City government, and specifically in the Planning department. At this point, it is in the hands of individual child care providers to see the need and respond, navigating through all the processes and regulations. The City</p>	<p>No changes made.</p> <p>Planning staff believes that the discussion around Day Care Facilities is more of a general policy discussion that is more-suitable for the Planning Commission and City Council to consider and provide direction to staff if changes should be made.</p>

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can support its citizens by taking the leadership on this process and creating a plan for child care for Goleta.	
<p><b>Section 17.41.130 Family Day Care Homes, Large</b>  <b>Eileen Monahan.</b> Allow Large Family Child Care by right, as with Small – this simple and efficient change can dramatically expand capacity and save the City and providers a lot of time and money. The Land Use application and Permitting process is a challenge for providers – it is complex, takes time and can be expensive. As the State limits conditions that can be applied locally, providers are able to comply with the ordinance requirements. Many California cities, such as San Diego, San Francisco and San Jose, as well as our own Santa Maria and Lompoc, allow large family child care homes by right and do not find this creates problems, but rather has encouraged the development of many new spaces.</p> <p>Ensure all staff know that family child care is not affected by Conditions, Covenants and Restrictions of a neighborhood association.</p>	No changes made. See staff response above.
<p><b>Section 17.41.130 Family Day Care Homes, Large</b>  <b>Eileen Monahan.</b> Consider an ordinance that allows small child care centers by right when they have met specific criteria, including the number of children who may attend.</p>	No changes made. See staff response above.
<p><b>Section 17.41.140 Farmworker Housing</b>  <b>Eric Torbet.</b> Broaden definition of farmworker housing. Allow for agricultural employee dwellings (AEDs) that do not need to meet the California State definition for Farmworker housing, as was similarly done in the recent Ordinances (No. 5068 &amp; 5069) adopted by the County of Santa Barbara on December 11, 2018. The County found that the permit process to develop AEDs was too onerous, such that few AEDs had been constructed. The City of Goleta’s proposed farmworker housing standards are so restrictive that it is unlikely that any farmworker housing would be built.</p>	<p>No changes made.</p> <p>Similar to Day Care Facilities above, Planning staff believes that this particular discussion around Farmworker Housing is more of a general policy discussion that is more-suitable for the Planning Commission and City Council to consider and provide direction to staff if changes should be made.</p>

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<h2>Response to Public Comments</h2>	
PUBLIC COMMENT	CITY STAFF RESPONSE
<p><b>Section 17.41.140 Farmworker Housing</b>  <b>Eric Torbet.</b> Allow AEDs to house employees working less than full-time on the farm. This would still meet the General Plan policies LU 7.1, LU 7.4, and CE11.10 (Conservation easements could be required with development of AEDs). The General Plan does not define “Farmworker Housing”, therefore the NZO could add other types of AEDs that still meet the intent of the General Plan.</p>	<p>No changes made. See staff response above.</p>
<p><b>Section 17.41.140 Farmworker Housing</b>  <b>Eric Torbet.</b> Allow housing for multiple owners of the farm. The NZO would need to find that multiple farm owners were similar enough to farmworkers in order to be consistent with General Plan agriculture policies (LU 7).</p>	<p>No changes made. See staff response above.</p>
<h3>Chapter 17.43 Cultural Resources</h3>	
<p><b>Dr. Ingeborg Cox, PC Workshop #1.</b> Believes the archeological sites should be respected, especially in the area of the Bacara, noting there are also Chumash sites where there are cemeteries that need to be addressed</p>	<p>Comment noted. See Chapter 17.43.</p>
<h3>Chapter 17.50 Review Authorities</h3>	
<p><b>Barbara Massey, PC Workshop #2.</b> Commented that she does not see any good reason for a Zoning Administrator and expressed concerns about possible issues when the authority is granted to a single person. She noted that the Zoning Administrator is often not as good at the DRB, PC, and CC at dealing with the public and not as knowledgeable as the Director. Ms. Massey added that she believes the New Zoning Ordinance revised draft is generally very good but feels there are things that are wrong with it.</p>	<p>No changes made. The City currently has a Zoning Administrator, which hold the lowest-level public hearings for development projects. The NZO carries this Review Authority forward.</p>
<p><b>Dr. Ingeborg Cox, PC Workshop #2.</b> Commented with regard to the review authority of the Director, that there should be at least one body of persons for the public to go to for review, not just one person, for check and balances.</p>	<p>No changes made. The City currently has a Director, which makes the lowest-level decisions on zoning permit for development projects that do not require a public hearing. The</p>

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	NZO carries this Review Authority forward. The decisions of the Director are appealable to the Planning Commission.
<b>Barbara Massey, PC Workshop #2.</b> Supported the Design Review Board making a Finding and granting Preliminary Approval of a project so the project has an approval that is appealable when it is forwarded for review by the Planning Commission or City Council.	No changes required. When the BRB takes a Preliminary Action on a project, it would be appealable to the Planning Commission.
Chapter 17.52 Common Procedures	
<b>Barbara Massey, PC Workshop #1.</b> Commented with regard to her concern for a finding of adequate infrastructure and services is a requirement for approval of a project per the General Plan Public Facilities Element policies.	No changes made. It is correct that Common Procedures finding A in Section 17.52.070 is a requirement that the proposed development have adequate infrastructure and services.
<b>Dr. Ingeborg Cox, PC Workshop #1.</b> Questioned what happens if the City of Goleta is violating compatibility in a neighborhood or does not respect private views.	See NZO Section 17.52.120, Appeals.
<b>Dr. Ingeborg Cox, PC Workshop #2.</b> 1) Noted the AHO would not have an appeal; 2) commented with regard to Chapter 17.52.070 Findings for Approval that the developer should also bring an up-to-date service letter to verify that water and power are available; 3) expressed concern regarding information that background exposure to environmental stressors can impair children’s health and cognitive their development, specifically, reading comprehension; and that schools exposed to high levels of airplane noise are not healthy educational environments; 4) She believes the Design Review Board should be reviewing height which is important and should not be deleted. (Staff commented that the New Zoning Ordinance changes the height methodology and will be discussed in more detail).	1) AHO will be removed from NZO. 2) No change needed. An up-to-date services letters would currently be required. 3) Comment noted. 4) No changes made. DRB would review height as it relates to size, bulk, and scale, but not as to whether it meets the height standards of the NZO

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<h1>Response to Public Comments</h1>	
PUBLIC COMMENT	CITY STAFF RESPONSE
<p><b>Section 17.52.050(B) Public Notification</b>  <b>Dr. Ingeborg Cox, PC Workshop #2.</b> Commented: 1) with regard to Chapter 17.52.050 Public Notification, she requested that the rest of the residents of Goleta be notified and not only the people living in the coastal zone; and 2) requested staff update the General Plan documents and the New Zoning Ordinance materials including the amendments and maps at the Goleta Library. Dr. Cox agreed with comments from Barbara Massey, public speaker, regarding Public Notification. (Staff commented that the General Plan documents will be updated at the Goleta Library).</p>	<p>1) Public noticing would occur both within the Inland and Coastal areas.            2) Replacement pages for the General Plan were provided to the Library last year, but unfortunately were not put into the document. Planning staff has made the updates and the public draft of the City's General Plan at the Goleta Public Library is now up-to-date.</p>
<p><b>Section 17.52.050(C)(2) Newspaper Notice</b>  <b>Barbara Massey, PC Workshop #2.</b> Expressed the following concerns: 1) with regard to Chapter 17.52.050.C.2 Newspaper Notice, there is only one newspaper in the area that qualifies as a newspaper of general circulation (the News-Press) but it is not widely read; however, she requested the city use this newspaper because it is better circulation than the current newspaper being used; 2) the noticing area for mailing should be increased to 500 feet for both inland and coastal projects; and 3) the printing on the yellow noticing signs fades within about five days, and should last for at least two weeks</p>	<p>1) Comment noted. This is a general procedural issue for the City Council to consider, rather than a matter for the NZO to codify.            2) Change to be made to increase noticing area to 500 feet.            3) Change to be made to require on-site notice for 15 days.</p>
<p><b>Section 17.52.070(A) Findings for Approval</b>  <b>Barbara Massey, PC Workshop #2.</b> Commented that she believes the Findings for Approval in Chapter 17.52.070.A Findings for Approval cannot be made at any time now. She believes the roads are substandard, water is lacking, and the Fire Department is not adequate to support additional development.</p>	<p>Comment noted. No changes made.</p>
<p><b>Dr. Ingeborg Cox, PC Workshop #2.</b> Agrees with the comment from Barbara Massey, public speaker, regarding Findings for Approval.</p>	<p>Comment noted.</p>
<p><b>Section 17.52.120 Appeals</b>  <b>Dr. Ingeborg Cox, PC Workshop #2.</b> Dr. Ingeborg Cox requested consideration be given that it may not be financially feasible for persons to hire a professional to identify development and design standards that are required when filing an appeal.</p>	<p>Comment noted. No changes made.</p>

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Chapter 17.58 Design Review	
<p><b>General</b>  <b>Cecilia Brown and Barbara Massey.</b> I hope each DRB member was given a hard copy of the proposed zoning to facilitate their review.</p>	<p>Comment noted. Each member of DRB was given a complete binder of the Revised Draft NZO and accompanying materials.</p>
<p><b>Barbara Massey, PC Workshop #1.</b> Commented that she is concerned that pedestrian scale needs to be considered within the scope of design review, and she did not see it mentioned.</p>	<p>Edit made to include “pedestrian and bicycle access and circulation” to the scope of Design Review.</p>
<p><b>Barbara Massey, PC Workshop #1.</b> Believes the Design Review Board needs to consider the General Plan.</p>	<p>No changes made. The DRB is informed by Planning staff about project consistency with GP policies.</p>
<p><b>Section 17.58.050</b>  <b>Cecilia Brown and Barbara Massey.</b> Reconsider the appeal point in review process: Most valuable to your process for achieving well designed projects is the revised format for review, that is the return to the Conceptual, Preliminary, and Final review sequence. This was the process the DRB used at its inception and used for many years. It worked well. The truncated version later employed didn’t achieve its purpose for a variety of reasons. However, when initially used by the DRB, the appeal point was at Preliminary Review, not at Final as currently envisioned. Setting the appeal point at Final Review when working drawings have been made means that should an appeal be filed on project design, the entire set of working drawings may have to be redone. This is time and expense to the applicant. It would be preferable to set the appeal at Preliminary Review when working drawings have not been made but the design has generally been vetted. Usually it is the design elements of the project that are appealed, and these are well known at the end of the Preliminary Review.            Request: Change the appeal point for the design review process to Preliminary Review.</p>	<p>Revisions to the DRB process were made to reflect the input of the public, DRB members, and the Planning Commission. The appeal point will be at Preliminary action by the DRB.</p>
<p><b>Section 17.58.050</b>  <b>Cecilia Brown and Barbara Massey.</b> The addition of storypoles in the conceptual review process is needed and welcomed. Thank you! However, there needs to be storypole guidelines established to assist in understanding the size, bulk, scale of a project, determining neighborhood comparability, and</p>	<p>No changes made to NZO. Storypole guidelines are being considered as a separate document. Because they would be guidelines and not</p>

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<p>impacts to views. Please see the link to storypole guidelines from the County of Santa Barbara and a copy provided at end of this document.  <a href="http://sbcountyplanning.org/PDF/Story%20Pole%20Guidelines%20Final%201-09-09.pdf">http://sbcountyplanning.org/PDF/Story%20Pole%20Guidelines%20Final%201-09-09.pdf</a> Request: Develop storypole guidelines to assist applicants in erecting storypoles.</p>	<p>development standards, they are not appropriate for inclusion within the NZO.</p>
<p><b>Section 17.58.060</b>  <b>Cecilia Brown and Barbara Massey.</b> Lighting Plan needed in order to assist DRB in making their findings. DRB tasked with reviewing exterior lighting for dark sky compliance. In order to do that DRB needs to see a lighting plan which depicts various aspect of the lighting components for the project (e.g., Cut sheets of proposed fixtures, whether there is light trespass at property boundary, etc.). DRB historically reviewed and currently reviews lighting plans in order to make their dark sky compliant and other findings. Might be impossible without such a plan. Please see my comments on Zoning Ordinance Chapter 17.35 and Request: Add Lighting Plan requirements in Chapter 17.35 Lighting</p>	<p>Revision made to include new section 17.35.060, Lighting Plans, along with a listing of six General Requirements.</p>
<p><b>Chapter 17.58</b>  <b>Fermina Murray.</b> Maybe I am missing important introductory principles, but I did not see any introductory statements of purpose, goals, or principles guiding the DRB NZO document. I am requesting you to please include the following ideas for the DRB to consider in their review meeting on Tuesday, February 12, 2019: Goals and Purpose of the Design Guidelines or Design Elements Review: Compatibility of New Development with the Existing Development, Human Scale Character – Visual Relationship Between Development and Pedestrians, Pedestrian Facilities and Amenities, Building Equipment and Service Areas, Findings For Approval.</p>	<p>Revision made to NZO, Section 17.58.010, Applicability, to add “Purpose and.” An introductory statement also added that incorporates similar language that is currently within the City’s Municipal Code and General Plan. Further, a discussion of the goals of the DRB was added to the introduction of Section 17.58.050.</p>
<p><b>Barbara Massey, PC Workshop #1.</b>            With regard to <u>LU 1.8</u>, private views should be considered during review.</p>	<p>Private views are considered during design review. See Section 17.58.060.</p>

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PUBLIC COMMENT	CITY STAFF RESPONSE
<b>Chapter 17.62 Modifications</b>	
<p><b>17.62.020</b>  <b>Barbara Massey.</b> All height modifications should require Planning Commission or City Council hearing. There should only be up to a 10% increase in the height permitted. It is important that the height in all Residential zones be limited to 25 feet with chimneys limited to the minimum height required by the California Building Code for chimneys. Hopefully this will not exceed 25 feet.</p>	<p>No changes made. As currently written in the NZO, all height modifications would require review by the PC/CC. Staff is reviewing reducing the maximum allowable height modification. This issue will be discussed further at PC Workshop #7 on April 18.</p> <p>The NZO allowable height limits per zone district come from the General Plan Land Use Tables. Chimney heights are subject to NZO Table 17.24.080.</p>
<p><b>17.62.020(B)(1)</b>  <b>Barbara Massey.</b> The wording “Up to 50% of the maximum of height of structures” should be removed.</p>	<p>Staff is reviewing reducing the maximum allowable height modification. This issue will be discussed further at PC Workshop #7 on April 18.</p>
<b>Chapter 17.73 List of Terms and Definitions</b>	
<p><b>Vic Cox, PC Workshop #1.</b> Requested staff distinguish between Vertical Access Rights and Lateral Access Rights; and</p>	<p>No changes made. Vertical access is that from the first public road to the beach. Lateral access is that along the shoreline. These terms are defined in Part VI of the NZO.</p>
<p><b>Vic Cox, PC Workshop #1.</b> Terms are being used that are not familiar to the general public;</p>	<p>Any term that may not be fully known is included in Part 6, Definitions.</p>

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Response to Public Comments	
PUBLIC COMMENT	CITY STAFF RESPONSE
Zoning Map	
<p><b>Todd Amspoker.</b> Re: Newland Property, 5533 Hollister Avenue (APN 071-090-036). Dear members of the Planning Commission: This firm represents the Newland Family, owners of the above-reference property. The property is located at the corner of Hollister Avenue and Dearborn Place, just to the west of the interchange between Highway 217 and Hollister Avenue.</p> <p>The subject property has been in the Newland Family for approximately 100 years. It originally was part of a large walnut ranch. Currently there are several old residential cottages on the property, which are rented. The property is designated as “Recreation” in the City’s existing General Plan, but is zoned for residential purposes, with a designation of DR-10.</p> <p>The property is subject to several acquisitions by the City for two major public works projects now proceeding—the Ekwill Fowler Project and Phase II of the San Jose Creek Project. None of the required properties has been acquired yet, although we have been told that offers will be made soon. These two projects, and the property to be acquired for them, will have a devastating impact on the remainder of the property. In particular, the Ekwill Fowler Project includes a traffic roundabout on the southeast corner of the property, which will result in a substantial limitation on vehicular access to the remaining cottages on the property. Our clients intend to make substantial claims for property value and severance damages as a result of these proposed takings.</p> <p>We understand that the City’s proposed new zoning ordinance would effect a zoning change of our client’s property to Open Space (OS). Our clients are very disappointed that the City intends to take this action, which is for no apparent purpose other than to freeze development so that the property can be acquired cheaply by the City. The property has enjoyed its residential zoning status since the City’s incorporation and before, while in County jurisdiction. Our clients therefore have an expectation that this zoning will continue indefinitely into the future.</p> <p>The ultimate purpose of this letter is not to threaten litigation, although it must be emphasized that if the City continues on its present rezoning efforts, inverse condemnation litigation will undoubtedly</p>	<p>Staff is currently reviewing this comment with the City Attorney’s Office and can provide a response at a later date.</p>

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Response to Public Comments	
PUBLIC COMMENT	CITY STAFF RESPONSE
<p>result. In addition, there will undoubtedly be eminent domain litigation if the City pursues the pending acquisitions from our clients' property.</p> <p>The purpose of this letter is to describe the manner in which the parties can effectively cooperate with each other to maximize the utility of the subject property, and to avoid litigation. The property is ideally situated for an affordable housing project or a hotel project, and we would like to describe the reasons for this. First, the property is situated adjacent to an affordable housing project on the other side of San Jose Creek. An existing apartment complex is situated immediately to the east. An affordable housing project on the property would therefore be harmonious with existing adjacent uses. Although the City apparently intends to designate the property as open space, we understand that the City has no current plans for any actual park improvements on the property. Rather, there is an existing park immediately to the northwest of the property, and the City recently bought another property to the west of the property, on which another park facility is planned. A development on our client's property could be designed and planned to offer open space amenities next to the Creek, and would be compatible with the existing park and the planned future park to the west. Designating the property as OS would therefore provide no benefit to the City. Our clients would have no incentive to upgrade or modernize the existing old cottages on the property, and the property would continue to be a marginal residential property with no enhanced prospect for improvement. We know that the City is continuing to look for affordable housing options, and is also interested in maximizing potential TOT income which could come from a hotel project. Allowing our client to proceed with these project ideas would also promote a collaborative process to design the new development that would integrate with the City's plans for the roundabout project, and lessen the difficulties caused by the impact of the project on the existing uses of the property.</p> <p>We have enclosed pertinent maps and diagrams which illustrate the points made in this letter. Based upon the foregoing, and on behalf of our clients, we respectfully request that the Planning Commission maintain the existing zoning on the property, and allow our clients to instead proceed with a planning process for the property that would enhance the desirability of the area, and would meet the City's needs as well. Our clients intend to proceed with an initial professional evaluation of</p>	

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PUBLIC COMMENT	CITY STAFF RESPONSE
<p>the property, to determine its net developable area. However, if the City maintains on its present course, this work would not be pursued and the parties would become embroiled in unnecessary litigation.</p> <p>We look forward to working productively with the City on this matter.</p>	

Public Comments added:

- 1 Ben Williams (1/16)
- 2 Tara Messing (1/30)
- 3 Cecilia Brown (2/8)
- 4 Michael Pollard (2/8)
- 5 Cecilia Brown and Barbara Massey (2/11)
- 6 Fermina Murray (2/11)
- 7 David Low (2/13)
- 8 K. Graham (2/13)
- 9 Cecilia Brown and Barbara Massey (2/21)
- 10 Thomas Totton (2/21)
- 11 Mitchell Menzer (2/26)
- 12 George Relles (2/28)
- 13 Barbara Massey (2/25)
- 14 Robert Atkinson (3/7)
- 15 Tara Messing (3/8)
- 16 Cecilia Brown and Barbara Massey (3/9)
- 17 Eileen Monahan (3/12)
- 18 Cecilia Brown (3/15)
- 19 Eric Torbet (3/18)
- 20 Vic Cox (3/20)
- 21 Todd Amspoker (3/21)

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- 22 Barbara Massey (3/21)
- 23 Robert Atkinson (4/1)
- 24 Dana Trout (4/7)
- 25 Cecilia Brown (4/8)
- 26 Edward Fuller (4/8)
- 27 Edward Fuller (4/8)
- 28 Edward Fuller (4/8)
- 29 Brian Boisky (4/8)
- 30 Jim Fox (4/9)
- 31 William Master (4/9)
- 32 Dana Trout (4/8)
- 33 William Tingle (4/9)

Planning Commission Workshop Public Comments added:

- 1 PC Workshop #1 (2/23)
- 2 PC Workshop #2 (3/6)