

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
General Comments	
<p><i>General</i> Commissioner Shelor, Workshop #3. Commissioner Shelor reiterated that staff responses to some of the public comments will be very useful for him to review before the Planning Commission completes the deliberations.</p>	<p>Comment noted. Staff worked diligently to update comment tables in a timely manner in order to provide ongoing feedback to the public and Planning Commission.</p>
<p><i>General</i> Chair Smith, Workshop #3. She spoke in support of being proactive in certain situations in terms of energy or other areas.</p>	<p>Comment noted. Energy was discussed at Workshop #6.</p>
<p><i>General</i> Chair Smith, Workshop #3. Chair Smith commented that she has some concerns about the number of topics still to be discussed and whether an additional workshop needs to be added.</p>	<p>Comment noted. Two additional workshops were added to the NZO outreach effort, bringing the total to nine over a four-month period.</p>
<p><i>General</i> Commissioner Fuller, Workshop #2. Commissioner Fuller commented that it is important that the staff reports incorporate basic information for a project including General Plan conformance and Zoning Code issues.</p>	<p>Comment noted.</p>
Land Use and Open Space Elements	
<p><i>LU 1.6 - Retail and Other Commercial Centers</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that in LU 1.6, in CC and Old Town categories, there are no minimum common open space or minimum landscaping guidelines in the newest revision of the Zoning Ordinance, but in the 2015 version there were stronger guidelines. She noted this seems inconsistent with the language in LU 1.6, "Goleta's retail areas shall be designed to serve as community focal points and shall include appropriate outdoor gathering places." She believes there is some space in the Community Commercial categories to allow for some landscaping requirements, which she would like to see added.</p>	<p>No change made. Development standards in Part II were addressed at a later workshop where there was not consensus direction given to staff to make any changes to open space requirements for Commercial districts.</p>
<p><i>LU 1.9 - Quality and Design in Built Environment</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she believes the Planning Commission should discuss open space along with LU 1.9, LU 1.2, and VH 3.6, including</p>	<p>This topic was introduced on March 21, 2019 at Workshop #4 but was not finished. The topic was again</p>

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<p>the definition of open space and goals in creating the open space requirement. The discussion should include: 1) should rooftop gathering areas count as open space?; 2) should these spaces be contiguous with the property or can they be separate?; 3) should a community center or building count as open space?; 4) is open space the appropriate term or is it more of a community entity?; 5) how much of the open space can be pavement or a building rather than landscape?; 6) what is an appropriate percentage of plants and whether they have to be real or plastic?; and 7) does asphalt count as open space?</p>	<p>addressed at Workshop #7 on April 18. Staff has made changes to clarify the types of Open Space, but rooftop areas and buildings are not counted. Part VI definitions for Open Space provide detail on what can be included in these areas.</p>
<p>LU 2.2 - Residential Use Densities Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she is curious about accounting for consistency with the standards for density and building intensity for a residential project (a-h); and about clarifying that a finding needs to be made that the density of a project is appropriate with regard to site constraints.</p>	<p>Public rights-of way, public easements, floodplains, ESHA, and areas with archaeological or cultural resources are considered when calculating dwelling unit density pursuant to Section 17.03.070.</p> <p>Additionally, upon project application, site constraints, such as those listed in LU 2.2 are analyzed on a case-by-case basis. CEQA analysis may further constrain the site and decrease its useable area and allowable density.</p>
<p>LU 2.4 - Single-Family Residential Use Category Commissioner Maynard, Workshop #1. Commissioner Maynard requested clarity to ensure there are ways someone who places a solar panel on the roof could be protected from having a larger structure built next door that would limit sunlight on the solar panel.</p>	<p>Solar access is within the scope of Design Review, which includes a specific finding that solar access is considered. Solar access is also protected under the Solar Rights Act.</p>
<h2>Conservation Element</h2>	
<p>CE 10.1, New Development and Water Quality CE 10.2, Siting and Design of New Development CE 10.3 Incorporation of Best Management Practices for Stormwater</p>	<p>No changes made. The City's Public Works Department is responsible for regulating and managing stormwater runoff in Goleta. While it has impacts</p>

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

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	<p>Plan Implementation Checklist for the 2015 Draft NZO is being referenced.</p> <p>Further analysis would be done on a case-by-case basis through development review.</p>
<p>CE 12.2.D Control of Air Emissions from New Development Commissioner Maynard, Workshop #1. Commissioner Maynard commented that only CE 12.2.a and CE 12.2.e were addressed, and she believes CE 12.2.b, CE 12.2.c and CE 12.2.d are important issues and need to be addressed.</p>	<p>No changes made. Air Quality control is within the authority of APCD and EPA-certified mechanical equipment use is part of CA Title 24 Building Code.</p>
<h2>Conservation Element</h2>	
<p>CE 13.3 Use of Renewable Energy Sources Commissioner Maynard, Workshop #1. Commissioner Maynard commented that CE 13.3.b was not included and it is important to include. The wind section was removed, and it seems inconsistent with CE 13.3.c.</p>	<p>Solar access is also protected under the Solar Rights Act.</p> <p>Consistent with the General Plan policy CE 13.3(c), Wind machines are permissible in AG zones with a required buffer to address noise. Greater allowances for Wind Energy Conversion Systems removed as they would not be compatible with development in the City.</p> <p>Table 17.24.080 does allow for projections for energy production structures (5 feet).</p>

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<p>CE 15.3 Water Conservation for New Development Commissioner Maynard, Workshop #1. Commissioner Maynard commented that only the landscaping water was addressed. She recommended adding a reference to Title 24 where the building water fixtures are addressed.</p> <p>Commissioner Maynard commented that there is very minimal language in <u>17.34.010.e</u> supporting <u>CE 15.3</u>.</p>	<p>No changes made. The NZO does not restate requirements in Title 24 Building Code or other stand-alone ordinances or laws, such as the State’s Water Efficient Landscaping Ordinance (WELO).</p>
<h2>Safety Element</h2>	
<p>General Commissioner Maynard, Workshop #1. Commissioner Maynard requested more information regarding a public comment from Michael Pollard regarding the FAR Part 77 regulations.</p>	<p>See Response to Public Comments for staff response and more information.</p>
<p>General Chair Smith, Workshop #1. Chair Smith suggested considering there may be lessons learned from the recent impact of flood and fire hazards in the community that can be applied to the New Zoning Ordinance, if consistent with the General Plan.</p>	<p>Comment noted. See Chapter 17.32, Hazards.</p>
<h2>Visual and Historical Resources Element</h2>	
<p>General Commissioner Shelor, Workshop #1. Commissioner Shelor questioned how the New Zoning Ordinance policies would protect scenic and mountain views with regard to a project and suggested taking a stronger look at the Environmental Impact Reports and staff reports.</p>	<p>Projects would be subject to Design Review, public input, NZO development standards for height, all General Plan policies (particularly the Visual and Historic Resources Element policies), CEQA analysis, public hearing and appeal period(s).</p>
<p>General Commissioner Miller, Workshop #1. Vice Chair Miller endorsed Commissioner Shelor’s concerns regarding protection of scenic and mountain views.</p>	<p>See response above.</p>

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<p>General Commissioner Maynard, Workshop #1. Commissioner Maynard requested discussions regarding story poles and public notifications at upcoming workshops.</p>	<p>Comment noted. Issues was discussed at Workshops #2 and #3, Review Authorities and Permit Procedures.</p>
<p>VH 3.6 Public Spaces Commissioner Maynard, Workshop #1. Commissioner Maynard noted that VH 3.6 has a link to the discussion about common open space and residential spaces.</p>	<p>Comment noted. This policy does note that these are “public” spaces and opposed to spaces devoted specifically to residents of a development.</p>
<p>VH 4.4 Multifamily Residential Areas Commissioner Maynard, Workshop #1. Commissioner Maynard believes the language in VH 4.4.d is missing and should be included in the Zoning Ordinance: "Where multifamily developments are located next to less dense existing residential development, open space should provide a buffer along the perimeter".</p>	<p>No changes made. Policy reads “should” and adding as a universal development standard may not be appropriate in all instances. NZO requires discretionary review along with DRB review.</p> <p>In addition, the NZO includes transition standards in Section 17.07.050 where residential developments in RP, RM, and RH are adjacent to RS.</p>
<p>VH 4.6 Industrial Areas Commissioner Maynard, Workshop #1. Commissioner Maynard suggested adding language from <u>VH 4.6.c</u> to <u>17.39.080.E</u> Noise Attenuation Measures with regard to noise, which also affects <u>NE 7.2</u> and <u>NE 7.3</u>. Language from <u>VH 4.6</u> should also be included in <u>17.10.030</u> Industrial Districts, and there should be a discussion with regard to the meaning regarding appropriate increased setbacks.</p>	<p>No changes made. Adding as a universal development standard may not be appropriate in all instances and design and analysis would be too case-by-case to be codified. Staff believes the objective standards in the NZO effectively minimize noise, while accommodating the land use and balancing compatibility.</p>

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Transportation Element

General

Commissioner Shelor, Workshop #1. Commissioner Shelor commented that when the Target project was reviewed by the Design Review Board, the applicant indicated that their parking standards resulted in more parking demand than the City’s traffic model, so he is not sure if the City’s model is accurate in all situations and predictions, or whether Target is a unique circumstance.

Comment noted. Traffic models and studies are not a zoning requirement, but would be used during the development of a project for PW review and during CEQA analysis.

Commissioner Shelor, Workshop #1. Commissioner Shelor expressed concern with regard to TE 13 Mitigating Traffic Impacts of Development that the GTIP and Development Impact Fees will be inadequate to create any improvements to the Level of Service at the Storke/Hollister intersection.

Comment noted. However, as this is not a zoning code matter.

Housing Element

Commissioner Maynard, Workshop #1. Commissioner Maynard noted that it appears that HE 1.5 was mostly not included in the New Zoning Ordinance, and she commented that it is helpful to know where that information will go.

No changes made. The uncommon scenarios of Condo conversions require a Parcel Map, and nearly all conversions of a 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.

Commissioner Maynard, Workshop #1. Commissioner Maynard noted that the next time we consider a Development Impact Fee study, we should look at HE 2.2.

Comment noted. Not within the scope of the NZO.

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Chapter 17.01 Introductory Provisions

General

Commissioner Fuller, Workshop #1. Commissioner Fuller suggested providing a list or matrix listing out other permits or approvals an applicant may need from other Agencies or note that those Agency conditions will be added to City permits.

Staff edit to include a new subsection as 17.01.040(B)(2) that lists the most common other agencies that may have some form of review authority over projects within the City.

Chapter 17.03 Rules of Measurement

Section 17.03.070 Floor Area

Workshop #7

Q: Are there issues within this area that need to be discussed?

1. Commissioner Shelor wanted to make sure there are no unintended consequences.
2. Commission Fuller believes the proposed standards are an improvement in measurement and recommended clarification that garage spaces are not habitable space and are separate.
3. Commissioner Fuller commented that the proposed standards are an improvement in measurement and definitions. Also, measuring stair wells and elevator shafts once is appropriate because they are underneath the roof and are not used for habitable space.
4. Commissioner Maynard commented that the more consistency with the language used in the California Building Code and the architectural industry would be better rather the creating definitions.
5. Commissioner Fuller stated that his understanding is there are separate codes in other jurisdictions for garages that do not meet standards for habitable space, and garages are not usually considered habitable space in the real estate and architectural industries. He noted that garages may have less protection from the elements and are subject to fumes.
6. Commissioner Maynard initially encouraged garages as habitable space. She later commented that if garages are not counted as habitable space in industry, then garages should not be counted as habitable space unless converted to habitable space; however, it may be challenging if it is not known during construction whether it will be converted.

1. Comment noted.
2. Edits made to clarify that garage areas are not counted as part of floor area or as habitable space.
3. Comment noted. No changes needed.
4. Comment noted. No changes needed.
5. Garages are not counted as habitable space. The NZO has been revised to clarify that they are also not counted in Floor Area. See response above.

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<p><i>Section 17.03.100 Height</i> Workshop #4 Height questions for Consideration by the Planning Commission: Q. Is there consensus on the new height methodology? Commissioner Fuller supported the new methodology for measuring height. Q. Any edits needed for the exceptions to the height requirements? <i>None.</i></p>	<p>Staff heard broad consensus that the new methodology for measuring height was appropriate. Staff also indicated that there was another option being explored that was 100% based on existing grade, which is reflected in subsection 17.03.090(B) of the NZO.</p>
<p><i>Section 17.03.100 Height</i> Workshop #7 Q: Is there consensus on the new height methodology? 1. Commissioner Fuller: Yes 2. Commissioner Maynard: Yes 3. Commissioner Shelor stated he likes the direction but is concerned about the 50% height modification, and noted the measurement appears to be fine. 4. Chair Smith agreed.</p>	<p>Comments noted. No changes needed.</p>
<p><i>Section 17.03.100 Height</i> Workshop #7 Q: Any change to the “up to 50%” height Modification? 1. Commissioner Fuller commented that there are several examples of 3-story complexes that have been built in the past 15 years that do not conform with the old character of Goleta. He would be comfortable with a 30’ height limit in single-family zones that allows for architectural diversity. He would like to recommend 30’ throughout Goleta as the height limit. 2. Commissioner Shelor believes the community is concerned about building heights. He noted the importance of story poles. He questioned how the height of the building pad fits with the height of the buildings to go on the pad. He is concerned about the build-up of the pad for the building and the potential it could be subject to manipulation.</p>	<ol style="list-style-type: none"> 1. Comment noted. No change made to base Zone District height limits in NZO, which are derived from City’s General Plan. 2. Storypoles have always been able to be required by all Review Authorities. New height methodology is taken from existing grade, not finished grade. 3. No change to “20% of structure” standard. Change made to clarify

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<p>3. Commissioner Maynard recommended going back to the last version of the zoning ordinance with regard to chimneys and decorative structures, etc., and use the language “20% of base district height” as opposed to “20% of structure” to address her concern about the potential for layering of the exceptions.</p> <p>4. Commissioner Maynard supports a 30% maximum on Modifications because it involves a high level of review, and not a 50% maximum. She could consider a 20% maximum height.</p> <p>5. Commissioner Maynard supports going back to the transitional standards.</p> <p>6. Chair Smith would be open to considering bringing some of the transitional standards into the ordinance.</p> <p>7. Chair Smith does not support a 50% maximum on Modifications. She noted that 20-30% may be acceptable. She commented that over time as the community builds out and with the continued need to meet RHNA numbers, there may be a need to look at increasing densities in certain areas where some of these Modifications may be appropriate. She does not believe the community would support a 50% height Modification.</p> <p>8. Commissioner Fuller supports bringing back transitional standards and noted it created a more enjoyable aesthetic for the community. He supports a maximum 20% height Modification. Also, he has concerns with a 35-maximum height and 3 story buildings in neighborhoods.</p> <p>9. Commissioner Maynard clarified that the letter received from Ken Alker has been shared with the Planning Commissioners and is part of the public record.</p> <p>10. Commissioner Maynard suggested considering a higher maximum percent increase in height for smaller buildings and a lower maximum percentage increase in height for larger buildings.</p> <p>11. Chair Smith could support a higher percentage maximum height increase for smaller buildings and looking more closely at the 35-foot standard.</p> <p>12. Commissioner Fuller suggested going with the 25-foot height limits and 35-foot height limits to be in conformance with the General Plan but limit the modifications to 30% for single-family and 20% for multi-family.</p> <p>13. Commissioner Maynard commented that the 30% height Modification would require an extra review.</p>	<p>that no additional projections may be located on a tower feature.</p> <p>4. Change made to allow up to 20%-30% in residential zones and up to 20% in non-residential zones.</p> <p>5. Comment noted.</p> <p>6. Section 17.07.050 contains transitional standards for RP, RM and RH districts.</p> <p>7. Change made to reduce the 50% height Modification to allow up to 20%-30% in residential zones and up to 20% in non-residential zones.</p> <p>8. Minor edits to clarify transitional standards for Industrial zones.</p> <p>9. Comment noted.</p> <p>10. Comment noted. No change made as this would be decided case-by-case by the Review Authority.</p> <p>11. Comment noted.</p> <p>12. Change made to reduce the 50% height Modification to allow up to 20%-30% in residential zones.</p> <p>13. All Modifications require at least a public hearing before the Zoning Administrator, but likely would be the Planning Commission.</p> <p>14. All Modifications would require Design Review for neighborhood compatibility.</p>

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<p>14. Commissioner Shelor expressed concern that the height Modification could result in higher second-story homes than currently exist.</p> <p>15. Commissioner Fuller commented that he supports giving some flexibility to single-family homeowners with the maximum up to 30% height Modification and noted that an approval would be dependent on the discretion of the reviewing body.</p> <p>16. Commissioner Maynard requested staff restudy the issue regarding how chimneys are measured.</p> <p>17. After deliberation, the Planning Commissioners summarized that there is an interest in allowing height modifications, not up to 50% as drafted, and possibly somewhere between 20% and 30%.</p>	<p>15. Correct, all Modifications would require a noticed public hearing before the Review Authority.</p> <p>16. Chimney heights are directed by Building code as to location and required heights. They are also subject to DRB review.</p> <p>17. Comment noted. Changes made to reflect the direction of the PC.</p>
<p>Section 17.03.100 Height Workshop #7 Q: Are there other height issues within this area that need to be discussed?</p> <p>1. Commissioner Maynard suggested consideration about the height of trees around a property and some factors to think about if considering higher height modifications.</p> <p>2. Commissioner Shelor requested staff consider what additional structures would be placed on rooftop open space.</p> <p>3. Commissioner Fuller suggested possibly making a special exception for pre-existing approved Development Plans and exempt them from non-conformance through the ordinance.</p>	<p>1. Comment noted; however, this would be more of a Design Review issue and not a topic for Zoning.</p> <p>2. Comment noted. No changes needed.</p> <p>3. Edits made in Nonconforming Chapter to address previously-approved DPs to require Director review and issuance of a Zoning Clearance.</p>
<p>Section 17.03.140 Open Space Workshop #7 Q: Should area requirements be adjusted? Chair Smith supported the direction the requirements are moving.</p>	<p>Comment noted. No changes needed.</p>
<p>Section 17.03.140 Open Space Workshop #7 Q: Should staff revise the NZO to clarify “Open Space” to distinguish between the following three types? A. Public Open Space, B. {Private} Restricted Open Space, C. {Private} Common Open Space</p>	<p>1. Comment noted.</p>

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<ol style="list-style-type: none"> Chair Smith supported the staff proposal regarding clarification of the language and stated she shares Commissioner Maynard’s concerns regarding how common open space is defined. Commissioner Maynard supported the direction the requirements are moving with regard to usable space. 	<p>Comment noted.</p>
<p>Section 17.03.140 Open Space Workshop #7 Q: Are there other issues within this area that need to be discussed?</p> <ol style="list-style-type: none"> Commissioner Maynard commented that it is important for employees and visitors to have an area for breaks and lunch, and for visitors, and noted lot coverage requirements were removed from commercial sections, and landscaping was removed or reduced, from the previous requirements. She noted that lot coverage requirements were removed from commercial sections and minimum landscaping requirements were eliminated or substantially reduced in most of the commercial sections from the previous ordinance, and would like to go back to consider the first requirements in the previous zoning ordinance. Commissioner Fuller suggested the language “private area amenity” and “common area amenity” for clarification, noting these terms are used by homeowners associations. He recommended increasing the amount of private area open space for units and not reducing it. He supported the idea of the open space being usable with minimum widths and horizontal standards. Commissioner Maynard stated she does not support the following: including rooftop decks in the required open space, including buildings in open space, and using the language “amenity.” Commissioner Maynard supported the language presented in the staff report and requiring open space to be contiguous with the project. Commissioner Shelor supported requiring private open space for both condominiums and apartments. He commented that open space is a benefit to residents and guests more than just usable space, and landscaping provides a sense of openness. Also, he noted that more open space equals less footprint for buildable space which would be potentially fewer units unless there is an increase in building heights. Commissioner Shelor questioned whether there are calculations that show it is achievable to fit increased usable space requirements, parking setbacks, and maximum height requirements on a project site with 20 units per acre. 	<ol style="list-style-type: none"> Comment noted. No change made. Lot coverage and landscaping standards in commercial zones is located in Table 17.08.030. Edits to NZO to distinguish between public and private open space, but without using term “amenity,” which was not generally supported. With regard to the amount of private open space per dwelling unit, staff is exploring options on the appropriate edits. Rooftop decks and buildings are not included as “open space” areas. The term “amenity” is also not used in the NZO. Comments noted. The amount required open space has been revised to have more on ground floor units and slightly less for upper stories on multi-level apartments/condos. Comments noted. See response above.

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<p>5. Commissioner Fuller supported the approach for minimum standards for private area and common open space amenities and stated he does not believe the current requirements should be lowered. He supported flexibility as long as the standards are met and noted that the developer is working with conditions that are related to and depends on the specific site.</p> <p>6. Additional discussion was requested by the Planning Commission regarding substantial changes to maximum lot coverage, minimum common open space, and landscaping requirements for commercial districts. Commissioner Maynard requested further discussion of commercial open space.</p>	<p>6. Request noted. Staff researched these issue areas further and reported back to the Commission at a later Workshop. Minor edits to open space requirements were made.</p>
<h2>Chapter 17.07 Residential Districts</h2>	
<p>Section 17.07.030.D. Commissioner Fuller, Workshop #6. Commissioner Fuller stated that he does not support reducing the rear yard setback when it abuts onto open space in residential zones, referring to Section 17.07.030.D.</p>	<p>Comment noted. No change made as the 15-foot allowance is a current standard in existing zoning.</p>
<p>Workshop #6. Community Assembly & Mobile Vendors questions for consideration by the Planning Commission: Q. Is there support for requiring a Conditional Use Permit for Community Assembly? Commissioner Maynard would support a Minor CUP for Community Assembly in the residential districts. She recommended Community Assembly be permitted in the 3 commercial districts that allow Community Assembly, noting that she does not think a Minor CUP would need to be required in the commercial districts since Cultural Institutions and Facilities are permitted without a requirement for a CUP. Also, Community Assembly should be permitted in Public and Quasi-Public Districts without requiring a Minor CUP. Commissioner Fuller supported Commissioner Maynard’s comments. Commissioner Shelor expressed concern that there could be impacts on parking and circulation in neighborhoods or areas that are close to the assembly, and he believes there needs to be some scrutiny and a quick determination so it does not take a large deposit for the project to be approved. Chair Smith supported the draft as written and recommended for Community Assembly.</p>	<p>No changes made. The NZO proposes that Community Assembly will require a Minor CUP in those zones where allowable. This is also currently required through existing City zoning.</p>
<p>Workshop #8 Q: Add back 20’ front setback in RP?</p>	

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<ol style="list-style-type: none"> 1. Commissioner Fuller commented in regard to Planned Residential (RP), when a planned unit development comes up to a public street, especially a frontage, the development should be 20 feet off of the public street, but if there are internal private streets in a development, no setback standards. He noted if the development has a side that is on a public street, the side setback should be applied. 2. Chair Smith questioned whether the entire elimination would be supported by the community and suggested looking for a more flexible standard. 3. Commissioner Maynard noted she would advocate for a 20-foot setback for RP from the front of the overall development and allowing more flexibility within the development. 4. Commissioner Maynard requested further discussion when appropriate at a future workshop with regard to commercial setbacks with regard to Section 17.08.030, Commercial Districts, and Section 17.24.120, Mixed-Use Development. She noted her concerns in 17.24.120 included the minimum setback requirement seemed low, and there is no language about setbacks. 5. Commissioner Fuller recommended discussing commercial setbacks when discussion commercial issues. 6. Chair Smith commented the intent of this zone is to allow flexibility, but she is not certain that a '0' setback is appropriate. 7. After hearing from staff, Chair Smith commented that she could be comfortable with setbacks being adjusted through the Development Plan process as a way to address her concern about allowing flexibility for projects in the RP zone. 8. Commissioner Fuller commented that he would support a 20-foot setback off a public road for buildings in a planned unit development. 9. Commissioner Fuller also spoke in support of keeping the backyard setbacks the same whether or not the backyard backs up to open space. 10. Commissioner Maynard supported Commissioner Fuller's comment to keep the rear yard setbacks the same whether or not the rear yard backs up to open space. 11. Chair Smith commented that she is not certain to support Commission Fuller's comment in support of keeping the rear yard setbacks the same whether or not the backyard backs up to open space, but the point is taken. 	<p>All comments noted.</p> <p>The 20-foot setback for the "RP" zone district was reinstated within the revised Draft NZO.</p> <p>No change made to subsection 17.07.030(D), which allows a rear setback (of more than 15 feet) to be reduced to 15 feet if the rear setback abuts a permanently dedicated public open space or a street to which access has been denied as part of an approved subdivision or other approved permit.</p>

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<p>Workshop #8 Q: Are there any other issues within this topic that need to be discussed? None.</p>	<p>No response needed.</p>
<p>Chapter 17.08 Commercial Districts</p>	
<p>LU 1.6 - Retail and Other Commercial Centers Commissioner Maynard, Workshop #1. <u>17.08.010 - Purpose and Applicability</u>: Commissioner Maynard believes the following language in <u>LU 1.6</u> should be reflected in <u>17.08.010</u>: "The priority for new commercial uses shall be for the types that will meet local needs and those that provide goods and services not now available in the city."</p>	<p>Edit made to Section 17.08.010(A) to include text "and meet the needs of local community for goods and services."</p>
<p>LU 3.3 - Community Commercial Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the following language in <u>LU 3.3</u> is strong and should be carried over to the description in <u>17.08.010</u>: "Uses that may attract significant traffic volumes from outside the Goleta Valley are discouraged." Also, consider switching the review path for large format retail from permit to CUP in Community Commercial, as this would help with making a determination whether this is a use that may attract significant traffic volumes from outside the Goleta Valley and it may be too subjective for just a permitted process.</p>	<p>No changes made. Language from this policy is broad and subjective, which is left to the Review Authority to interpret and therefore not included in the objective standards of the NZO.</p> <p>Large format retail uses would need a Development Plan for construction of the site (and therefore discretionary review). Requiring a CUP for each new tenant could lead to significant gaps in tenancy.</p>
<p>Workshop #6. Community Assembly & Mobile Vendors questions for consideration by the Planning Commission: Q. Is there support for requiring a Conditional Use Permit for Community Assembly? Commissioner Maynard recommended streamlining the process so it is more cost effective for community groups in commercial and quasi uses by focusing on the parking and not requiring a Minor CUP.</p> <p>Q. Are there other Community Assembly issues to be discussed? None.</p>	<p>No changes made to the permit path for Minor Conditional Use Permits.</p>

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PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Workshop #6. Community Assembly & Mobile Vendors questions for consideration by the Planning Commission: Q. Is the NZO approach adequate for Mobile Vendors? • TUP requirement? • Possible tiered requirements?</p> <p>Commissioner Maynard supported the Temporary Use Permit and partially supported it moving up to a Minor CUP, but she thinks the Major CUP for a food truck seems excessive. Commissioner Fuller and Commissioner Shelor both agreed with Commissioner Maynard’s comment. Commissioner Fuller suggested considering allowing Mobile Vendors in IG and IS districts as the vendors would provide food for workers who are onsite therefore reducing potential traffic. Commissioner Maynard agreed with Commissioner Fuller’s suggestion to consider allowing Mobile Vendors in IG and IS districts. Commissioner Fuller suggestion consideration regarding the size of the business that is being served by a food truck as to the number allowed. Commissioner Maynard requested that staff check whether mobile vending of cannabis is listed as prohibited.</p> <p>Q. Are there any other Mobile Vendors issues to discuss? Chair Smith suggested exploring whether a limit to the number of trucks might be appropriate and possibly an allowance for a specific event. Commissioner Maynard supported Chair Smith’s comment and suggested considering a higher level of permit for applications for several trucks at a special event rather than a food truck servicing a specific location regularly.</p>	<p>Based on Commission feedback, staff revisions to NZO to allow Mobile Vendors in all zone districts, with special protections for Residential districts. Permit requirements incorporate detailed provisions in order for mobile vending to be exempt from zoning permits; however, those instances where zoning permit is required, it will be via a Temporary Use Permit (TUP). Additionally, mobile vending for cannabis <u>IS</u> prohibited.</p> <p>Staff revisions to NZO proposed to exempt a single mobile vendor, but require a TUP for more than one on a single lot. Other revisions made to the Mobile Vendor section (17.41.180) to provide more-detailed equipment and development standards.</p>
<p>Table 17.08.020 Commissioner Maynard, Workshop #2. Recommended moving the large format retail in Community Commercial category from a permit to a Conditional Use.</p>	<p>No changes made. Language from this policy is broad and subjective, which is left to the Review Authority to interpret and therefore not included in the objective standards of the NZO.</p> <p>Large format retail uses would need a Development Plan for construction of the site (and therefore discretionary</p>

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	review). Requiring a CUP for each new tenant could lead to significant gaps in tenancy.
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard requested clarification regarding replacing “maximum lot coverage” with “minimum common open space” in Section 17.08.030 Development Regulations, and removing percentages.</p>	<p>No change made. Lot coverage would include all impervious areas, including area of common open space that were paved or covered.</p>
<p>Section 17.08.030 Commissioner Fuller, Workshop #4. Commissioner Fuller requested clarification regarding the definition of open space areas, in particular describing the dimensions in both directions.</p>	<p>Edit made to clarify that minimum Common Open Space dimensions are in each direction within NZO Section 17.03.130.</p>
<p>Section 17.08.030 Commissioner Miller, Workshop #4. Commissioner Miller supported limiting the ability to aggregate small spaces.</p>	<p>No change needed.</p>
<p>Section 17.08.030 Commissioner Miller, Workshop #4. Commissioner Miller supported Commissioner Maynard’s request to see how the existing and proposed standards compare for recent projects.</p>	<p>Comment noted. Examples of such projects were presented by staff at a later Workshop that revisited this topic area.</p>
<p>Section 17.08.030 Commissioner Miller, Workshop #4. Commissioner Miller stated that he continues to believe that rooftop space should not be considered to satisfy the purpose of open space requirements.</p>	<p>Comment noted. NZO revisions made to clarify definition so roof-top gardens and landscaped areas will not count toward open space requirements.</p>

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<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard supported ADA compliance for common open space.</p>	<p>Comment noted. NZO revisions to clarify definition that common open space includes ADA accessibility.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard recommended that rooftop space should not be counted as open space criteria. She noted that she believes it is not supported by the community.</p>	<p>Comment noted. NZO revisions to clarify definition that roof-top gardens and landscaped areas will not count toward required common open space.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard recommended that a building or community center within a residential district should not count as the open space requirement. Possibly a small gazebo or pergola could be acceptable, with a definition.</p>	<p>Comment noted. No change made to definition for excluding such outdoor living and recreation spaces.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard commented she would not support moving the open space requirement to square footage from percentage at this point without more information to get a better understanding whether it is increasing or decreasing what is being required for open space.</p>	<p>Comment noted. No change to NZO. Staff provided examples to Commission at a later Workshop on this same topic to further demonstrate the issue.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard requested discussion of the Newland property at a later workshop.</p>	<p>Comment noted and discussed at a later Workshop.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard recommended that common open space related to residential projects should be contiguous with the property and project.</p>	<p>Comment noted. No change needed. This would be analyzed on a case-by-case basis by the Review Authority for appropriateness.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard does not support a move to the term “amenity”.</p>	<p>Comment noted. Term “amenity space” will not be used in NZO to describe a type of open space.</p>

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<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard commented with regard to ESHA stream protection buffers that consideration should be given to access and functional use of the space, and suggested if there is a path for the public on the buffer it could count as open space, but should not count if it is not accessible.</p>	<p>Comment noted. No change needed. This would be analyzed on a case-by-case basis by the Review Authority for appropriateness.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard recommended not removing, from the 2015 version, the requirements for maximum lot coverage in commercial uses, or adding some numbers within the minimum common open space requirements, as she believes there is a concern in the community regarding bulk. Commissioner Maynard noted that landscaping requirements in commercial uses have been substantially reduced from the 2015 version of the Zoning Ordinance. She believes there are too many reductions and is not consistent with the General Plan. She referred to General Plan Policy LU 1.2 and Policy LU 1.6 with regard to open space and the need for appropriate outdoor gathering spaces in retail and other commercial centers.</p>	<p>Comment noted. No revision made to revert to 2015 version's use of lot coverage. General Plan policy LU 1.2 refers to Residential areas and not Commercial, and 1.6 uses the term "appropriate" for outdoor gathering places, which is inherently subject and therefore the NZO allows the Review Authority to determine through discretionary review of a Development Plan.</p>
<p>Section 17.08.030 Commissioner Fuller, Workshop #4. Commissioner Fuller supported Commissioner Maynard's request for a comparison how the 40 percent to square footage requirement would apply to recent past projects to see the effect, and noted he is open to a change to more usable space.</p>	<p>Comment noted. Staff provided examples of this topic at a later Workshop.</p>
<p>Section 17.08.030 Commissioner Fuller, Workshop #4. Commissioner Fuller suggested not using the word "open" and just use the term "private space" or "common space". He believes the recreational definition for open space would cover hardscape or space that is not covered, and that space that is consolidated for use by all of the residents is common space and space for any individual unit is "private space".</p>	<p>Comment noted. NZO revisions made to clarify the different types of open space, including that which is for private use and that intended for common use by residents of a development.</p>

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PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Section 17.08.030 Commissioner Fuller, Workshop #4. Commissioner Fuller recommended considering having a larger private space requirement for larger units, to be defined by the number of bedrooms.</p>	<p>Comment noted. Revisions made to have larger 200 sq.ft. open space requirements for ground story units. Higher stories would remain at 60 sq.ft.</p>
<p>Section 17.08.030 Commissioner Miller, Workshop #4. Commissioner Miller disagreed that community rooms or centers should be considered part of open space, which he believes is in contrast to the concept of having open space.</p>	<p>Comment noted. No change made to definition for excluding such outdoor living and recreation spaces.</p>
<p>Chair Smith commented that more information is needed regarding how the different standards could apply. She does not support the term “amenity space”.</p>	<p>Comment noted. Phrase “Amenity space” will not be used in the NZO.</p>
<p>Chair Smith expressed some support for rooftop gardens, but limiting how much they could count towards open space. She also noted it might be clearer just to not count them. She also suggested clarifying the definition of open space to be clear about what counts and what does not.</p>	<p>Comment noted. NZO revisions to clarify definitions so roof-top gardens and landscaped areas will not count toward required common open space.</p>
<p>Section 17.08.030 Commissioner Fuller, Workshop #4. Commissioner Fuller supported excluding rooftop gardens from private open space but considering rooftop gardens on a case-by-case basis.</p>	<p>Comment noted. The NZO will not propose that roof-top gardens be counted toward private open space.</p>
<p>Section 17.08.030 Commissioner Miller, Workshop #4. Commissioner Miller agreed that rooftop gardens should not be included in the open space calculations but can be acceptable as features.</p>	<p>Comment noted. s previously stated, these areas would not be counted toward meeting any required open space or landscaping standard.</p>

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<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard supported the term “common space”. Commissioner suggested including “functional” and “for all ages” in the definition of “open space”.</p>	<p>Comment noted and revision made to definition of open space to include offering amenities for different ages.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard supported increasing the amount of open space requirement for more bedrooms. She also supported limiting the percentage of common space that is hardscape.</p>	<p>Comment noted. No changes made to have a standard based upon bedrooms. However, no limits to hardscaped open space added to NZO.</p>
<p>Section 17.08.030 Commissioner Miller, Workshop #4. Commissioner Miller noted his development uses “common area” and “restricted common area” and these terms may be useful.</p>	<p>Comment noted. Revision to NZO to propose using phrase “(Private) Restricted Open Space” and “(Private) Common Open Space” to distinguish between those and “Public Open Space.”</p>
<p>Section 17.08.030 Chair Smith, Workshop #4. Chair Smith commented that “private open space” and “common open space” would serve to distinguish those concepts.</p>	<p>Comment noted. See response above.</p>
<p>Section 17.08.030 Chair Smith, Workshop #4. Chair Smith agreed with Commissioner Fuller regarding excluding rooftop gardens from private open space but considering rooftop gardens as a voluntary feature.</p>	<p>Comment noted. Roof-top gardens would be voluntary [extra] amenity/feature and not county toward required open space.</p>
<p>Section 17.08.030 Chair Smith, Workshop #4. Chair Smith shared Commissioner Maynard’s general concerns regarding commercial open space.</p>	<p>Comment noted. No change made.</p>
<p>Section 17.08.030 Commissioner Shelor, Workshop #4. Commissioner Shelor supported having the greatest amount of open space requirement that is reasonably practical and requested that additional information for additional analysis is provided; and</p>	<p>Comment noted. Staff returned to the Commission at a later Workshop with additional information for further discussion of this topic.</p>

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<p>hopefully will land on something that preserves and protects the most amount of open space for the community in the future.</p>	
<p>Section 17.08.030 Commissioner Shelor, Workshop #4. Commissioner Shelor commented he believes the planning process has failed in regard to providing for adequate open space with regard to the number of new people living in the new developments on Los Carneros Road.</p>	<p>Comment noted. The cited development was recently approved by the City through discretionary review at public hearings where it was determined that it met all applicable requirements by the appropriate Review Authorities. Additionally, new developments also pay Parks Development Impact Fees for the creation and maintenance of City public open space.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard requested further information and discussion regarding: a. The percentage to square foot proposals for open space. B. Open Space in commercial uses; and c. The impact of the NZO on the Newland Family property, if appropriate.</p>	<p>Comment noted. The requested additional information was provided by staff for discussion with the Commission at a later Workshop.</p>
<p>Section 17.08.030 Commissioner Fuller, Workshop #4. Commissioner Fuller recommended that the maximum height standard for chimneys makes the chimney height allowable under the Building Code.</p>	<p>Comment noted. Staff researched the topic further and the Building Code standards would apply, but chimneys also receive Design Review as part of the overall project.</p>
<p>Section 17.08.030 Commissioner Maynard, Workshop #4. Commissioner Maynard requested clarification of the methodology for calculating the standards for height exceptions with regard to percentages as well as the exact number of feet.</p>	<p>Staff provided feedback and explanation to this question at this and a subsequent Workshop as is also detailed in NZO Table 17.24.080.</p>
<p>Workshop #8 Q: Allow Day Care Facilities without a CUP in certain Commercial Zones?</p>	

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<ol style="list-style-type: none"> 1. Commissioner Fuller supports these facilities being allowed in certain Commercial Zones without a Conditional Use Permit (CUP). 2. Commissioner Maynard recommended that Goleta Old Town (OT) is an appropriate place for day care centers, noting it is family centric and there is a need for day care facilities. She commented she is open to including the Community Commercial (CC) and General Commercial (CG) uses as well, and expressed concern regarding the Intersection or Highway Commercial (CI) use because lots of children around major intersections seems problematic. 3. Commissioner Maynard supported keeping Regional Commercial (CR) and CI at least requiring a Minor CUP, and possibly a Major CUP; and in the CU zone; and recommended moving CC, OT, and CG to “P” (Permitted). 4. Commissioner Fuller supported the analysis and recommendation by Andy Newkirk, Senior Planner. 5. Chair Smith generally supported the recommendations by staff, and questioned whether the Service Industrial (IS) and General Industrial (IG) zones are appropriate even though consistent with the General Plan. 6. Commissioner Maynard recommended not allowing day care facilities in IG at all, and moving to Major CUP for IS; and stated that at the minimum she would like Major CUP for IS and IG for day care facilities. Commissioner Maynard stated that she appreciates the need to have more day care facilities in the community but noted she believes in the basis of zoning to separate sensitive receptors from potential hazards, not just when in normal facilities but also during emergencies and major disasters. 7. Commissioner Fuller supported designating Permitted “P” for Business Park (BP) and Office Institutional (OI) zones. He commented that it may be valuable to have day care facilities in areas where people work as it would alleviate people needing to drive further to day care facilities. Also, he believes that specific safety concerns regarding a facility would be addressed. 8. Chair Smith indicated support for the staff recommendation that IS and IG require a Major CUP. 9. Commissioner Maynard indicated that she was open to dropping BP and OI to Permitted “P” since it is more of a support service. 10. Chair Smith reiterated support for staff’s recommendation and also that she supported designating Permitted “P” for BP and commented that it is worth considering changing the allowance to Permitted “P” for the OI zone. 	<p>All comments noted.</p> <p>Revisions to the NZO made to allow these facilities with a LUP/CDP within the CG, OT, and CC zones instead of a CUP.</p> <p>Additionally, they are allowed in the CR, VS, and CI with a Minor CUP.</p> <p>Within the IS and IG, a Major CUP would still be needed.</p>

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<p>Workshop #8 Q: Reduce Major CUPs for Day Care to Minor CUPs?</p> <ol style="list-style-type: none"> 1. Commissioner Maynard supported the staff recommendation not to allow Large Family Day Care Facilities or Day Care Facilities, but to allow Small Family Day Care in Agricultural (AG) zones. 2. Commissioner Fuller agreed with Commissioner Maynard’s support of the staff recommendation. 3. Chair Smith agreed with Commissioner Maynard’s support of the staff recommendation. 	<p>Comments noted.</p> <p>Revision made to allow Small Family Day Care in the AG Zone District.</p>
<p>Workshop #8 Q: Remove Land Use Permit requirement for Large Family Day Care?</p> <ol style="list-style-type: none"> 1. Commissioner Fuller supported, with the understanding that the Large Family Day Care is regulated by the State of California, removing the requirement for a permit in Residential zones. 2. Commissioner Maynard stated that she would support the potential revisions 1, 2, and 3 in NZO Section 17.41.130 with regard to parking regulations, and would like to see additional parking requirements in consideration of the off-loading. 3. Commissioner Maynard spoke in support of moving towards a Zoning Clearance with some additional parking requirements. 4. Chair Smith noted the distinction would be if there is no permit, the parking would be a code enforcement matter. 5. Commissioner Fuller commented although concern with parking is valid, adding an additional parking space on a small property may negate the ability for some applicants to conduct day at the home. 6. Chair Smith stated that she generally supports the Zoning Clearance, and noted she has heard from the community that there is a real need for child care in the community and the City needs to look at ways to promote them. 7. Commissioner Fuller supported the Zoning Clearance and the standards for dropping off and access to the property. 8. Commissioner Maynard commented that she could support the Zoning Clearance with staff making recommendations on how to add some flexibility, possibly as a type of transportation demand management program or guidelines for parents to follow. 9. After staff provided information regarding how parking requirements are reviewed by the Business License permit process along with the Planning Department, Commissioner Maynard spoke in 	<p>All comments noted.</p> <p>The NZO was revised to defer to the State for the licensing and permitting on Large Family Day Care facilities without the need for a local zoning permit within Residential Zone Districts.</p> <p>However, Chapter 17.41, Standards for Specific Uses and Activities, will maintain a Section for these types of facilities to ensure that such standards like Parking and Loading, On-site residency, Licensing, etc. are maintained.</p>

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<p>support of the staff recommendation, along with reference to the Business License permit process rather than requiring the Zoning Clearance. She also recommended that staff address the loading and unloading requirements for the Day Care Facilities and possibly align these closer to the Large Family Day Care standards.</p> <p>10. After further discussion, Chair Smith spoke in support of the staff proposal, along with reference to the Business License permit process rather than the Zoning Clearance.</p> <p>11. Chair Smith also commented that she would be open to addressing loading and unloading and parking requirements for the Day Care Facilities as part of the Business License process.</p> <p>12. Commissioner Maynard indicated that loading and unloading standards for Day Care Facility should be aligned with those for Large Family day Care.</p> <p>13. Commissioner Fuller commented that the current proposed language in the New Zoning Ordinance presumes that the curbside is adequate for loading and unloading.</p>	
<p>Workshop #8</p> <p>Q: Are there any other issues within this topic that need to be discussed?</p> <p>1. Commissioner Maynard questioned the rationale for Large Family Day Care only being allowed in Residential zones, and noted there was discussion about bringing more day care closer to where parents are working.</p> <p>2. Chair Smith stated that comments received in this section have raised some interesting questions about how all of the policies might impact child care issues. She noted that issues such as incentives are more of a discussion worthy for the City Council to consider.</p>	<p>Comment noted.</p> <p>Note: Large family day care by definition is accessory to a residential use.</p>
<p>Workshop #9</p> <p>1. Commissioner Fuller supports having upper stories stepped back on second stories for residential units where there are zero lot line situations in non-residential zones. He noted it is not comfortable for residents to have their windows exactly above the sidewalk when there are people walking below. He noted a potted plant could fall from a second-story window onto the sidewalk. He would support not stepping back when there is a setback that is, for example, 20 feet.</p> <p>2. Commissioner Maynard commented that the minimum setback for mixed-use should be based on the first-floor use of the mixed use. She suggested a minimum setback of 5 feet rather than 3 feet which seems random as everything else is in measurements of 5 feet. Also, she does not see the rationale for having the setback on the second floor.</p>	<p>1. Comment noted. No changes made with respect to Old Town (which was the cited example).</p> <p>2. Edit made to increase setback from 3 to 5 feet.</p>

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<ol style="list-style-type: none"> 3. Commissioner Shelor questioned what was envisioned for a 3-foot setback and suggested a lot more could be done with a 5-foot setback, for example, adding landscaping. 4. Chair Smith commented in the terms of setbacks, that after having heard more background and information with regard to the philosophical approaches of the two drafts, the 2019 draft makes sense overall. 	<ol style="list-style-type: none"> 3. Comment noted. See response above. <p>Comment noted. No edits needed.</p>
<p>Workshop #9</p> <ol style="list-style-type: none"> 1. Commissioner Fuller commented that there will be setbacks in some of these zones that are going to be landscaped setbacks and will provide an aesthetic contribution to the area as well as provide open space in a context of an unused area. He noted that the open space may not be useable, common or private open space, and suggested there may need to be a fourth definition of open space such as including landscaped areas. He noted that landscaped areas have been included as part of the definition of the old open space types. Commissioner Fuller commented that a retail business is not a typical place where people would congregate or expect useable amenities unless it was wanted by the business. He noted there may be workers who would want useable amenities. Commissioner Fuller commented that he is not sure whether there needs to be a requirement for useable open space or common open space except maybe in the context of how it is ancillary to the tenants and the employees. 2. Commissioner Maynard believes there is value in providing open space for employees to use and stated it is consistent with a goal of the General Plan to create an open feel to the community where there is a reduced bulk and an opportunity for outdoor spaces for gatherings throughout all the different regions. She is most overall concerned regarding a significant reduction in landscaping, limitations to lot coverage, and not requiring open space in most of the commercial districts because it creates a dense bulky space and does not allow for outdoor gathering spaces throughout the community; and stated she would like to see more standards brought back. 3. Commissioner Shelor expressed gratitude for Commissioner’s Maynard’s comments linking open space, landscaping, and lot coverage and the impacts of the combined standards. 4. Chair Smith noted a potential in business parks for some limited requirement for open space. She expressed a desire to know what other communities in the region do. 5. Commissioner Maynard supported some amount of common open space for business parks. 	<p>All comment noted.</p> <p>No changes to require Commercial Open Space for new development.</p>

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<p>6. Commissioner Fuller noted Resolution 03-20 and expressed concern with adding standards that may create nonconforming properties.</p>	
<p>Workshop #9</p> <ol style="list-style-type: none"> 1. Commissioner Fuller commented that there is no specific maximum lot coverage requirement but there are variable design standards that will determine the project’s lot coverage as well as setbacks, height, parking ratios that will impact an applicant’s ability to design the site. 2. Commissioner Maynard expressed concern about reduction in lot coverage requirements in commercial districts from the 2015 draft version. She commented that it is unclear to her how the overall lot coverage would be affected when only relying on other standards and without relying on the lot coverage standards proposed in the 2015 draft. She expressed concern about the landscape requirements and common open space considerations overlapping. She also expressed concern regarding the removal of landscaping requirements for commercial districts and the reduction in landscape requirements in commercial districts from the 2015 draft. She mentioned that General Plan Policy VH 4.7.C calls out that office buildings, business parks, institutional public and quasi-public uses should provide plazas, courtyards and landscaped open space to create a campus-like setting and encourage pedestrian access. She commented that not having common open space requirements for office and business parks seems inconsistent. She recommended for clarity that the language, at least for the office and business park districts, indicates there must be open space for consistency with the General Plan. 3. Commissioner Shelor supports having the Design Review Board, in most cases, start with an existing minimum standard then use their discretion to potentially require more rather than have no minimum requirements and have the Design Review Board make the requirement for more. 4. Commissioner Fuller commented that it is questionable with no minimum landscaping requirements in some districts whether landscaping can be eliminated. He noted that most properties will have setbacks and they will likely be required to have landscaping or hardscaped as required by DRB. 	<ol style="list-style-type: none"> 1. Comment noted. Correct, many of the other development regulations would effectively limit the amount of possible Lot Coverage. 2. The 2015 draft did not have discretionary review of Development Plans, which have been reinstated in the 2019 draft. As such, the prior draft required many more “paint by number” standards since development was generally permitted outright. Office and Business Park have max. lot coverages of 40% and 35%, respectively. No change needed. 3. Comment noted. No changes made. 4. Required landscaping for Parking and Loading areas discussed in Chapter 17.38. Additionally, the DRB will require landscaping plans for all new development.

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<p>5. Commissioner Maynard commented that she has seen projects with inadequate landscaping in commercial districts and on industrial sites; and she believes a modest amount of a landscaping requirement would help this to be addressed. She commented it is not clear how this would affect overall lot coverage. She noted there are projects on Calle Real and in the Camino Real Marketplace in commercial districts, as well as projects in the industrial districts, that have very little landscaping. She believes this can be addressed by a minimal landscaping requirement for the commercial districts.</p> <p>6. Chair Smith appreciates staff’s comments with regard to balancing the standards and permitting, and how it fits together. She shares some of the Commissioners’ concerns regarding landscaping requirements and suggested staff revisit and consider where there are no minimum requirements. Chair Smith noted while it is helpful to allow the Design Review Board some artistic flexibility it can be helpful to have some minimum landscaping requirements in the appropriate situation.</p> <p>7. Commissioner Fuller suggested if front setbacks are not large enough for commercial districts, maybe there should be larger setbacks, and noted it would result in more landscaping. He believes the landscaping standards for the industrial areas are sufficient and follow the current standards so non-conforming properties are not being created. He commented there is the argument of changing some standards for existing properties and also the argument of creating better standards for the community. He believes that standards need to follow the General Plan. He commented that it is hard to argue against landscaping.</p> <p>8. Commissioner Maynard commented that one of her concerns is keeping the landscape minimum requirement only in industrial districts just because this is the way it was done before.</p> <p>9. Commissioner Fuller noted the use of existing standards to ensure the same development rights for all property owners, whether they developed previously or not. He also noted the alternative view that we could be creating better standards for the community for the future.</p> <p>10. Commissioner Maynard believes it is important to match the vision of Goleta as expressed in the General Plan Policy VH 4.7. She believes requiring a minimum of at least 10 percent landscaping across the board makes sense in most districts, although she suggested skipping it in Old Town because it is so dense. She does not understand requiring the 10 percent minimum for landscaping in industrial districts but not in commercial areas. She supports the 2015 version with 20% landscaping in Visitor Serving. She noted that if landscaping standards came back, she would be less</p>	<p>5. Comment noted. No changes made. Additionally, those cited examples were approved by the County many years ago prior to Goleta’s Cityhood.</p> <p>6. Comment noted. No changes to landscaping requirements made.</p> <p>7. Comment noted.</p> <p>8. Comment noted.</p> <p>9. Comment noted.</p> <p>10. Comment noted. GP Policy 4.7 uses the term “should” in section b. and c. and the “shall” used in d. would be covered in the Parking and Loading standards (As discussed in NZO Chapter 17.38).</p>

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<p>concerned about lot coverage. She supports some modest amount of common open space for office buildings in business parks as well.</p> <p>11. Commissioner Shelor commented that he believes the zoning ordinance imposes many standards that supersede discretion and he does not understand why landscaping is different. He would like to ensure that whatever the minimum landscaping requirement is, it is equal to greater than what would be required when adding up all the setbacks, the land, the unused areas, and what is required for stormwater management.</p> <p>12. Commissioner Fuller commented that for Open Space and Resolution 03-20, he was looking at commercial as retail use, and not industrial, office park, or business park districts. He noted that because Resolution 03-20 is for non-residential and includes “shall”, the analysis is up to Design Review Board.</p> <p>13. Chair Smith shares some of the concerns regarding landscaping and commented that the landscaping consideration is worth a second look. She stated that she may not view the issue as broadly as Commissioner Maynard. She noted it might be helpful to research what is being done in other communities near Goleta. She suggested there could be the potential for some sort of blended requirement in the business park districts and noted her primary concern is the business park districts.</p>	<p>11. Comment noted. Adequate landscaping is inherently subjective and is best suited to the Design Review Board’s input and discretion.</p> <p>12. Comment noted.</p> <p>13. Comment noted. No changes to lot coverage standards made.</p>
<h2>Chapter 17.10 Industrial Districts</h2>	
<p>Workshop #9</p> <p>1. Commissioner Shelor commented that he believes when there are transitional zones it is not ideal for residential homes to be overpowered by other buildings and that it was not originally envisioned and may need to be reconsidered. He commented that the idea of setbacks and stepping back in tandem makes sense; however, when considering this along with density issues, the issue of more height will also need to be considered. He believes it is achievable but needs to be done strategically so it is done in the right places where height can be accommodated and it is not destroying views.</p> <p>2. Commissioner Maynard commented that she still sees the value of the Transitional Standards because it helps with neighborhood compatibility to have some transition between the areas. If forty feet is too long to require for the setback, she suggested considering a shorter distance.</p>	<p>1. Comments noted. Such projects would be subject to Design Review Board and a discretionary review of the overall project before the Planning Commission and/or City Council.</p> <p>2. Comment noted.</p> <p>3. Comment noted. Height allowances controlled by the General Plan, with options for</p>

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<p>3. Commissioner Fuller stated in general he supports the 2019 Transitional Standards. He echoed Commissioner Maynard’s comments and believes the RM, RP and RH Districts not have a 25-foot height limit and there will not be the probability of three-story buildings.</p> <p>4. Commissioner Maynard supports the direction to not require the mobile home parks to be set back a further distance than the setback requirement for single-family residences.</p> <p>5. Commissioner Maynard supports the inclusion of the requirement for a 50-foot rear setback in the IS and IG Districts if abutting residential districts, given the additional risks that come up with industrial uses. She noted the picture for this item is appreciated.</p> <p>6. Chair Smith commented that generally it is helpful to hear the background and an overview of this topic and believes the Transitional Standards are moving in the right directions. Chair Smith could consider adding back in the 50-foot rear setback requirement in the IS and IG Districts, noting protection from the industrial districts would make sense.</p>	<p>increase through a Development Plan or Modification.</p> <p>4. Comment noted.</p> <p>5. Comment noted.</p> <p>Staff has made edits to include new Industrial Transitional standard from “R” zones to be 50 feet and from “C” zones 25 feet.</p> <p>Comment noted. Any associated edit for this standard would be place in §17.10.030(B).</p>
<h2>Chapter 17.12 Open Space and Agricultural Districts</h2>	
<p>CE 11 Preservation of Agricultural Lands Commissioner Maynard, Workshop #1. Commissioner Maynard believes that the CE 11 objective from the General Plan should be an explicit goal in Chapter 17.12.010 Open Space and Agricultural Districts in the Purpose and Applicability section.</p>	<p>No changes made. Section 17.12.010 captures intent without being duplicative or redundant with exact verbiage of policy CE 11.</p>
<p>LU 7.4 – Permitted Uses Commissioner Maynard, Workshop #1. Commissioner Maynard does not believe that public safety facilities should be allowed on agricultural land because the agricultural land is limited and precious, and she thinks it is inconsistent with LU 7.4, and with the preservation of agricultural land.</p>	<p>Fire Stations are specifically called out as an allowable use in the AG zone district within Land Use Element, Table 2-4. Table 17.12.020, including Footnote 1, is consistent with this allowance.</p>
<h2>Chapter 17.19 -OTH Old Town Heritage Overlay District</h2>	
<p>LU 3.4 – Old Town Commercial Commissioner Maynard, Workshop #1. Commissioner Maynard questioned whether pedestrian access guidelines were moved to the Design Review Board, or another document because she would not want it to get lost. Also, she noticed the same thing in the Residential District area.</p>	<p>All parcels in C-OT fall within the -OTH Overlay, as discussed in Chapter 17.19. The Overlay includes a provision that all new development is subject to</p>

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	Design Review and the Goleta Old Town Heritage District Architecture and Design Guidelines, which includes the pedestrian access guidelines.
<p>VH 4.2 Old Town Commissioner Maynard, Workshop #1. Commissioner Maynard commented that reference should be made to the Goleta Old Town Heritage District Architectural and Design Guidelines.</p>	<p>No changes made. Goleta Old Town Heritage District Architectural and Design Guidelines are referenced Chapter 17.19, -OTH Old Town Heritage Overlay District, and Chapter 17.58, Design Review.</p>
<h2>Chapter 17.24 General Site Regulations</h2>	
<p>CE 11.4 Buffers Adjacent to Agricultural Districts Commissioner Maynard, Workshop #1. 1) Commissioner Maynard commented that runoff and urban pollution sources should also be considered as roadway pollution. 2) Also, consider distances between residences and animal raising, as well as noise issues such as roosters crowing.</p>	<p>1) Comment noted. 2) As noted in Section 17.24.030, other factors can be considered when determining the appropriate buffer adjacent to agricultural districts.</p>
<p>Section 17.24.020(D)(3) Workshop #6. Energy questions for consideration by the Planning Commission: Q. Are there other Energy issues to be discussed? Commissioner Maynard proposed consideration some way to build in flexibility for permitting micro turbines.</p>	<p>Comment noted. No changes made.</p>
<p>Section 17.24.080 Workshop #4 Height questions for Consideration by the Planning Commission: Q. Are there other issues within this area that need to be discussed?</p>	<p>Comment noted. The NZO exempts solar installations and defers to Stage law as it pertains to Solar Energy Systems.</p>

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<p>Commissioner Maynard commented that the height of solar or other types of energy production should be allowed up to 10 feet or 20 percent above structure height, with regard to Section 17.24.080.</p> <p>Commissioner Maynard supported clarifying comments to be added by staff regarding how heights are measured in response to correspondence from the Bacara with regard to Section 17.24.080. By consensus, the Planning Commission recommended additional discussion regarding Height at Workshop 7.</p>	<p>Further discussion of the Height methodology discussed at a later Workshop, including details of the effects that would occur on the Ritz Barcara development.</p>
<p>Section 17.24.090 Fences, Freestanding Walls, and Hedges Workshop #7 Q: The NZO carries forward the existing standards. Is this the right approach for fences and walls?</p> <ol style="list-style-type: none"> 1. Commissioner Maynard supports a height restriction on the front of the property and a limit of 4 feet within a residential area on the street side of the property. She noted that a light can be shined over 4 feet and that 4 feet can be looked over. Also, a 4-foot height is more welcoming. 2. Chair Smith stated she could support an adjustment to the standards with the understanding that existing fences would be non-conforming. 3. Commissioner Fuller supports requiring a counter permit for a fence, wall, or hedge over 3 feet for safety purposes and allowing Public Works the opportunity to review. 4. Commissioner Shelor expressed concern about the potential for 6-foot walls adjoining on adjacent multiple lots in residential areas that would result in the walling off of properties from the public right-of-way. He commented if aesthetics are taken into account, 6 feet may be too tall given the possibility of adjoining lots. He suggested consideration that a tall wall, fence, or hedge might be more appropriate if it is set back from the public right-of-way. 5. Commissioner Fuller commented that he has observed a 6-foot fence along the property line around a front yard and noted it is not a very attractive feature for the neighborhood and would seem to disassociate the property from the community and degrading the aesthetics of the neighborhood. He is not totally in favor of having a lower standard for fencing in the front yard, but he suggested having some communal landscaping in the front yard along with possibly a 3- to 4-foot tall fence at the property line and then also allow a 6-foot fence wall for privacy with a 10-15 foot landscaped setback. He believes the communal landscaping in Goleta adds to the aesthetics in the neighborhood. 	<ol style="list-style-type: none"> 1. Edits made to NZO Section on fences and walls to exempt those that are four feet or less in height within the front and street side setback. 2. Comment noted. 3. Permit required for those over 4 feet, but Vision Clearance is always required regardless. 4. Taller fences, walls, and hedges would be allowable if located outside of all of the required setbacks. 5. Comment noted. 6. Edit to NZO to reduce the permit requirement for a fence or wall over six feet in height and located within a setback. Permit reduced from a Minor CUP to a Land Use Permit (Inland) or Coastal Development Permit (Coastal Zone).

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<p>6. Commissioner Maynard suggested allowing 4 feet in height for fencing for the front and street side, and 6 to 8 feet in height or the back and internal area between properties without requiring CUPs or excessive permitting.</p> <p>7. Chair Smith could support at least 4 feet in height for fencing in the front yard when considering safety and the purpose of the fencing.</p> <p>8. Member Shelor supports at least a 3.5-foot height for fencing in front yards for safety purposes with an additional height in an amount that is appropriate.</p>	<p>7. Comment noted.</p> <p>8. Comment noted.</p>
<p>Section 17.24.090 Fences, Freestanding Walls, and Hedges Workshop #7 Q: Should the NZO introduce standards for hedges that effectively treat them as fences/walls?</p> <p>1. Commissioner Maynard would encourage including hedges as fences but potentially allowing for much a higher height limit in Commercial and Industrial zoning with a minor permit such as a Zoning Clearance, and keeping the hedges at the height of fences in Residential zones.</p> <p>2. Chair Smith supports in general the direction staff is moving with regard to hedges. She noted there could be creative structures or planting that could create issues.</p> <p>3. Commissioner Maynard requested clarification with regard to the definition of a hedge and suggested adding cactus.</p> <p>4. Chair Smith commented that the definition seems to include cactus.</p>	<p>1. Revisions to NZO made to allow hedges to exceed the fence/wall height standards by two feet.</p> <p>2. Comment noted.</p> <p>3. Comment noted. No changes made as a cactus would fall within the current definition of “hedge” if planted to form a vegetative wall. Correct. No edits needed.</p>
<p>Section 17.24.090 Fences, Freestanding Walls, and Hedges Workshop #7 Q: Are there other issues within this area that need to be discussed?</p> <p>1. Commissioner Fuller suggested adding a reference to Section 17.03.090 Measuring Height of Fence in this section.</p> <p>2. Commissioner Fuller recommended adding language to require that slats are placed on the outside of freestanding fences.</p> <p>3. Commissioner Maynard commented that there should be a consistency between the Inland and Coastal zones with regard to the vision triangle.</p>	<p>1. Comment noted. Cross reference added to subsection (A) of this Section.</p> <p>2. Comment noted. Subsection (C)(4) of this Section clarified to address this comment. Comment noted. No difference exists between Inland and Coastal for this Section of the NZO.</p>

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<p>Section 17.24.130 Outdoor Storage Workshop #7 Q: Are the NZO standards for outdoor storage adequate, too strict, or not strict enough?</p> <ol style="list-style-type: none"> 1. Commissioner Maynard requested staff clarify how nurseries and garden centers account for Outdoor Storage and suggested allowing some leniency for nurseries and garden centers. 2. Commissioner Fuller commented that there is ambiguity in the language in Section 17.24.130 Outdoor Storage with regard to Permissibility of Outdoor Storage and also the application of screening to different uses, and requested the language be clarified. 3. Chair Smith commented that her observation that storage in the front that is adequately screened and gated, and is not bothering anybody, in a residential neighborhood is fairly tolerated. She also commented that the nuisance standards level may be a high threshold to reach. 	<ol style="list-style-type: none"> 1. No change needed. Nurseries and garden centers would fall into the Use Classification of Outdoor Sales. 2. Edit made to clarify the cited ambiguity that is within the table. 3. Comment noted.
<p>Section 17.24.130 Outdoor Storage Workshop #7 Q: Are there other issues within the area of Outdoor Storage that need to be discussed?</p> <ol style="list-style-type: none"> 1. Commissioner Maynard recommended considering restricting the amount of outdoor storage during business hours particularly in terms of preventing sidewalk movement. 2. Commissioner Maynard suggested bringing back some setback standards for outdoor storage, noting there were requirements in Section 17.24.130.B.2 that existed in the previous draft. 3. Commissioner Maynard commented that a 72-hour temporary permit for outdoor storage of PODS would fully address her concerns. She believes there are great options for backyard sheds that will meet aesthetic guidelines. 4. Commissioner Maynard commented that she supports allowing for outdoor storage that is not visible, particularly in residential areas. 5. Commissioner Maynard commented in support of not limiting storage of construction materials to 72 hours, noting that it can be difficult to store the materials inside a building that is being built. She suggested addressing visibility concerns with screening and noted the use of construction fencing is used as an option at construction sites. 	<ol style="list-style-type: none"> 1. No change needed. This type of activity is “Outdoor Sales” and not “Outdoor Storage.” 2. Comment noted. No changes made to reinstate (B)(2) setbacks. 3. Comment noted. No changes needed to 72 hour standard for all outdoor storage, including PODs. 4. Edit made to address the allowable location of outdoor storage. 5. Comment noted. No changes required as construction materials for ongoing projects would not fall into this category.

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<p>6. Commissioner Maynard suggested language similar to the fence guidelines and deferring to Public Works with regard to visual clearance for items being stored outside.</p> <p>7. Commissioner Fuller supported not allowing storage in the front yard. He noted people will tend to accumulate items in the backyard and since two-story houses can have a view of backyards, there may be a reason for a complaint from neighbors. He considers this issue as being parallel with the Municipal Code regulations.</p> <p>8. Chair Smith commented she could support creating some standards in the direction of allowing some flexibility with certain residential space where there is adequate screening and the outdoor storage is not visible and not bothering anyone else; and noted that clarity is important. She noted there is difficulty in addressing nuisances and believes it is important to have other tools as well to address community concerns.</p> <p>9. Commissioner Maynard suggested for consideration allowing for storage of items such as a sculpture garden, art studio or art gallery that might have sculptural pieces located in the back of an art studio, as storage or commercial storage if selling the art pieces.</p> <p>10. Commissioner Shelor recommended considering anything that can be done to make sure that the screening is acceptable and appropriate. He expressed his concern that some chain link fencing with mesh screening has become dilapidated over time, and particularly unattractive when it is located close to a public right-of-way.</p> <p>11. Commissioner Maynard supported allowing chain link fencing with a mesh cover for construction sites.</p>	<p>6. Comment noted. Edit made to address the allowable location of outdoor storage.</p> <p>7. Comment noted. As stated above, edit made to address the allowable location of outdoor storage.</p> <p>8. No edits made to restriction on what zone districts would allow outdoor storage. Edit made to view permanent shipping containers / PODs as accessory structures.</p> <p>9. No edits required. Cited situation would be handled as part of a Home Occupation permit.</p> <p>10. No changes needed. Use of chain-link prohibited in all "R" zones and in non-residential if visible from a public street.</p> <p>11. No change needed. This type of temporary fencing is allowed.</p>
<p>Section 17.24.130 Outdoor Storage Workshop #9</p> <p>1. Commissioner Fuller suggested that the size of PODS would require a permit depending on the size. He stated also that PODS would be more substantial and sturdier than the typical types of storage sheds that can be purchased.</p> <p>2. Commissioner Maynard supports allowing the PODS as temporary storage containment for 72 hours or less.</p> <p>3. Chair Smith supports allowing the PODS as temporary storage for 72 hours or less. She recommended that other types of structures should be allowed, or required, and permitted for permanent storage.</p>	<p>Comments noted.</p> <p>1. NZO revisions made to propose that large storage containers be permitted as structures.</p> <p>2. No change needed.</p> <p>3. No change needed.</p>

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<p>Workshop #9</p> <ol style="list-style-type: none"> 1. Commissioner Maynard recommended requiring compost containers to be available at Multi-unit Dwellings in Section 17.24.140.B.1.a.ii Recycling and Waste Storage Areas because new state legislation was passed to encourage cities to increase composting percentages to 75 percent. She believes this is the appropriate time to help meet the State goals and consider the limits of the local landfill. 2. Commissioner Fuller commented that he just received a notice that Marborg Industries is creating a very large facility that will separate out compostable items as well as all other forms of recycling that will bring the recycling percent up to 85 percent and he noted it is moving in the direction of addressing the state legislation requirements. He was not sure whether we needed to add a requirement on site. He commented also that green bins are used for residents to separate yard waste. 3. Commissioner Maynard commented that she believes the separation of compostable materials at the facility is very good but it does not negate the value of separating the composting materials at the dwelling units because this maintains the quality of the materials being recycled and reduces the overall costs of the recycling system. 	<ol style="list-style-type: none"> 1. Edits made to this subsection of the NZO to better align with terminology of State programs and for multi-family to have green waste containers as well. 2. Comment noted. 3. Comment noted. No additional changes needed.
<h2>Chapter 17.27 Density Bonus and Other Incentives</h2>	
<p>Workshop #6</p> <p>Housing questions for consideration by the Planning Commission:</p> <p>Q . Should the NZO keep the small-scale unit incentive?</p> <p>Commissioner Maynard generally supported the direction the small-scale unit incentive policy is moving; however, she believes it needs to be combined with some transportation management guidelines or proximity to a bus line. She recommended that the parking requirements should not be reduced simply based on the size of the unit and low income, noting that the size of the unit may not be related to the resident’s transportation options.</p> <p>Commissioner Fuller agreed with Commissioner Maynard’s comments and suggested that adding large bike facilities could be useful. He appreciated the idea of providing lots of small units that would increase the opportunities for people living by themselves but at a lower cost. He supported</p>	<p>Comments noted.</p> <p>Staff reanalyzed the provisions around small-scale units and all the possible benefits and potential impacts such development could have.</p> <p>While the NZO retained the allowance for these types of units, the reduction in the parking requirements were deleted.</p>

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<p>potentially having a sliding scale that addresses the square footage of the unit versus the number of units allowed on site.</p> <p>Commissioner Shelor commented that the small-scale unit incentive should be kept, but only if it results in quantifiable actual affordable housing. He suggested reaching out to housing professionals to get an understanding of what incentives would create a real affordability and if these incentives can be worked with.</p> <p>Chair Smith commented that determining whether or not the small units would provide affordability is worth exploring. She agreed with comments by Commissioner Maynard and believes the incentives can be kept but there needs to be some tweaking. She noted it would be interesting to get other perspectives as to whether incentives would be meaningful. She commented that there is a need for smaller units or a desire for people to occupy smaller units.</p>	
<h2>Chapter 17.28 Inclusionary Housing</h2>	
<p>Workshop #6 Housing questions for consideration by the Planning Commission: Q. Are there other Housing issues to be discussed?</p> <p>Commissioner Shelor expressed his belief that the General Plan inclusionary policy is out of date and should be reviewed.</p> <p>Chair Smith commented that she believes the inclusionary section is well done and an important part of the Code. She suggested discussion that looks at setbacks where there are changes from current practices. In terms of ADUs, Chair Smith stated she is comfortable with the ordinance as proposed; however, she expressed openness to reconsidering the term of the owner-occupancy requirement.</p> <p>Commissioner Maynard supported adding setbacks as one of the issues for discussion at a future workshop.</p> <p>Commercial Maynard stated she appreciates the opportunity to look at some of the Housing guidelines in the future. She noted that some of her concerns for future discussion include tradeoffs, particularly for low and very-low housing, and the reduction requirements, as well as considering increasing the percentage of inclusionary units across the board and expanding into rentals.</p> <p>Chair Smith supported looking at expanding the inclusionary units into rentals. She expressed interest in the comment today from Cheryl Rogers, representing the League of Women Voters, that suggested</p>	<p>Comments noted.</p> <p>Staff will be recommending initiation of a General Plan Amendment to Housing Policy HE 2.5 to include rental units to the inclusionary requirement as a separate work effort apart from the NZO.</p> <p>The NZO will not be proposing any substantive changes to the ADU section unless there is a change in State law requirements prior to NZO adoption.</p> <p>The NZO does not require that farmworker housing be located on the same parcel where the agricultural</p>

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<p>in-lieu payments and land transfers from developers who cannot provide on-site affordable units should be designed solely for affordable housing projects. Commissioner Shelor requested staff research and clarify the language regarding whether the farmworkers must work on the housing site.</p>	<p>employees work. This is evident in the fact that this form of housing is permitted in Residential zones, whereas the work would typically occur on an Agriculturally zoned lot, within or outside of the City.</p>
<p>Section 17.28.020 Commissioner Maynard, Workshop #1. Commissioner Maynard commented regarding <u>HE 2.5</u> that rental language was removed from <u>17.28.020.A.3</u> but there is language around rental affordable units in <u>17.28.080.A</u>, and she would like to discuss rental housing.</p>	<p>No changes made. A General Plan Amendment would be required to change trigger for requiring Inclusionary Housing from “for-sale” to including rental development. However, once development of “for-sale” housing triggers the need for Inclusionary Housing, there is no restriction for those units subject to affordability standards from being rented.</p>
<p>Section 17.28.050 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that there is a reference in <u>17.28.050.D.2.c.i</u> and <u>17.28.050.D.3.c.i</u>, to being infeasible to put affordable housing, and she would like to discuss what it means for it to be infeasible, for clarification.</p>	<p>Definition of “Feasible” is included in Part VI, Definitions, which is a universally used definition in zoning codes and is derived from CEQA.</p>
<p>Section 17.28.050 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she supported the revisions to the Inclusionary Housing regulations.</p>	<p>Comment noted.</p>
<p>Section 17.28.050(D) Commissioner Maynard, Workshop #3. Commissioner Maynard requested the definition of “infeasibility” with regard to in-lieu fees for housing at the Housing discussion.</p>	<p>As stated above, “Feasible” is defined in Part VI.</p>
<p>Section 17.28.050(D)(3)(a) Commissioner Shelor, Workshop #3.</p>	<p>Comment noted.</p>

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<p>Commissioner Shelor commented for further discussion, that there has been some concern that the amount of the in-lieu fee collected for a project does not result in the same tradeoff in terms if it was built on site.</p>	
<p>Section 17.28.110 Chair Smith, Workshop #3. Chair Smith questioned whether the New Zoning Ordinance should provide guidance on what “Good Cause” means.</p>	<p>Staff reviewed this issue with the City Attorney and no changes were made to codify this phrase, which is determined case-by-case and based upon substantial evidence that is provided within the public record.</p>
<p>Workshop #9</p> <ol style="list-style-type: none"> 1. Chair Smith suggested staff consider the status of the process for ADU applications and check if any adjustments could be made in terms of the NZO based on feedback and objective data that is available. 2. Chair Smith supports some way to timely address inclusionary housing in the NZO process. 3. Commissioner Maynard supports Chair Smith’s comments regarding housing. 	<ol style="list-style-type: none"> 1. Comment noted. No additional changes made. 2. Comment noted. 3. Comment noted.
<h2>Chapter 17.30 Environmentally Sensitive Habitat Areas</h2>	
<p>General Commissioner Shelor, Workshop #4 Commissioner Shelor requested staff provide a map that would display the mapped ESHAs with an overly showing the 100-foot setbacks for the ESHAs, and show within the areas the properties by zone that are affected.</p>	<p>All mapped ESHA within the City is depicted on General Plan Figure 4-1. Specific ESHA setbacks and buffers are done on a case-by-case basic due to the nature of their complexity.</p>
<p>CE 1.9 Standards Applicable to Development Projects Commissioner Maynard, Workshop #1. Commissioner Maynard would like wildlife corridors to be looked at similar to bike paths. Also, at some point it would be important to map the corridors holistically as a city rather than project by project. She noted her excitement about the work on the Creek Watershed Management Plan.</p>	<p>No changes made.</p> <p>These habitat corridors are included in ESHA protections as appropriate and analyzed in that way.</p>
<p>CE 2.2 Streamside Protection Areas Commissioner Maynard, Workshop #1. Commissioner Maynard noted that she has comments when <u>CE 2.2</u> is discussed.</p>	<p>Comment noted. Discussion occurred at Workshop #4.</p>

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<p>CE 2.2 Streamside Protection Areas Commissioner Shelor, Workshop #1. Commissioner Shelor commented that he appreciates that a requirement for a major Conditional Use Permit has been added for the Streamside Protection Areas.</p>	<p>Comment noted. This is a requirement per General Plan policy CE 2.2(b).</p>
<p>CE 3.4 Protection of Wetlands in the Coastal Zone Commissioner Maynard, Workshop #1. Commissioner Maynard believes the opposite language was stated in the New Zoning Ordinance. She noted this is a big discrepancy that should be corrected.</p>	<p>Edit made to address this issue in subsection 17.30.100(B)(3).</p>
<p>CE 3.5 Protection of Wetlands Outside the Coastal Zone Commissioner Maynard, Workshop #1. Commissioner Maynard requested that “restoration when feasible” language be included in the New Zoning Ordinance with regard to 17.30.100.</p>	<p>No changes made. Language is already used in first sentence of subsection 17.30.110(A) of the Public Hearing Draft of the NZO.</p>
<p>Section 17.30.050(D) Development Standards Commissioner Maynard, Workshop #1. Commissioner Maynard commented that <u>17.30.050.D</u> includes most of [CE] 10.1 language, and recommended adding “urban runoff pollutants” as is in the General Plan, and also adding the stronger language from [CE] <u>10.1</u> that indicates “urban runoff pollutants shall not be discharged or deposited such that they adversely affect these resources”, as opposed to the language “reduced”. Also, Chapter <u>17.38</u> Parking and Loading might be a good reference point.</p>	<p>Revision made to add CE 10.1 as subsection 17.30.050(E).</p>
<p>Section 17.30.070(B) Commissioner Maynard, Workshop #3. Commissioner Maynard commented that she supports the letter from the Environmental Defense Center regarding Streamside Protection Areas and would like to see more rigorous Findings. She noted there was good suggested language in the letter that she supports.</p>	<p>Comment noted. Staff continued to work EDC staff and the City Attorney to develop stronger ESHA protections, including SPAs. Additionally, the topic of ESHA was further discussed in Workshop #4 and the Joint CC-PC Workshop.</p>
<p>Section 17.30.070(B) Chair Smith, Workshop #3. Chair Smith supported Commissioner Maynard’s comment regarding Streamside Protection Areas.</p>	<p>Comment Noted.</p>
<p>Section 17.30.070(B)(1) Commissioner Maynard, Workshop #3. She requested staff consider more specific language with regard to economic infeasibility and the necessity to make any change to a required standard; and</p>	<p>Comment noted. Staff revisited the issue of “feasibility” in the context of SPA buffer reductions and included a new requirement for an</p>

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<p>review comments from public speaker George Relles and from the Environmental Defense Center comment letter regarding Stream Protection Areas.</p>	<p>alternatives analysis in subsection 17.30.070(C) of the Public Hearing Draft NZO.</p>
<p>Section 17.30.070(B) Commissioner Fuller, Workshop #4. Commissioner Fuller suggested that the language in the first sentence in Section 17.30.070.B Buffers be changed to: “The SPA upland buffer must be at least 100 feet outward on both sides of the creek, measured from the top-of-bank of the outer limit of wetlands and/or riparian vegetation, whichever is greater”.</p>	<p>Comment noted. Edit made to clarify that the width of the required buffer is “at least” 100 feet [...].”</p>
<p>Commissioner Maynard, Workshop #4. Commissioner Maynard suggested that Planning Commission may recommend language to indicate that given the current General Plan, this is the current recommendation of the Planning Commission, but note for the minutes that the Planning Commission recommends that the City Council look at the recommendation and consider a General Plan Amendment, if appropriate. Commissioner Maynard suggested consideration regarding movement of the creek banks.</p>	<p>Comment noted. Any recommendation of the Planning Commission to consider one or more GPA would be transmitted to the City Council.</p>
<p>Section 17.30.110 Mitigation of Wetland Infill Commissioner Maynard, Workshop #1. Commissioner Maynard believes the ratio of 3:1 should be maintained in the New Zoning Code for mitigation of wetland infill rather than allow the ratio of 2:1 in <u>17.30.110</u>.</p>	<p>No changes made. Ratio language of 3:1 and 2:1 taken directly from General Plan policy CE 3.6.</p>

Workshop #4.

ESHA Questions for Consideration by the Planning Commission:

Staff stated that the NZO incorporates the objective development standards from the General Plan, but allows case-by-case analysis of potential impacts through the CEQA process.

Commissioner Shelor recommended making standards that are as clear and objective as possible for applicants and stressed the importance of the initial consultation process with staff and concept review, if needed. He suggested set guidelines that are firmer and that would create an appealable ministerial review. Also, Commissioner Shelor stressed the importance not to stray too far from the original intent of the General Plan.

Commissioner Shelor recommended continuing discussion on the determination of what is project infeasibility and what would be the viability of a project modification.

Commissioner Maynard recommended adding more detailed findings to assess financial infeasibility. She spoke in support of the requests from the Environmental Defense Center’s letter to consider comparable profit and loss projections and other requests with regard to financial infeasibility. She stressed the point that a loss of profits does not equate to protect infeasibility. She noted caution regarding investor-backed expectations as a consideration.

Commissioner Maynard recommended emphasizing City approved third-party biological and economic review.

Commissioner Maynard recommended adding language in Section 17.30.070.A and in Section 17.30.070.B.1.a to include protection of water quality.

Commissioner Fuller requested further definition of “the “biotic quality of the stream” in Section 17.30.070.B.1.a.

Commissioner Maynard recommended removing “beneficial” from Section 17.30.070.B.2 Buffers, noting that the language “beneficial” is too broad.

Commissioner Fuller commented with regard to feasibility and infeasibility that he is reticent to codify case law and recommended making the applicants aware of the case law, rather than rewriting or creating standards.

Commissioner Maynard and Chair Smith disagreed with Commissioner Fuller’s comment regarding case law. Commissioner Maynard commented that additional information is needed to make a determination of feasibility and infeasibility.

Commissioner Maynard requested clarification of the definition of “reasonable development” in Section 17.30.100.A.2.

Comments noted.

As noted above, new subsection 17.30.070(C) creates a new requirement for Alternate Site Design is a project is requesting a reduction of required ESHA buffers.

Additional revision to add stream water quality to ESHA chapter.

The term “beneficial” has been deleted from this subsection of the ESHA chapter.

With regard to the phrase “reasonable development,” the Review Authority is tasked with making this determination as well as that or “feasible” vs. “infeasible,” based upon the preponderance of evidence in the public record for the project.

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Workshop #4. ESHA Questions for Consideration by the Planning Commission: Q. Should the 14-inch fence clearance for animal passage be retained, removed, or modified? Commissioner Fuller requested clarification and examples of what other type of fencing would be acceptable as a perimeter boundary for property to allow for animal passage, with regard to Section 17.30.050.J. Commissioner Maynard recommended leaving this decision for the environmental review process to determine the appropriate fencing based on the environmental review process. Commissioner Fuller agreed with Commissioner Maynard’s recommendation. Commissioner Shelor commented that there may be different circumstances in residential areas with roaming pets vs. commercial and industrial areas. Commissioner Maynard supported this comment. Chair Smith commented that it seems like there could be multiple factors and considerations, and not sure if one set standard set would address all situations and would lean towards removing the section. However, she would be open to some modifying language to describe other circumstances such as regarding pets. Commissioner Fuller hopes the biological reviewers would provide information to allow decision-makers to come up to an appropriate solution to the situation. Commissioner Miller commented that he would support strict standards for fencing whether this could be done with specificity in the ordinance or through the review process. He noted that the 14-inch and 40-inch standards make sense given wildlife needs. Commissioner Fuller commented that not allowing planting non-native species would eliminate eucalyptus trees from Monarch butterfly preserves, which does not seem like a great idea in all cases. Chair Smith agreed with Commissioner Fuller’s comment regarding not allowing the planting of non-native species.</p>	<p>Based upon the feedback from the Planning Commission, staff revised the NZO to remove the discussion of development standards for fencing within ESHA and will leave such standards for the analysis of impacts and mitigations that would come from the appropriate environmental document through the CEQA process.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Workshop #4. ESHA Questions for Consideration by the Planning Commission: Q. Are the Grading and Grubbing standards sufficient? Commissioner Fuller agreed with the proposed standards. Commissioner Maynard commented:</p> <ul style="list-style-type: none"> a. Requested additional language and clarification with regard to consideration for agriculture. b. Requested a notation that some of the language about tree removal will be moved from the grading and grubbing standards to the Tree Protection Ordinance. c. If the grading and grubbing is more than 50 cubic yards, and there is a replanting component, recommended that native plants should be planted within 500 feet of an ESHA if there is a replanting component. Native plants should be planted within 500 feet of the ESHA with the exception for non-native plants significantly contributing to the habitat values. Provide clarification in Section 17.30.030.D Restoration of Monitoring Plan. <p>Commissioner Shelor requested staff research agriculture uses and flexibility with regard to ESHAs. Chair Smith recommended moving Section 17.24.100.A.3.f to Section 17.24.100.A.4.b to require that “Grubbing less than 100 feet from any sensitive habitat or protected resource” would require a Minor Conditional Use Permit to strengthen the parameters. Members Fuller and Maynard agreed.</p>	<p>Comments noted.</p> <ul style="list-style-type: none"> a) Revision made in the NZO to clarify allowances for existing agricultural operations to be able to continue within ESHA. b) The tree protection ordinance will be a separate work effort at a later date. c) The type and location of ESHA plantings will be governed by the appropriate CEQA review and environmental document. <p>Revision to Section 17.24.100.A.3.f to move it to Section 17.24.100.A.4 and require a Major Conditional Use Permit.</p>

Workshop #4.

ESHA Questions for Consideration by the Planning Commission:

Q. Are there other ESHA issues that need to be discussed?

Commissioner Miller stated that he would support a recommendation to the City Council to consider the 100-foot minimum SPA buffer.

Commissioner Maynard recommended strengthening the language regarding the 100-foot minimum buffer given the current General Plan by accepting the EDC recommendations as previously discussed. She requested the City Council consider opening up a broader conversation about changing streamside protection buffers to strengthen them in the General Plan. If there is consideration to discuss amending the General Plan, Commissioner Maynard recommended considering increasing both the 25-foot setback and the 100-foot setback so the minimums would be higher and the 100-foot standard setback would be higher. She supported adding language “at least” in Section 17.30.070.B for clarity that 100 feet is the current minimum.

Commissioner Fuller recommended considering adding a prohibition of the use of herbicides and other toxic chemical substances within 100 feet of ESHAs, regarding Section 17.30.060 Management of ESHAs.

Chair Smith supported recommending the City Council consider the creek setback language in terms of the General Plan. She commented that under the current General Plan, she would support generally the comments from the EDC and others regarding having more specificity regarding findings, noting it adds clarity to be able to make decisions and more transparency.

Commissioner Maynard recommended that a project located within 300 feet from an ESHA require a Minor Conditional Use Permit.

Commissioner Maynard recommended consideration to add and emphasize the finding “and cannot be restored” with regard to a wetland that is a small and generally unproductive, with regard to Section 17.30.100.A.1 Protection of Wetlands Outside the Coastal Zone.

Commissioner Maynard recommended consideration to add language requiring that off-site mitigation should only be allowed when the mitigation cannot be done on site, with regard to Section 17.30.100.A.3 Protection of Wetlands Outside the Coastal Zone.

Commissioner Maynard recommended adding language that the Review Authority should also consider the potential to restore the wetland, with regard to Section 17.30.100.B.2 Buffer.

Commissioner Maynard strongly supported changing the ratio from 2:1 to 3:1 for mitigation of wetlands infill, in Section 17.30.110 Mitigation of Wetland Infill, and recommended also removing the last sentence: “However, in no event can the required mitigation ratio be less than 2:1”.

Comments noted.

The entire ESHA chapter was revised to strengthen the protections for all forms of ESHA.

Staff believes that the strengthened ESHA Chapter will negate the need for a GPA to the Conservation Element.

Edit made to allow off-site restoration only if found to be infeasible onsite.

No change to the Wetland Infill Mitigation ratio of 2:1 since this comes directly from the City’s General Plan policy CE 3.6.

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Commissioner Maynard supported public comment from Barbara Massey to potentially remove Section 17.30.180.C.2 Buffer required: “The buffer may be reduced up to 50 feet in circumstances where the trees contribute to the habitat but are not considered likely to function as an aggregation site, such as along narrow windrows”.</p> <p>Commissioner Maynard expressed concern that ESHAs that are not SPAs can see buffer reductions without elevating the approval to a Conditional Use Permit.</p>	<p>No change to the Monarch buffer of 50 feet since this comes directly from the City’s General Plan policy CE 4.5.</p> <p>Edits made to require a Major CUP for any ESHA buffer reduction.</p>
<h2>Chapter 17.31 Floodplain Management</h2>	
<p>SE 6.4 Avoidance of Flood Hazard Areas Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the language should be strengthened to more reflect the General Plan. Commissioner Maynard questioned if there are flood prone areas outside of the 100-foot floodplain (to be tabled).</p>	<p>No changes made. All development standards of SE 6.4 are reflected in Section 17.31.030(A).</p> <p>100-year floodplain is determined by the Federal Emergency Management Agency (FEMA) and shown on the Flood Insurance Rate Maps (FIRM). The City’s General Plan Figure 5-2 reflects the current FIRM. Staff applies the 100-year floodplain as a proxy for flood prone areas in the policy.</p>
<h2>Chapter 17.32 Hazards</h2>	
<p>SE 5.3, Avoidance of Landslide Hazards for Critical Facilities SE 5.4 Avoidance of Soil-Related Hazards Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the language about critical facilities was excluded and she believes it should be included.</p>	<p>No changes made. All development, including critical facilities, are subject to the NZO requirements and standards of Chapter 17.32, Hazards.</p>
<p>SE 1.2 Guidelines for Siting Highly Sensitive Uses and Critical Facilities Commissioner Maynard, Workshop #1. Commissioner Maynard commented that SE 1.2 is not addressed in this section.</p>	<p>No changes made. SE 1.2 covered in Chapter 17.32. The Site Specific Hazard Study required in Section 17.32.020(B) requires analysis of all relevant policies, including SE 1.2.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>SE 6.2 Areas Subject to Local Urban Flooding Commissioner Maynard, Workshop #1. Commissioner Maynard suggested considering adding language from SE 6.2 to 17.32.030 Hazards. This language could also be added to 17.31.030.</p>	<p>No changes made. Flood hazards analysis is a part of Section 17.32.030, Hazards Evaluation Report.</p>
<p>SE 1.3 Site-Specific Hazards Studies Commissioner Maynard, Workshop #1. Commissioner Maynard noticed that the timeframe was removed. She noted she would like to see the 100-year timeframe for sea level rise.</p>	<p>No changes made. Sea-level rise covered in subsection 17.32.040(C)(1), Coastal Hazards Report and will be done in concert with the expected life of the project.</p>
<p>SE 7 Urban and Wildland Fire Hazards Section 17.32.060© Rebuilding in high Fire Hazard Areas Commissioner Maynard, Workshop #1. Commissioner Maynard commented that <u>17.32.060.C</u> should include language referring to the loss of life as well as loss of structure.</p>	<p>Edit made to include “loss of life and of the structure”[...].</p>
<p>Chapter 17.33 Historic Resource Protection</p>	
<p>OS 8 Protection of Native American and Paleontological Resources Commissioner Maynard, Workshop #1. Commissioner Maynard recommended adding a reference to the Historic Preservation Ordinance.</p>	<p>Chapter 17.33 is a placeholder chapter for Historic Resource Preservation, which will be subsequently added to the NZO after it is adopted.</p>
<p>CE 10.5 Beachfront and Blufftop Development Commissioner Maynard, Workshop #1. Commissioner Maynard commented that most of the relevant text was removed from 17.33.040 between the last version and this version, so it appears to have lost some consistency with the General Plan.</p>	<p>No changes made. Section 17.33.040 discussion of beachfront and blufftop development moved to Section 17.32.040. BMPs are also discussed in ESHA Section 17.30.050. The NZO remains consistent with the City’s General Plan.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT

CITY STAFF RESPONSE

Chapter 17.34 Landscaping

Section 17.34.050

Commissioner Maynard, Workshop #1.

Commissioner Maynard commented that 17.34.050.A seems to be too broad and does not have much guidance with regard to the selection of plant materials.

Edits made throughout Chapter 17.34, Landscaping, to address comments and direction received from Design Review Board at March 26, 2019 meeting. These edits also address PC comments.

Section 17.34.050

Commissioner Maynard, Workshop #1.

Commissioner Maynard suggested considering changing the requirements in 17 34 050.B to a size limit for water features.

Edit made to add Decorative water features to require a Zoning Clearance (17.54.020(A)(5)) if not exempt per Section 17.53.020.

Section 17.34.050

Commissioner Maynard, Workshop #1.

Commissioner Maynard commented that adding a reference to the State Water Conservation and Landscaping Act would be helpful.

Edit made to cite WELO in Section 17.34.060.

Chapter 17.35 Lighting

CE 1.9 Standards Applicable to Development Projects

Commissioner Maynard, Workshop #1.

Commissioner Maynard commented that there is a lighting element in CE 1.9 and also some inconsistency. She noted there are a lot of great comment letters about dark skies to include in the discussion.

Edit made to add ESHA protections to Lighting Chapter in 17.35.040.

VH 1.3 Protection of Ocean and Island Views

VH 1.4 Protection of Mountain and Foothill Views

Commissioner Maynard, Workshop #1. Commissioner Maynard commented that it is very important to look at downcast, fully shielded, and full cutoff lighting of the minimum intensity needed for the purpose, and that more stringent language is needed in the ordinance regarding lighting.

Edit made to add “full cut-off” to lighting requirements in 17.35.040©, which already includes the other cited attributes.

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Section 17.35 Lighting Workshop #7</p> <p>Q: Any comments or input on string-lights?</p> <ol style="list-style-type: none"> 1. Commissioner Maynard supported the prohibition of unshielded string-lights outside of the holidays in Section 17.35.030. 2. Commissioner Fuller recommended string-lights should meet the same standards of any other lighting that includes complete shielding and no light trespass. He suggested making an exception for lighting with very low wattage. <p>Chair Smith commented that a narrow exemption on string-lights could be appropriate.</p>	<p>Comments noted.</p> <p>Section on temporary Seasonal Lights added to NZO to allow them to be installed and operated for the time period commencing 30 days prior to the festivity or holiday and extending no later than 30 days afterwards, provided that no individual light or lamp exceeds ten watts and 70 lumens.</p>
<p>Section 17.35 Lighting Workshop #7</p> <p>Q: Staff has already indicated several revisions are being made based on previous feedback, but are there other changes Planning Commission would like to see?</p> <ol style="list-style-type: none"> 1. Commissioner Shelor suggested staff consider language that would allow for an exception for flexibility for up-lighting if the applicant can prove that the lighting will be appropriate and acceptable. 2. Commissioner Maynard recommended additional consideration regarding whether the City should have exemptions and thinking about where the City needs to have exceptions rather than creating a broad exemption for all City facilities. She recommended City street lights should be fully shielded and cut-off, and approximately 3,000 kelvin. 3. Commissioner Maynard suggested considering bringing back the following sections that were eliminated from the previous zoning code: 1) Section 17.35.030 that prohibited landscape lighting other than low-voltage accent lighting (because there could be more landscape lighting); and 2) Section 17.35.040 which was a height limitation off of the roof which was also eliminated. 4. Commissioner Maynard recommended that it is important to include language where possible for lighting that is fully shielded, fully cut-off, and at the minimum intensity needed for the purpose. 5. Commissioner Maynard recommended referring to the International Dark-Sky Association for guidance for recreation field lighting standards, noting there may be a need for more specific guidelines for unique situation of recreational fields in addition to the lighting trespass guidelines. 	<ol style="list-style-type: none"> 1. No changes made. Uplighting prohibited by General Plan policy VH 4.12. 2. Comment noted. No changes made to NZO, which does not exempt ALL lighting for City facilities, just those required by ordinance or law. Staff is also recommending deleting the 3,000 Kelvin standard and allowing Design Review to determine the appropriate color. 3. Comment noted. These sections were not added back into the NZO. 4. Comment noted. Edit made to include these measures. 5. Comment noted. No edits necessary beyond those made to include "full cutoff" lighting.

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>6. Commissioner Maynard suggested considering guidelines regarding the amount of illumination on car lots at night when closed, and noted her concerns including the extreme brightness late at night, the amount of usage of electricity, and the effect on the night sky.</p> <p>7. Commissioner Fuller commented that hopefully car lots will not require as much lighting when closed. He agreed with Commissioner Maynard’s comment regarding the amount of illumination on car lots.</p> <p>8. Commissioner Maynard supported considering the language in the model ordinance provided by Commissioner Shelor, or refer back to the previous draft with regard to gas stations.</p> <p>9. Commissioner Maynard recommended limiting the number of consecutive renewals of temporary lighting in Section 17.35.020.</p> <p>10. Commissioner Shelor requested consideration of adding flexibility to the language with regard to the light temperatures and other lighting standards to keep up with the new technology involved.</p> <p>11. Commissioner Fuller stated that his preference for the lighting temperature standards is 3500 to 4000 kelvin as an appropriate level.</p> <p>12. Chair Smith generally supported Planning Commissioners’ comments to consider the model language with regard to lighting.</p>	<p>6. Auto sales lots would be subject to subsection 17.35.050(D), Exterior Display/Sales Areas, which regulates the night lighting.</p> <p>7. Comment noted. See response above.</p> <p>8. Edit made to require gas stations to comply with all general lighting standards in Section 17.35.040.</p> <p>9. Comment noted. No change made as this would be at the discretion of the Director.</p> <p>10. Comment noted.</p> <p>11. Comment noted. Comment noted.</p>
<h2>Chapter 17.36 Nonconforming Uses and Structures</h2>	
<p>17.36.030.D Nonconforming Uses and Structures, Expansion of Nonconforming Uses Commissioner Maynard, Workshop #3. Commissioner Maynard commented that language regarding Required Findings has been removed from this section and requested staff revisit and check it has been relocated, and report back.</p>	<p>No changes made. The findings that were previously required in the 2015 Draft were not findings that could ever be made and were therefore removed.</p>
<p>17.36.020 Establishment of Nonconformity: Commissioner Maynard, Workshop #3. Commissioner Fuller requested staff review to see if 17.36.020.A and 17.36.020.B can be merged.</p>	<p>Edits made to merge and to also clarify this Section.</p>
<p>Commissioner Maynard, Workshop #3. Commissioner Maynard encouraged the Planning Commissioners to review the track change version regarding findings for the nonconforming uses and expansion of nonconforming uses.</p>	<p>Comment noted.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Commissioner Fuller, Workshop #3. Commissioner Fuller stated that he believes the proposal for Nonconforming Uses and Structures is fair.</p>	<p>Comment noted.</p>
<p>Commissioner Maynard, Workshop #3. Commissioner Maynard commented that it would be important to discuss the zones where child care is allowed and the permits that are required.</p>	<p>Comment noted. Child care facilities discussed at Workshop #8.</p>
<p>Chapter 17.38 Parking and Loading</p>	
<p><i>General</i> Commissioner Fuller, Workshop #1. Commissioner Fuller commented that comments by Barbara Massey, public speaker, regarding parking are very insightful.</p>	<p>Comment noted.</p>
<p>Section 17.38.100 Workshop #6. Energy questions for consideration by the Planning Commission: Q. Are there other incentives or standards that should be added to support renewable energy use in the City? Commissioner Fuller spoke in support of having the minimum requirements for EV charging on certain developments and stated he also believes there should be requirements for EV charging infrastructure in residential units for at least the infrastructure if not the actual installation of the units. He noted that he anticipates there will be high demand in the future for residential EV charging. Commissioner Maynard supported including EV charging stations for single-family residences. She recommended increasing the requirement for multiple-unit development from five percent to at least 10 percent to plan for the future and not just be catching up. Commissioner Maynard spoke in support of not blocking sun rays on an existing solar panel on an adjacent property when reviewing projects. She also recommended consideration of expanding the requirements for solar energy on non-residential buildings. Chair Smith agreed to consider Commissioner Maynard’s recommendation to increase the EV charging facility requirements to 10 percent, and noted that this requirement may continue to be looked at and updated in the future. She also supported Commissioner Maynard’s recommendation to consider including EV charging stations for single-family residences. Chair Smith spoke in support of considering the comments today by public speaker Barbara Massey with regard to setbacks for oil pipelines.</p>	<p>Comments noted.</p> <p>No changes made to the development standard for EV charging station in subsection 17.38.100(G), which requires parking facilities that contain 20 or more spaces serving multiple-unit development, offices, and lodging uses to provide at least five percent of parking spaces with EV charging stations.</p> <p>Additionally, the NZO defers to State law for solar panels and arrays.</p> <p>No changes to setbacks for oil and gas pipelines in NZO subsection 17.37.030(C)(4), which were taken directly from General Plan, Safety Element policy SE 8.13.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Commissioner Maynard commented that she would support a Major CUP with an EIR for battery storage until there is more information.</p>	<p>Battery storage included as Major Utility which requires a Major CUP in the BP and OI zone districts.</p>
<p>Workshop #5 Q: Are regulations of RVs in the Front Setback sufficient?</p> <ol style="list-style-type: none"> 1. Commissioner Fuller commented: <ol style="list-style-type: none"> A. Suggested possible consideration whether an RV parked in a front setback could it be perpendicular to the front street, so an RV would not take up a large portion of the frontage of the property. B. Consider whether to possibly limit the number of vehicles depending on the type per lot. C. Consider whether the vehicles should only be owned by the owners of the lot. D. Pedestrian safety would be an issue; for example, if one of the large vehicles was backing out from being stored directly on the sidewalk onto the sidewalk, and was not giving a pedestrian chance to get out of the way, this would be an argument against having no setbacks. E. Supports adding vehicles storage in the Business Park (BP) zones. 2. Commissioner Maynard pointed out that there may be an enforcement issue in terms of the number of the units because the property would need to have the number of onsite parking spaces required for the single-family home plus room for the RV in onsite spaces that are not on-the-street parking. 3. Commissioner Maynard supports the concept that was brought up about potentially expanding the spaces where RV storage lots might be allowed and considering the Business Park districts as a potential area to have additional storage lots. She would not support RV parking lots in Commercial zones because she would want Commercial zones to be kept as more vibrant areas with people coming in and out. 4. Commissioner Maynard believes there should be more guidance to the City regarding flexibility to allow additional curb cuts where appropriate to the design of the space and where there is an attempt to park an RV, instead of being resistant to curb cuts. 5. Commissioner Maynard requested consideration regarding whether there should be a preference to store an RV on the side setback vs. the front setback because concerns have been expressed regarding RVs parked inside setbacks. 	<ol style="list-style-type: none"> 1a. Staff does not recommend attempting to regulate the direction vehicles are parked in front of a house. 1b. Edit made limiting the number of trailers or RVs on a lot to one, unless screened or fully enclosed. 1c. Edit made to require owner of the RV to reside on the lot. 1d. Public safety within the right-of-way is maintained in the NZO. 1e. Comment noted. 2. Required parking for SFDs is typically provided onsite within an attached or detached garage. 3. The Outdoor Storage use classification is permitted in CG, IS, IG, consistent with the City's General Plan. 4. Comment noted; however, curb cuts are within the authority of the Public Works Department and not zoning. 5. Comment noted. However, the objective standards of the NZO are requirements and cannot be preferences or recommendations.

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>6. Commissioner Maynard suggested considering whether there should be an adjustment in the ordinance for the reality that car park in the front setback.</p> <p>7. Commissioner Maynard commented that she has seen a strong response from members of the community for more leniency with regard to storage of RVs and other recreational vehicles.</p> <p>8. Vice Chair Miller commented at this time he is partial to the idea of prohibiting parking in the front setback. He noted his concerns include how it affects people in the neighborhood aesthetically. He requested staff look into finding locations that would be appropriate for RV parking but noted that commercial locations are not appropriate. He also recommended taking a stronger look at screening requirements and size requirements of the RV, particularly if they will be allowed in the front setback. He understands there are issues in connection with parking on the side setbacks.</p> <p>9. Chair Smith commented she has some concerns regarding enforcement of proposed RV requirements and believes enforcement is largely complaint driven. She noted it appears there have not been a lot of complaints previously although there may be more with the proposed requirements. She expressed concern about individuals living in RVs. She commented there would need to be additional requirements if RV parking in the front setback is allowed. She would be open to staff looking for other places to store RVs in the community, and stated she is not entirely convinced allowing RVs in the front setback is the way to go.</p> <p>10. Commissioner Shelor commented in support of continuing to use the standards in the previous draft ordinance. He believes the new proposed standards somewhat negate the General Plan priorities of maintaining aesthetics and neighborhood compatibility. He recognized that this creates issues for individuals that live in the city, and stated it is incumbent upon staff and the City Council to facilitate storing these large vehicles in some appropriate nonresidential zones.</p> <p>11. Vice Chair Miller commented that he would need more information about what seems to be a lack of complaints from neighbors of RV owners before factoring that into the decision-making.</p> <p>12. Commissioner Maynard commented that she cannot support the additional size limitations and additional screening requirements and noted that she has heard from many people. She believes notices should be sent to persons who have commented regarding RVs to notify them that there have been changes to the draft ordinance that has been provided and to make sure they have seen the changes. She recommended that persons on both sides of the issue should be contacted.</p>	<p>6. Clarification for this allowance made in the NZO.</p> <p>7. Comment noted.</p> <p>8. Comments noted. Staff has worked with the interested parties on this topic further to develop standards for RVs and trailers that address the overall concerns mentioned.</p> <p>9. Correct, enforcement is currently complaint-driven within the City. RVs are not permitted to be used as permanent habitation on a lot. Edit made to clarify that habitation of RVs is limited to 14 days in a six-month period, unless there is a declared emergency.</p> <p>10. Comment noted. However, after public release of the last version, there was significant public input that went into the revisions presented in the 2019 draft NZO. Edits made to clarify NZO standards, but still in-line with the direction received in 2016 from the PC.</p> <p>11. Comment noted.</p> <p>12. Comment noted. Size limitations have not been introduced, as they are not easily enforceable. However, some screening requirements were added. Staff also emailed all RV commenters</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>13. Vice Chair Miller questioned whether it is appropriate to notice prior persons who commented on this issue.</p> <p>14. Commissioner Fuller stated that recommendations from the Planning Commission regarding the New Zoning Ordinance will be submitted to the City Council who will be the final decision-makers; and he encouraged interested persons to contact the City Council at the appropriate time.</p> <p>15. Vice Chair Miller clarified that he does not want anyone’s opinions not to be included and he supports ample noticing.</p> <p>16. Chair Smith commented that the intent of the process is that the public has an opportunity to comment on all issues.</p>	<p>from the prior 2016 Workshops to ensure that they are aware of the current NZO discussion.</p> <p>13. Noticing prior interested parties is appropriate and has been done.</p> <p>14. Comment noted.</p> <p>15. Comment noted.</p> <p>16. Comment noted.</p>
<p>Workshop #5 Q: Are Parking reductions appropriate?</p> <p>1. Chair Smith commented that generally she supports the reduction for low-income units most strongly.</p> <p>2. Commissioner Fuller commented he does not believe low-income people do not have cars and he believes elderly people have a car even if they do not drive it. He noted vehicles sales are at an almost record high. He would support a reduction in parking for mixed-use developments because it has the opportunity to provide for shared parking. He noted that the current trend is 5 to 6 office workers in 1,000 square feet, and most offices consider 4 parking spaces per 1,000 square feet a minimum. Also, retail considers 5 parking spaces per 1,000 square feet a minimum. Commissioner Fuller commented that not providing adequate parking is creating a property that is working against itself.</p> <p>3. Commissioner Shelor commented that he is concerned about the parking standards being reduced but he does not want to create any more vehicle travel than necessary and wants to support Transportation Demand Management and alternatives. He suggested taking a step back with regard to the parking reductions to get a better understanding because of the uncertainty of other factors that affect parking. He also commented regarding possible effects on parking spaces and parking standards when there is a change of use and substantial conformity.</p>	<p>1. Comment noted.</p> <p>2. Comment noted.</p> <p>3. Staff revisited the parking standards and potential reductions offered within the NZO. With regard to changes of use and substantial conformity determinations, required parking is in fact evaluated.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>4. Vice Chair Miller generally supports the comments by Commissioner Fuller and Commissioner Shelor with one caveat with regard to mixed-use developments because weekends would be questionable because both residents and retail could be there on the weekend.</p> <p>5. Commissioner Maynard suggested increasing the required parking requirements in many areas across the board but then allow for parking reductions for Transportation Demand Management with incentives including bike parking and transit passes. She noted many areas are under-parked.</p> <p>6. Commissioner Fuller recommended creative solutions that will be useful, for example, businesses providing bus passes to employees, and considering standards noted in the International Zoning Code.</p> <p>7. Chair Smith supports not proceeding with this proposal until more can be known about what is going to happen with Old Town. She is less comfortable with other reductions but commented there are few incentives to offer in terms of low-income units.</p> <p>8. Commissioner Maynard commented that UCSB has been very successful with Transportation Demand Management programs. She recommended allowing these incentives where employers are looking for these opportunities. In terms of low-income and senior housing, she noted that local cities have found a way to limit car ownership for low-income and senior housing.</p> <p>9. Commissioner Maynard suggested considering increasing the parking requirement around cannabis businesses, based on data from other cities showing increased traffic and parking needs.</p> <p>10. Commissioner Maynard suggested considering strengthening the language for parking available for loading and unloading near day care facilities. She noted from her observations working by a day care center that parking is a major issue with parents parking wherever they can.</p> <p>11. Commissioner Maynard recommended reconsidering the system to make sure there is enough adequate parking for employees.</p> <p>12. Commissioner Maynard suggested reconsidering whether the necessity for covered vs. uncovered parking is as critical, in Section 17.38.040.A.2.</p> <p>13. Commissioner Maynard recommended leaning toward “Full-time Equivalent Employee” rather than “Full-time Employee”.</p> <p>14. Commissioner Maynard commented with regard to consideration of parking reductions and incentives:</p>	<p>4. Comment noted. Staff has reviewed the overlapping use of parking for such uses on weekends and has made edits to clarify where needed.</p> <p>5. Comment noted. Minor edits to the NZO parking provisions.</p> <p>6. Comment noted.</p> <p>7. Comment noted.</p> <p>8. Comment noted.</p> <p>9. Parking standards for Cannabis uses are the same as other similar types of Retail uses listed in NZO Table 17.38.040(A).</p> <p>10. Comment noted. Revisions made to address loading and parking for Day Cares in Table 17.38.040(A).</p> <p>11. Comment noted. No change made.</p> <p>12. Comment noted. No change made.</p> <p>13. Revision made to use “Full-time Equivalent” for calculation.</p>

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<p>A. The incentives need to be significantly above and beyond the city requirements, for example, parking reductions for increased bicycle facilities.</p> <p>B. The language with regard to bus passes should be changed to transit pass to count towards other types of commuter passes.</p> <p>C. Suggested as an incentive for employers or developers to consider adding additional transit stops, including covered transit stops and bus pull-outs.</p> <p>15. Commissioner Maynard suggested that some of the funding the in-lieu fees for parking could go to staffing for parking facilities, for Transportation Demand Management outreach programs, subsidized bikes, additional transit stops, covered benches, and other appropriate uses, with regard to Section 17.38.060.</p> <p>16. Commissioner Maynard commented that she would support parking reductions as part of discretionary review as opposed to by right.</p>	<p>14. Comment noted.</p> <p>15. Comment noted. Parking in-lieu fees are administered by Neighborhood Services.</p> <p>16. Comment noted.</p>
<p>Workshop #5 Q: Are Bicycle parking requirements sufficient?</p> <p>1. Commissioner Maynard commented that overall the bicycle parking requirements are good and questioned whether the Planning Commissioners would consider planning for any type of bike share or a scooter parking plan, noting there will be further discussion on scooters although there is a ban on scooters.</p> <p>2. Chair Smith, Commissioner Fuller and Commissioner Maynard agreed to recommend increasing the bicycle parking requirements to a minimum of three for short-term.</p> <p>3. Vice Chair Miller agreed with the staff proposal and would not object to a greater requirement, and believes it is moving in the right direction.</p>	<p>1. Comment noted. Other alternative modes of transportation could be considered during any future discretionary view of a project.</p> <p>2. Revision made to increase from two to three required bike spaces. Comment noted.</p>
<p>Workshop #5 Q: Parking Lot requirements (e.g., Landscaping, Color, Covers): Retain, Remove, or Modify?</p> <p>1. Commissioner Maynard commented:</p> <p>A. Recommended considering more detailed requirements on landscaping in parking lots, in particular about separation from buildings, and landscaping in buffers.</p>	<p>1A. Comment noted. No change in NZO as this would be Design Review Board consideration.</p> <p>1B. Comment noted. No change needed. This is already a storm-water management requirement.</p>

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<p>B. Suggested considering landscape requirements as a way for filtration of stormwater by having plants that have the ability to filter some of the toxins from stormwater and pull some stormwater into groundwater systems and taking advantage of using bio-swales.</p> <p>C. Recommended stronger permeability requirements for parking lots.</p> <p>D. Supports having shade structures being at least solar ready in parking lots, and also suggested incentives that would look at different levels of landscaping requirements.</p> <p>2. Chair Smith supports increasing permeability in parking lots. She commented that having shade structures that are solar ready is important. She observed that having more shade structures is somewhat new and anticipates that the community would be interested in the design and the look of those structures.</p> <p>3. Vice Chair Miller supports more strengthening on landscape standards rather than allowing structures unless the structures are being used for solar energy. He noted there are lot of shade structures in Phoenix and Las Vegas because the sun is so intense.</p> <p>4. Commissioner Shelor appreciates standards that address heat island effects.</p> <p>5. Commissioner Maynard commented that shade structures are a new item in the community and suggested more feedback from the Design Review Board regarding the design aesthetics and requiring shade structures.</p>	<p>1C. Comment noted. No change made. Again, would be a design matter.</p> <p>1D. Comment noted. Mnor edits made to give options to incentivize different types of parking lot landscaping.</p> <p>2. Comment noted. Design and materials of parking lots and shade structures would be subject to Design Review by the DRB.</p> <p>3. Comment noted. See responses above.</p> <p>4. Comment noted.</p> <p>5. Comment noted. As stated above, the design and materials of parking lots and shade structures would be subject to Design Review by the DRB.</p>
<p>Workshop #5</p> <p>Q: Are there other Parking and Loading issues to be discussed?</p> <p>1. Commissioner Maynard supports language in Section 17.38.030 with regard to meeting existing parking standards for the conversion of residential garages into additional living space for the primary unit.</p> <p>2. Commissioner Maynard commented that it appears there is a significant reduction in restaurant parking and stated that she would lean towards the restaurant parking standards being closer to the restaurant parking standards in the International Zoning Code.</p> <p>3. Commissioner Maynard commented that her specific concern was regarding restaurant parking; although she believes the minimum requirement for parking is a little low for offices. She noted that Commissioner Fuller made some good points regarding the standards and growth of the industry and parking requirements.</p>	<p>1. Comment noted. Note however, that pursuant to State law, this provision would not apply to ADUs.</p> <p>2. Comment noted. Edits to increase the number of required parking spaces.</p> <p>3. Comment noted.</p>

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<p>4. Commission Maynard commented that that she is trying to find a balance with regard to parking because she is supportive of parking reductions for Transportation Demand Management programs, and for additional bike parking, bus passes and commuter passes; however, she hears a lot of concerns regarding limited parking that is available in Old Town and other parts of the City.</p> <p>5. Chair Smith commented that she does not support increases from what is currently required and could potentially support some proposed parking reductions but the scope of the proposed reductions is too large. She believes it is a matter of finding that right balance as a community, and also considering the low-income housing issue. She noted there are a lot of unique characteristics of Old Town to consider with regard to parking. She believes the community is still heavily reliant on cars now and things are hopefully starting to change.</p> <p>6. Vice Chair Miller commented that while he supports the concept to incentivize walking and taking alternative modes of transportation, he does not believe there is adequate mass transportation infrastructure currently; and although the community is doing a good job trying to provide it, the City is not close to being an urban area where that options is real.</p>	<p>4. Comment noted. A creative parking program for such areas as Old Town Goleta is part of a separate OT Visioning project.</p> <p>5. Comment noted. As stated above, a separate effort is being pursued for creative parking programs for such areas as Old Town Goleta as well as other areas with higher-density residential development.</p> <p>Comment noted.</p>
<p>Workshop #8 Q: Allow parking <u>all</u> setbacks? (Note: Goleta Municipal Code consistency).</p> <p>1. Commissioner Maynard stated she believes it is important to allow RV parking in the front setback as long as it is not blocking the sidewalk or the ability to walk up and down the sidewalk or bike paths. She noted that the front setback is where vehicles park throughout the Goleta region. And, no need to single out RVs and not any other vehicles.</p> <p>2. Commissioner Fuller commented that the current proposal is to allow for parking of trailers and RVs in the setbacks with some provisions.</p> <p>3. Chair Smith commented that all of the information presented this evening has provided a better understanding of the history of regulations and the current status quo; and also helps to understand the community expectations and the difficulty the residents have in terms of finding other places to store RVs. She stated that comments have been received by email expressing concerns and noted that the concerns included parking impacts to accommodate a RV due to the garage being used for storage and not to park cars.</p> <p>4. Chair Smith stated that she is open to reconsider allowance for parking trailers and RVs in the front setback and noted she believes access to the sidewalks is important. With regard to allowance for</p>	<p>All comments noted.</p> <p>The NZO revised to allow parking within all setbacks, but require that no impediment to pedestrian access or the road right-of-way may occur.</p>

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<p>parking in side setbacks, Chair Smith commented that issues could be raised with regard to having a sense of privacy and views that may be somewhat difficult to address as there are different sizes of RVs, as well as different lots sizes and structures. She noted with regard to privacy issues a concern may be if someone was living in the RV and can see into a neighbor's house, and that a vehicle that is just being stored may not trigger the privacy issues.</p> <p>5. Commissioner Maynard spoke in support for parking in both side and back setbacks. She noted there is a lot more ability to provide screening in back yards which addresses some of the concerns.</p> <p>6. Commissioner Fuller spoke in support for parking in all setbacks with certain common sense regulations.</p>	
<p>Workshop #8 Q: Require current registration with DMV?</p> <p>1. Chair Smith spoke in support for requiring current registration with the DMV and requested that staff clarify the different types of storage and situations that do not require DMV registration.</p> <p>2. Commissioner Maynard agreed with requiring current registration with the DMV and also requested staff to research DMV regulations and provide clarifying language with regard to vehicle registration regulations that apply including operable and being capable of operation.</p> <p>3. Commissioner Fuller agreed with comments from Chair Smith and Commissioner Maynard.</p>	<p>All comments noted.</p> <p>The NZO was revised to require those types of RVs/trailers that are licensed by the State DMV to have a current registration, including "Non-Op" registration.</p>
<p>Workshop #8 Q: Allowance for RV on-site use for 14 days or less? (Note: Goleta Municipal Code consistency).</p> <p>1. Commissioner Fuller spoke in support for allowance for RV on-site use for 14 days or less, and noted the Goleta Municipal Code should be followed regarding this item, in his opinion.</p> <p>2. Commissioner Maynard supported the allowance for RV on site use for 14 days or less and recommended retaining the language for not allowing RVs to be occupied as a living residence. Commissioner Maynard commented that she would be interested to learn about possible new housing laws being considered by other cities, or the State of California, with regard to allowing RVs as small homes in response to the affordable housing situation, and requested staff follow the status of current State legislation.</p> <p>3. Chair Smith commented she believes the allowance for RV on-site use for 14 days or less is reasonable and should stay consistent with the Goleta Municipal Code. She commented that this would prevent a potential nuisance situation when there is a permanent living situation and other</p>	<p>All comments noted.</p> <p>The NZO was revised to require that the trailer or RV not be occupied for living purposes on a site longer than 14 days in a six-month period, except as authorized in declared emergencies.</p>

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<p>disruptions that are not appropriate under the City’s current regulations, and noted that parking a RV in the side yard may present the potential for a problem. Chair Smith noted she is hearing from the audience that members of the community have been working well with their neighbors and also there is a nuisance code if there is a problem.</p>	
<p>Workshop #8 Q: Require parking on paved surface? (Note: Goleta Municipal Code consistency). 1. Commissioner Maynard recommended requiring parking on a paved surface in the front setback but not necessarily requiring parking on a paved surface in the side and back. Commissioner Maynard recommended staff explore and encourage the City Council to consider turf block, pavers, gravel and other alternatives that may be appropriate as a base for parking. 2. Chair Smith supported the recommendations by Commissioner Maynard with regard to requiring parking on paved surface. 3. Commissioner Maynard supported a suggestion by J. Ritterbeck, Senior Planner, to explore for further discussion the option to address the gravel distinction in the glossary. 4. Commissioner Fuller encouraged the public to continue participation in the New Zoning Ordinance process and suggested they may want to express their points with the City Council as well as express support for Planning Commission recommendations.</p>	<p>All comments noted.</p> <p>The NZO was revised to require that all areas on which parking or loading occurs, including both required and additional parking, must be paved with a minimum of two inches of asphalt, concrete, interlocking masonry pavers, or other permeable material on a suitable base and may not be on grassy lawn areas unless using a form of grassblock or grasscrete.</p>
<p>Workshop #8 Q: Require owners to live on site? 1. Commissioner Maynard supported requiring owners of the trailer or RV to live on site and requested staff to clarify that it is the owner of the trailer or RV that must live on site. 2. Commissioner Fuller agreed that the owner of the trailer or RV must live on site. 3. Chair Smith supported requiring owners of the trailer or RV to live on site. She commented that if there is an occasional issue or concern that may arise there should be an owner on site for the City to contact.</p>	<p>All comments noted.</p> <p>The NZO was revised to require that the owner of the RV or trailer reside on the same lot where it is being parked/stored.</p>
<p>Workshop #8 Q: Require parking to be perpendicular to road? 1. Commissioner Maynard stated that she would not support adding this requirement. If the proposed requirement is added, she recommended it would not apply to vehicles that are lower in height and</p>	<p>All comments noted.</p>

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<p>with height below a fence or hedge line but to taller RVs. Also, Commissioner Maynard suggested considering the size equity between different types of vehicle, for example a SUV and RV.</p> <ol style="list-style-type: none"> Commissioner Fuller commented that he had proposed requiring parking of RVs to be perpendicular to address the impact of views of the house; however, he would not necessarily need to support this requirement. Chair Smith commented that it would not make sense for smaller vehicles and trailers, and it would depend on the size of the property and the particular driveway. She noted she has not heard that perpendicular parking is a particular concern or problem and suggested, if considered, it would need to be narrowly applied. 	<p>The NZO does not propose revisions that require parking of RVs and trailers to be perpendicular to the road.</p>
<p>Workshop #8 Q: Any other issues?</p> <ol style="list-style-type: none"> Commissioner Fuller commented that he does not see why curb cuts would be a requirement and suggested it be deferred to Public Works if there are safety concerns. Commissioner Maynard suggested that that Section 17.38.070 (E) be removed because it is restrictive and she believes if this section is not removed, additional curb cuts would need to be allowed by the City for more access so people can achieve that development standard. Commissioner Maynard expressed concern that there may need to be more leniency by Public Works with allowing curb cuts and noted the feedback from tonight's indicates there has not been a problem in the past for those that "jump" the curb. Chair Smith agreed with the above comments from Commissioner Maynard regarding curb cuts. 	<p>All comments noted.</p> <p>All provisions around curb cuts were removed from the NZO as the curb facilities are within the jurisdiction of the Public Works Department and not a zoning issue.</p>
<p>Workshop #9</p> <ol style="list-style-type: none"> Commissioner Maynard supports designating general commercial districts for RV storage lots and making the necessary adjustments for vehicle storage. She is not quite sure if vehicle storage is appropriate in business park districts. She supports having less restrictions regarding pad surfaces, and more variety for the materials, especially for smaller items being stored. Chair Smith commented regarding a comment from Dr. Ingeborg Cox by noting that there is a district for common open space that is distinct from the concept of common open space standards that may be provided as part of a multi-unit development. Commissioner Fuller commented that he highly recommends requiring a rear yard setback on open space. 	<ol style="list-style-type: none"> Comment noted. No response needed. No response needed. Comment noted. No change made. Comment noted. The Vesting section of the NZO has been expanded and clarified to address the matters around projects within the permit path already. (See §17.01.040(E)).

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<p>4. Commissioner Fuller commented that he believes it is fair and equitable to allow projects that are substantially completed or that are submitted and complete under a certain zoning ordinance to continue under that ordinance, considering how long it takes for a project to get approvals.</p> <p>5. Commissioner Maynard commented that it seems fair that the Planning Commission or City Council could use the flexibility of the earlier zoning ordinance when reviewing a project for consistency with the General Plan. She supports language that requires that the applicant has submitted a complete application to quality to use the flexibility of the earlier zoning ordinance and would support vesting with a completed application.</p>	<p>5. Comment noted. As stated above, the Vesting section of the NZO has been expanded and clarified to address the matters around projects within the permit path already.</p>
<p>Workshop #9</p> <p>1. Commissioner Maynard supports allowing RV storage in the Community Commercial district based on the need, and not allowing personal storage.</p> <p>2. Generally, she would like to see Community Commercial districts more engaging and with more storefronts rather than a lot of storage spaces. She supports allowing RV storage in General Commercial districts.</p>	<p>1. No changes made.</p> <p>2. Comments noted. No changes made.</p>
<h2>Chapter 17.39 Performance Standards</h2>	
<p>SE 10.4 Prohibition on New Facilities Posing Unacceptable Risks Commissioner Maynard, Workshop #1. Commissioner Maynard commented she believes the following language should be added in <u>17.39.070.A Risk Exposure</u>: "consistent with the General Plan, new or expanded hazardous facilities in proximity to existing residential and commercial development shall incorporate appropriate mitigation measures to minimize potential risks and exposures".</p>	<p>No changes made. As written, the NZO has strong language that prohibits development that would pose a significant risk. Suggested edit is a mitigation measure that derives from CEQA, which does not belong in the NZO.</p>
<p>Section 17.39.080 Commissioner Maynard, Workshop #1. Commissioner Maynard commented that she would like to make sure that 17.39.080 includes and remains consistent with NE 7, VH 4.6, and LU 1.5, all three of which reference noise.</p>	<p>No changes made as staff reviewed the policy and notes alignment with the NZO.</p>

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<p>Commissioner Shelor, Workshop #1. Commissioner Shelor suggested considering the appropriateness of the level of the type of charging stations provided for electric vehicles in a parking facility with 20 or more spaces.</p>	<p>No changes made. Staff discussed this issue and believe the best approach is to remain silent on the type of charging station as standards may change over time. This item was also discussed at Workshop #6.</p>
<h2>Chapter 17.40 Signs</h2>	
<p>Workshop #5 NZO will create numerous nonconforming signs in Commercial areas. No comments from the Planning Commission provided on this issue.</p>	<p>No response needed.</p>
<p>Workshop #5 Q: Any changes to Exempt or Prohibited Signs?</p> <ol style="list-style-type: none"> 1. Commissioner Shelor commented that there are externally sited vending machines located outside of stores that have signage with color and flashing lights, and can be stacked side by side in certain places. In his opinion, these vending machines are as intrusive as similar lighting and signage that would be located inside the business; and would be comparable to window signage and should be considered. 2. Commissioner Maynard commented: <ol style="list-style-type: none"> A. Supports prohibiting signs on rooftop structures or mechanical elevator overrides. B. Regulatory signs should be exempt signs. C. Expressed a concern that Open House signs are not directional and seem to sort of clutter the neighborhood without indicating where to go; however, she is not sure whether it can be regulated. D. Supports bringing back a restriction against TVs on gas station pumps, noting this was mentioned in a public comment letter. E. Agreed with the comment from Commission Shelor regarding vending machines with flashing lights and recommended considering restrictions consistent with other signs. F. Supports limiting balloons because they are a huge pollutant going into the ocean. G. Supports the idea of having a separation of fire hydrants and recommended checking with the Fire Department about any other concerns they may have about signage in general. 	<ol style="list-style-type: none"> 1. No example of outdoor vending machines with flashing lights were found. There are approximately ten “Glacier” water and “Red Box” video vending machines found throughout the City. NZO edits made to add signage for vending machines to Signs Chapter. 2. Comments noted. Signs Chapter revised to address such matters as open house signs, gas station pumps, vending machines, balloons, and for signs on flag lots. No change made to 100 sq. ft. maximum area for freestanding signs since all signs require DRB review. No change to §17.40.080(C).

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<p>H. The 100-foot square footage maximum for a freestanding sign seems too high and recommended it be substantially reduced.</p> <p>I. Recommended lowering the ten-foot maximum height limit outside of all setbacks in Residential and Mixed-Use Developments because it seems too tall for a residential area (Section 17.40.080.C).</p> <p>J. Noted there was previous discussion with regard to standards for allowing an A-frame sign in front of a flag lot to help direct people to a commercial unit that is tucked away in back.</p> <p>3. Commissioner Shelor agreed with comments by Commission Maynard.</p>	<p>3. Comment noted.</p>
<p>Workshop #5 Q: Should we keep the Overall Sign Allowance and remove the Sign Types by District?</p> <p>1. Commissioner Maynard commented:</p> <p>A. Recommended allowing some window signs, closer to 10 percent rather than higher.</p> <p>B. Supports keeping sign differentiation between Residential and Commercial Districts because there is such a big difference and it seems like there is something more to protect in Residential Districts. She could support keeping Commercial, Industrial, Business Park, and similar types of signs together.</p> <p>C. Suggested some very specific sign regulations for scenic corridors and noted that scenic corridors have been identified in the General Plan and are already mapped. She commented that sign in the sample photo on the upper right corner on Page 29, entitled Electronic Changeable Copy in the PowerPoint presentation, would seem appropriate for electronic changeable copy, and that changeable copy at a higher height does not make sense in a scenic corridor.</p> <p>D. Supports increasing Overall Sign Allowance for Public and Quasi Public zones to the same level as Commercial zones, noting she would not want to disadvantage Public and Quasi-Public areas in terms of the amount of visibility they get and she wants to support public resources in the community.</p> <p>2. Chair Smith agreed with the comment regarding a 10 percent allowance for window signs. She supports providing clarity and guidance for applicants regarding what information is required and what would assist the decision-makers. Also, additional guidance with regard to signs in the scenic corridors would be appropriate.</p>	<p>1. A. Comment noted. New subsection (G) added to Signs Chapter to discuss window signs.</p> <p>B. Comment noted.</p> <p>C. Comment noted. Scenic corridor protections included in revised Chapter for Visual Resource Preservation.</p> <p>D. Comment noted. Change made to increase the allowance to match that of Commercial zones.</p> <p>2. Comments noted. See response above in 1(A-D).</p>

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<ol style="list-style-type: none"> 3. Commissioner Shelor stressed the importance of the pre-application meeting for applicants with staff because it hopefully precludes applicants from overreach on signage at the outset and having to attend multiple reviews with the Design Review Board. 4. Commissioner Shelor supports the Design Review Board as the approval body for setting up an Overall Sign Plan and also as the approval body for signs that are not part of an Overall Sign Plan. 5. Commissioner Fuller agreed with Commissioner Shelor. 6. Commissioner Shelor thanked the public for their input and believes it has resulted in an improved process, particularly with signs. 7. Vice Chair Miller agreed with the comments from Commissioner Maynard and Commissioner Shelor. He commented that he supports the seven statements in the General Plan and believes the objective standards being considered are in line with the General Plan. 	<ol style="list-style-type: none"> 3. Comment noted. 4. Comment noted. 5. Comment noted. 6. Comment noted. 7. Comment noted.
<p>Workshop #5 Q: Staff has already indicated several revisions are being made based on previous feedback. Are there other changes Planning Commission would like to see?</p> <ol style="list-style-type: none"> 1. Commissioner Fuller supports having one Zoning Clearance Permit for signs as opposed to separate certificates. 2. Commissioner Maynard commented that standards regarding drive-through menu signage should be addressed better, and noted there were a few public comments. 3. Commissioner Maynard suggested the following with regard to lighting in the Signs Section 17.40.060.L.3: <ol style="list-style-type: none"> A. Add the opportunity for LED lighting. B. Include the language that the lighting for signage should be fully cut-off, fully-shielded, and downcast. C. Consider turning off additional lighting on signage when the business is closed. D. Potentially include standards for lighting levels at the property line, which are included in the Lighting section. E. If A-frame signs are restricted, recommended allowing an A-frame sign at the end of a flag lot if it does not restrict accessibility on the sidewalk. 	<ol style="list-style-type: none"> 1. Comment noted. 2. Comment noted. New subsection for menu boards added to Signs Chapter. 3. <ol style="list-style-type: none"> A. No change needed, as LED lights are not prohibited. B. Edit made to include full cut-off requirement for lighting. C. No change made. DRB matter. D. No change needed, as Light Trespass already addressed at property line. E. No changes needed.

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CITY STAFF RESPONSE

Chapter 17.41 Standard for Specific Use and Activities

Section 17.41.030

Workshop #6.

Housing questions for consideration by the Planning Commission:

Q. Are there other Housing issues to be discussed?

Commissioner Maynard suggested removing the “artist studio” from the list of items on a lot that would restrict adding an ADU on a lot.

Commissioner Maynard suggested considering more than one ADU on larger lots.

Comments noted.

No changes to ADU regulations to be made in the NZO unless there are changes in State law that require associated changes to be made in order to comply with the law.

Section 17.41.040

Workshop #6.

Accessory Uses questions for consideration by the Planning Commission:

Q. Are there other accessory uses that should be prohibited?

Commissioner Maynard commented that battery storage can be an accessory use but the Major Conditional Use Permit is needed until there is additional discussion regarding battery storage. She supported battery storage and stated she wants it to be done in the right way.

Commissioner Fuller commented that battery storage is pretty much inevitable because of the requirement to offset the intermittency of the resources. He spoke in support of the concept for accessory uses and supported limits on square footage and flexibility for diverse business types. Commissioner Fuller suggested that a Major CUP would be appropriate if an accessory use is an excessive size.

Chair Smith generally supported the recommendation. She suggested considering adding smoke and vape shops to the list of prohibited uses, and possibly adding massage businesses.

Commissioner Maynard supported adding smoke and vape shops to the list of prohibited uses and not adding massage businesses.

Q. Are the size limits for accessory uses appropriate?

Commissioner Fuller questioned whether a smaller accessory use, approximately less than 1,000 square feet of floor area, is practical.

Chair Smith shared the concern of Commissioner Fuller regarding the practicality of smaller accessory uses that are approximately less than 1,000 square feet of floor area.

Comments noted.

No change to battery storage that is Accessory to a principal use. As written, it is permissible without a Major CUP.

No changes to NZO to prohibit smoke and vape shops.

No changes to NZO Section 17.41.040, Accessory Uses.

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<p>Commissioner Maynard commented that an accessory use less than 1,000 square feet would be acceptable, for example, for use as a small counter for a business.</p> <p>Q. Are there other Accessory Uses issues to be discussed? None.</p>	
<p>Workshop #9 Commissioner Maynard commented that there has been much discussion with regard to ADUs and she is reticent to make changes at this time. She noted that very good points were made regarding ADUs by the public comment.</p>	<p>Comment noted. No substantive changes to ADU standards have been made in the Revised draft NZO.</p>
<p>Section 17.41.130 Large Family Day Care Chair Smith, Workshop #3. Chair Smith commented that she is open to considering potential options and changes in terms of the large family day care and noted she is mindful there is a shortage of child care in the community, particularly for infant care.</p>	<p>Topic discussed at Workshop #8. Revisions made to standards to allow the use without requiring any Zoning Permit.</p>
<p>Section 17.41.130 Large Family Day Care Commissioner Maynard, Workshop #3. Commissioner Maynard commented she could be open to making child care as a ministerial permit with strong requirements for off-street parking and clear requirements for drop off and pick up in neighborhoods. She would not support child care in an Industrial zone because it seems like a poor fit and she has concerns regarding large noise. She believes the Land Use Permit makes sense for large family day care.</p>	<p>See response above.</p>
<p>Section 17.41.130 Large Family Day Care Commissioner Fuller, Workshop #3. Commissioner Fuller commented that this is a place where a Zoning Clearance could be appropriate.</p>	<p>Comment Noted. See response above.</p>
<p>17.41.180 Mobile Vendors Workshop #9 1. Commissioner Maynard supports possibly requiring a business license or Temporary Use Permit in most cases for mobile vendors, and she is leaning towards a business license since that is what is required in the right-of-way; and then only requiring a minor CUP if there are three or more vendors. She is more concerned about how many mobile vendors are in an area, rather than how often they are there, as it can create traffic and parking issues. She is concerned about how late at night the mobile vendors would be operating, and recommended that a minor CUP may be needed,</p>	<p>All comments noted.</p> <p>The entire NZO section on Mobile Vendors was restudied and revised as needed, pursuant to the direction given to staff.</p>

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<p>depending on the location. She is more concerned about how late the vendor is operating than the number of hours the vendor is operating. She also requested clarification with regard to the meaning of “hours of operation”.</p> <ol style="list-style-type: none"> Commissioner Maynard suggested that reasons for exemptions, or for a lower level of approval, could include a birthday party or an internal event for employees that would not cause additional traffic or a program for the distribution of free food. She recommended some equity and a balance between the standards for mobile vendors on the right-of-way vs. on private property. She expressed concern that significant requirements for private property may push the mobile vendors onto the right-of-way rather than a large parking lot where there is more space. Chair Smith commented that she likes the general direction of the draft ordinance. She recommended further staff exploration with regard to the regulations, including to address potential impacts such as fire safety, emergency access, and accessibility to parking. She recommended for exemption consideration regarding a one-time use within a certain period of time and suggested maybe some narrow exemptions such as a food truck at a birthday party. Her concerns include the massing of a number of mobile vendors as well as the cumulative impacts when there are multiple single events in a neighborhood at the same time. She thinks that the section regarding event permitting might address some of her concerns. Chair Smith senses that the community enjoys one-time uses on private property. She commented that she has not heard that mobile vendors have been an issue and she does not want it to become a major issue because of massing. She noted for consideration that there would be state law governing the public right-of-way. Commissioner Shelor recommended that it would seem appropriate to use caution with regard to mobile vendors. 	<p>Specific development standards were developed that exempt most types of smaller mobile vending occurrences. Those that are not exempt would require approval of a Temporary Use Permit.</p> <p>In all instances, a Health Permit and a Business License will be required prior to operation within the City.</p> <p>Note: This Section will only apply to mobile vending on private property, since recent changes to State law govern certain forms of vending in public areas and roadways.</p>
<h2>Chapter 17.43 Cultural Resources</h2>	
<p>Workshop #9</p> <ol style="list-style-type: none"> Commissioner Maynard recommended making sure that each of the Native American tribes are aware of the Cultural Resources section and has looked over this section; and requested verification by staff. 	<ol style="list-style-type: none"> Comment noted. Tribal notification will be made as part of both the NZO and the ongoing

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<p>2. Commissioner Maynard recommended additional language be added to Chapter 17.43.030 Cultural Resources Application Requirements to require during each stage of the cultural resources review that if any artifact at any level of significance is found there would also be consultation with the Native American community regarding what would be done with that item. She believes this is important and in line with the recent legislation that has been passed about repatriation of Native American artifacts back to the Native American community.</p> <p>3. Commissioner Maynard suggested for consideration along with the Historic and Cultural Resources Ordinance ways that could go beyond the CEQA process with regard to Cultural Resources. She suggested considering increased Native American monitoring including previously disturbed spaces.</p>	<p>efforts for the new Historic Preservation Ordinance.</p> <p>2. Edit made to remove exception for previously disturbed ground.</p> <p>3. Comment noted. No additional changes made.</p>
<h2>Chapter 17.44 Native Tree Protection</h2>	
<p>CE 9.2 Tree Protection Plan Commissioner Maynard, Workshop #1. Commissioner Maynard commented that there are significant changes from the General Plan. She noted that the Tree Protection Plan clause covers sites containing protected native trees, not just Oak and Savannah trees. Also, the requirement for a report by a certified arborist or other certified expert was removed.</p>	<p>No changes made. This issue will be covered with the City’s Tree Protection Ordinance, which staff plans to integrate into the NZO when that separate work effort is complete; however, it could also be codified elsewhere in the Goleta Municipal Code.</p>
<p>CE 9.4 Tree Protection Standards CE 9.5 Mitigation of Impacts to Native Trees Commissioner Maynard, Workshop #1. Commissioner Maynard requested clarification that CE 9.4 and CE 9.5 will be moved to a native tree protection chapter.</p>	<p>Correct. This the current direction that staff has been given.</p>
<h2>Chapter 17.50 Review Authorities</h2>	
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. From the information presented, it would make more sense to move the appeals from the Administrative Hearing Officer to the Planning Commission to allow for a public meeting, and possibly to the Zoning Administrator (regarding the 3 Planning Permits).</p>	<p>All references to the AHO were removed from the NZO.</p>

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<p>Table 17.50.020 Chair Smith, Workshop #2. Chair Smith commented she would be open to the concept of an Administrative Hearing Officer; however, she questions whether it would be a final review or appealable. Also, the concept of having a reviewer who is not connected to the original decision would seem more ideal</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that the term “certain development plans” is ambiguous and recommended more specificity regarding the kind of development plans for review by the Administrative Hearing Officer. He suggested referencing where this description is located in the Zoning Ordinance. Also, he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.</p>	<p>See response above.</p>
<p>Table 17.50.020 Vice Chair Miller, Workshop #2. Chair Miller commented that it sounds like a Zoning Administrator would create greater efficiencies in the system. He noted that he is not persuaded by the idea of an Administrative Hearing Officer but suggested a panel of experts to serve as Administrative Hearing Officers would work well. He noted that his idea of a panel would be a pool of people from which one could be called upon.</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that he believes the quality of the decisions are going to depend on the quality of the individual filling the Administrative Hearing Officer position and also on the type of permit that is reviewed.</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard suggested first clarifying how the Administrative Hearing Officer would be designated prior to making a recommendation regarding the position. She noted she would not support the Administrative Hearing Officer because the flexibility allows for it to be a staff person; however, another type of situation may be considered.</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.</p>	<p>See response above.</p>

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<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard would not support adding an Administrative Hearing Officer and would support the appeals going to the Zoning Administrator and being appealable to the Planning Commission because there is a noticing requirement for the Zoning Administrator hearing. She recommended Coastal Development Permit, Land Use Permit, and Temporary Use Permit should have an appeal to the Zoning Administrator with an appeal to the Planning Commission. Also, she suggested adding one additional appeal to the Zoning Administrator for Minor Change or Amendment and Substantial Conformity Determination permits.</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. After further discussion, Commissioner Maynard revised her comment to recommend that the Administrative Hearing Officer hearings should have all of the same public noticing requirements as a Zoning Administrator hearing would have, with the ability to appoint someone other than the Director of Planning and Environmental Review. The Administrative Hearing Officer should be the final decision-maker for the Temporary Use Permit, because it is temporary and short term. For the Coastal Development Permit and Land Use Permit, she would support going directly from the Administrative Hearing Officer to the City Council.</p>	<p>See response above.</p>
<p>Table 17.50.020 Chair Smith, Workshop #2. Chair Smith commented that from more discussion she is not sure there is a need for an Administrative Hearing Officer and suggested considering the way it was previously proposed.</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard also supported Chair Smith’s comment to consider the previous proposal.</p>	<p>See response above.</p>
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard commented: Keeping a balance between providing some discretion but also giving some clarity with regard to details would seem appropriate, with further discussion. Does feel that some detail in places should not have been removed.</p>	<p>Comment noted. Discussed later at Workshop #3 during staff’s explanation of the Permit Process and how Planning staff analyzes General Plan consistency, Zoning Code compliance, and Environmental Review under CEQA.</p>

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<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard commented: Adding a Zoning Administrator to Title 2 of GMC is fine.</p>	<p>Comment noted.</p>
<p>Table 17.50.020 Commissioner Fuller, Workshop #2. Commissioner Fuller commented that he supports all appeals going to a hearing with different levels of notification. He supported a quicker path for appeals to the City Council and stated he believes the City Council should be the final appeal authority within the jurisdiction of the city and he does not see the necessity for the Planning Commission to have all appeal authority before the City Council.</p>	<p>Other than the AHO being removed, no other changes have been made to the Review Authority for Appeals.</p>
<p>Table 17.50.020 Vice Chair Miller, Workshop #2. Vice Chair Miller commented that he supports Commissioner Maynard's comments.</p>	<p>Comment noted.</p>
<p>Table 17.50.020 Chair Smith, Workshop #2. Chair Smith commented that she is supportive of the Zoning Administrator role rather than the Administrative Hearing Office and is open to Commissioner Maynard's comments.</p>	<p>Comment noted.</p>
<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard requested discussion regarding implementing an optional Preliminary review process for both the Design Review Board and the Planning Commission.</p>	<p>DRB already has conceptual review. At Workshop #2, the Director explained that Planning staff would not be able to provide the PC with analysis at a Preliminary level; therefore, would not recommend any change to current procedure.</p>
<p>Table 17.50.020 Commissioner Shelor, Workshop #2. Commissioner Shelor commented that he appreciates Commissioner Maynard's comments and noted he believes it is advantageous for the applicant and for the City to set projects off on the right foot at the beginning. He suggested more discussion and clarification regarding a conceptual review more broadly than just for design elements in order to improve the process.</p>	<p>No changes made. Planning staff works with developers to ensure a project complies with zoning and applicable GP policies prior to making a recommendation to the PC/CC.</p>

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<p>Table 17.50.020 Commissioner Maynard, Workshop #2. Commissioner Maynard responded with “no” for Question #1 (Should the NZO add, add back in, or remove any other types of permits?).</p>	<p>Comment noted.</p>
<p>Section 17.50.050(B) Commissioner Fuller, Workshop #2. Commissioner Fuller commented that the term “certain development plans” is ambiguous and recommended more specificity regarding the kind of development plans for review by the Administrative Hearing Officer. He suggested referencing where this description is located in the Zoning Ordinance. Also, he is in favor of an Administrative Hearing Officer and Zoning Administrator, depending on the type of project.</p>	<p>Edit made to clarify which specific types of Development Plan is being discussed. The references to the AHO were removed from the NZO.</p>
<h2>Chapter 17.52 Common Procedures</h2>	
<p>Section 17.52.040 Commissioner Miller, Workshop #3. Commissioner Miller commented that the approach for separate Environmental Review makes sense and noted that CEQA apparently is an evolving law.</p>	<p>Correct. All duplicative CEQA language has been removed from the 2019 Draft NZO.</p>
<p>Section 17.52.040 Commissioner Fuller, Workshop #3. Commissioner Fuller commented that he believes the Environmental Review being separate from the NZO is the right approach.</p>	<p>Comment noted.</p>
<p>Section 17.52.040 Chair Smith, Workshop #3. Chair Smith commented that having separate CEQA and Environmental Review generally makes sense.</p>	<p>Comment noted.</p>
<p>Section 17.52.050 Commissioner Shelor, Workshop #2. Commissioner Shelor suggested considering posting notices on Nextdoor.</p>	<p>No change made. Nextdoor is a private communication platform that requires verification that an individual or family lives within a predefined area they consider neighborhoods before allowing them to post; therefore, it would not be adequate for formal public noticing.</p>

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<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Questioned the difference between the public noticing for Administrative Hearing Officer and Zoning Administrator reviews.</p>	<p>As noted above, the AHO was removed from the NZO as a Review Authority.</p>
<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Consider a practice of other cities that requires the proponents of a project to knock on doors of at least 10 residences with regard to a project in the immediate vicinity.</p>	<p>No change made. Staff does not support requiring individuals to enter another residents' private property to conduct some form of required noticing.</p>
<p>Section 17.52.050 Commissioner Miller, Workshop #2. Supported dropping off public notices and considering whether it is not necessary to knock on doors and simply drop off leaflets.</p>	<p>See response above.</p>
<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Consider requiring a press release that a project is moving forward when there is a development permit.</p>	<p>Comment noted. However, this seems to be a broader policy matter that should not be isolated to the NZO.</p>
<p>Section 17.52.050(C) Commissioner Fuller, Workshop #2. Press releases would be fine, depending on the type of permit or appeal.</p>	<p>Comment noted.</p>
<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Electronic notices should not replace mailings as not all residents have access to electronic noticing. There should not be an alternative to mailings when there is a large number of people that need to be notified.</p>	<p>The City uses mailed, emailed, website, and newspaper noticing. There is no consideration for electronic notice to replace mailed notice. The exception for large mailing exists currently in the City's zoning ordinances.</p>
<p>Section 17.52.050 Commissioner Miller, Workshop #2. While emails are helpful for communications, it is not a complete method.</p>	<p>See response above.</p>
<p>Section 17.52.050 Chair Smith, Workshop #2. Mailing of notifications is important to continue, although technology is changing to the extent that staff can engage in multiple ways of noticing that are helpful.</p>	<p>See response above.</p>

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<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Full Spanish translation should be required for public notifications.</p>	<p>Comment noted. However, this seems to be a broader policy matter that should not be isolated to the NZO.</p>
<p>Section 17.52.050 Commissioner Miller, Workshop #2. Supported Spanish translation of notices.</p>	<p>See response above.</p>
<p>Section 17.52.050 Chair Smith, Workshop #2. Language translation is important to consider. Suggested adding language in the Ordinance that references a certain threshold of speakers in the future that would require translating notices into that language.</p>	<p>No changes made. This would be a procedural issue for the City Council to consider, rather than be codified in the NZO.</p>
<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Recommended including language in the New Zoning Ordinance referring to story pole requirements that indicates there are no detailed guidelines yet.</p>	<p>No changes made. Storypole guidelines to be developed by the DRB separate from the NZO.</p>
<p>Section 17.52.050 Commissioner Fuller, Workshop #2. Story poles are a good idea in the right place. Consider adding reference to story poles as requirements in the right places.</p>	<p>See response above.</p>
<p>Section 17.52.050 Commissioner Shelor, Workshop #2. Commissioner Shelor recommended for larger projects, such as those requiring a development plan, objective standards with story poles as a requirement and the decision-maker would need to make findings to waive the story pole requirement. He supported story poles because they would be visible for the general public and serve as a way of noticing the public and explaining what is being proposed.</p>	<p>Storypoles may be required by any Review Authority as part of Design Review for a project. This is the current practice and the NZO carries this forward.</p>
<p>Section 17.52.050 Commissioner Maynard, Workshop #2. Commissioner Maynard supported Commissioner Shelor’s comments regarding story poles.</p>	<p>See response above.</p>
<p>Section 17.52.050 Chair Smith, Workshop #2. Agreed with recommendations from Commissioner Maynard and Vice Chair Miller.</p>	<p>Comment noted.</p>

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<p>Section 17.52.050(C)(1) Commissioner Maynard, Workshop #2. Any project with a development permit should be required to notice for 1,000 feet rather than 300 feet.</p>	<p>Change made to increase mailed noticing to 500 feet.</p>
<p>Section 17.52.050(C)(1) Commissioner Miller, Workshop #2. Recommended 500 feet to 1,000 feet for noticing, noting 300 feet is not adequate.</p>	<p>See response above.</p>
<p>Section 17.52.050(C)(1)(b) Commissioner Fuller, Workshop #2. For the largest projects, 1,000 feet make sense for noticing, and 500 feet might be fine for smaller projects. For a small project, such as ministerial appeal, 300 feet may be sufficient.</p>	<p>See response above.</p>
<p>Section 17.52.050(C)(1)(b) Commissioner Maynard, Workshop #2. She also supported 1,000 feet noticing for large projects, 500 feet for medium projects, and 300 feet for small projects; and press releases only for large projects.</p>	<p>See response above.</p>
<p>Section 17.52.050(C)(2) Commissioner Maynard, Workshop #2. Posting in both the Santa Barbara News-Press and Santa Barbara Independent makes sense. She noted that the Santa Barbara Independent is free and available on the street at many locations, and free access is critical.</p>	<p>Comment noted. This is a general procedural issue for the City Council to consider, rather than a matter for the NZO to codify.</p>
<p>Section 17.52.050(C)(3) Commissioner Maynard, Workshop #2. Consider the size of the noticing posters.</p>	<p>Comment noted.</p>
<p>Section 17.52.050(C)(3) Chair Smith, Workshop #2. Consider the size and number of the on-site postings.</p>	<p>Minor edits to Public Notification Section 17.52.050 to increase on-site noticing from 10 to 15 days, but no change to size or number.</p>
<p>Section 17.52.050(C)(3) Commissioner Maynard, Workshop #2. Use appropriate pens on the posting signs to avoid fading.</p>	<p>Comment noted.</p>
<p>Section 17.52.050(C)(3) Commissioner Fuller, Workshop #2. Size, color, and placement should be considered for posting signs. He does not support visual pollution.</p>	<p>Comment noted.</p>

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<p>Section 17.52.050(C)(3)(b) Commissioner Maynard, Workshop #2. Signs should be posted for 2 weeks.</p>	<p>Change made to increase to 15 days.</p>
<p>Section 17.52.050(C)(3)(b) Commissioner Maynard, Workshop #2. Two-week postings for sign notifications is supported.</p>	<p>See response above.</p>
<p>Section 17.52.050(C)(3)(b) Commissioner Fuller, Workshop #2. A 10-day requirement for posting a public notice seems too short. Recommended 15 days or 2 weeks.</p>	<p>See response above.</p>
<p>Section 17.52.050(C)(3)(a)(i) Commissioner Maynard, Workshop #2. At least 2, possibly 3 posting signs per project should be posted. One sign may fall down.</p>	<p>No changes made. The NZO allows Director to require more than one per each property line, if necessary.</p>
<p>Section 17.52.050(D) Commissioner Maynard, Workshop #2. Commissioner Maynard suggested an edit to Section 17.52.050.D Failure to Give Notice to add that the applicant must follow all noticing requirements and if the applicant follows all of the required noticing, then the failure of any person not to receive the notices does not invalidate the actions.</p>	<p>Minor edit made to retitle "Receipt of Public Notice." Edit also made to clarify that noticing must be provided pursuant to this Section.</p>
<h2>Chapter 17.52 Common Procedures</h2>	
<p>Section 17.52.070(A) Commissioner Maynard, Workshop #2. Commissioner Maynard commented that she believes some areas to be considered include: 1) if the project is a commercial use that is bringing in a lot of new jobs, consider if there is enough housing for new employees; 2) for residences, consider school capacity, health facilities, hospitals, and access to doctors; 3) for new uses that might have a bigger energy usage, consider enough energy access; and 4) consider road capacity.</p>	<ol style="list-style-type: none"> 1. The jobs/housing consideration would be under the discretion of the Review Authority to consider as part of their review of the project. 2. Finding #1 edited to clarify that adequate public services are being required, not private services. 3. Energy use impacts are analyzed through CEQA. 4. Roadway capacity and level of service are analyzed through CEQA.

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<p>Section 17.52.070(A) Commissioner Shelor, Workshop #2. Commissioner Shelor commented in his opinion there may be a disconnect between required findings and whether there is adequate infrastructure, for example whether there is adequate circulation and road capacity infrastructure at the Storke/Hollister intersection.</p>	<p>These issues would all be considered as part of the discretionary review by the Review Authority for the project.</p>
<p>Section 17.52.070(A) Chair Smith, Workshop #2. Chair Smith questioned whether the concept of services in Section 17.52.070.A Findings for Approval is just limited to public services or includes private services, and how the findings would be made. Also, she noted that the language “legal access” is vague and suggested clarifying language would be helpful.</p>	<p>This finding is limited to public services. Edit made to clarify “legal access to the lot.”</p>
<p>Section 17.52.070(A) Commissioner Maynard, Workshop #2. Commissioner Maynard suggested possibly adding language that would indicate “could include things such as” with regard to her recommendation to consider adding additional services to the Findings for Approval for new residences. She suggested conversations with service providers including utilities and private companies would be informative.</p>	<p>No changes made. This finding derives from Land Use policy LU 1.13. Private service providers are obligated to provide services; however, potential impacts to those services are analyzed as part of CEQA.</p>
<p>Section 17.52.070(A) Commissioner Fuller, Workshop #2. Commissioner Fuller commented that it would be appropriate to contact the provider for details.</p>	<p>Both public and private services and any potential impacts are analyzed as part of environmental review under CEQA.</p>
<p>Section 17.52.070(A) Commissioner Miller, Workshop #2. Commissioner Miller commented that it may be complicated to assess the impact needed to make the findings with regard to the additional items that have been suggested by Commissioner Maynard to be added for new residences, although it seems like a good idea.</p>	<p>No additional findings added.</p>
<p>Chapter 17.53 Exemptions</p>	
<p>Workshop #9 Chair Smith requested staff consider if the standards for fences change in the NZO, that the language in the Design Review Board section is consistent with the changes.</p>	<p>Comment noted. The NZO has been reviewed to ensure internal consistency.</p>

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Chapter 17.55 Land Use Permits	
<p>LU 11.1 - No Limitation on Annual Residential Permits Commissioner Maynard, Workshop #1. Commissioner Maynard commented that 17.55.040 does not include the specific guidelines laid out in LU 11.1, which she believes it should.</p>	<p>No changes made. If any one of the specific services is not available, Common Procedures finding A in Section 17.52.070 could not be made.</p>
<p>Section 17.55.020(A) Commissioner Maynard, Workshop #3. Commissioner Maynard questioned whether a restaurant without deliveries switching to a restaurant with deliveries would trigger a Change of Use with regard to the traffic component.</p>	<p>Staff is unaware of a Change of Use trigger based on this scenario, since the distinction between a patron driving to the restaurant to obtain food and the food being delivered to a patron would be difficult to make. Additionally, Rideshare/food delivery companies (e.g., Grubhub, Ubereats, etc.) further complicate such distinctions.</p>
<p>Section 17.55.020(A) Commissioner Maynard, Workshop #3. Commissioner Maynard commented that she is comfortable with the proposed Change of Use Chapter.</p>	<p>Comment noted.</p>
<p>Section 17.55.020(A) Chair Smith, Workshop #3. Chair Smith suggested staff consider if there are other items that can be added to the list of exceptions for Change of Use like seismic upgrades and ADA compliance.</p>	<p>Improvements required by law (such as ADA accessibility) added as an example in Section 17.53.020. Exemption for Seismic upgrades already included in subsection (M).</p>
<p>Section 17.55.020(A) Commissioner Fuller, Workshop #3. Commissioner Fuller expressed concern that this seems like a trap for potential business that fall within the zoning land uses and could hinder new uses.</p>	<p>Comment noted.</p>
<p>Section 17.55.020(A) Commission, Workshop #3. Commission suggested clarifying that the trigger should be additional floor area or square footage.</p>	<p>No changes made. Already discussed in subsection (A)(3)</p>

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Chapter 17.56 Temporary Use Permits	
<p>Section 17.56.040 Commissioner Maynard, Workshop #2. Commissioner Maynard commented that one of the findings should be related to noise in Section 17.56, Temporary Use Permits.</p>	<p>No changes made. Noise impacts would be included within and covered by Required Finding A.</p>
Chapter 17.58 Design Review	
<p>General Commissioner Fuller, Workshop #3. Commissioner Fuller suggested including a table similar to Table 17.50.020 Review Authority for 17.58 Design Review and 17.59 Development Plans.</p>	<p>Edit made to add Table 17.58.040, Design Review Authorities. No table added to DVP Chapter, as its scenarios would be too complex and confusing.</p>
<p>General Chair Smith, Workshop #2. Chair Smith commented that the Design Review Board considerations are proceeding in the right direction.</p>	<p>Comment noted.</p>
<p>Section 17.58.020 Design Review Board Questions for Consideration, Workshop #2 1. Are there additional or fewer types of projects that should be exempt from Design Review: Commissioner Maynard commented: The list of types of projects that should be exempt from Design Review is fine. Commissioner Fuller commented: Agreed. Commissioner Shelor commented: It is important for the Design Review Board’s recommended findings to be presented to the Planning Commission. Commissioner Shelor commented: Item #1 is heading in the right direction.</p>	<p>Comments noted.</p>

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

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<p>Commissioner Maynard and Commissioner Fuller commented. Yes. Commissioner Shelor commented: Item #3 is heading in the right direction.</p>	
<p>Section 17.58.050 Design Review Board Questions for Consideration, Workshop #2 4. Does DRB crafting draft findings help the review process? Commissioner Maynard and Commissioner Fuller commented: Yes. Commissioner Shelor commented: Item #4 is heading in the right direction.</p>	<p>Comments noted.</p>
<p>Section 17.58.050(G) Design Review Board Questions for Consideration, Workshop #2 5. This process recognizes DRB action as a “Discretionary” action that requires CEQA. Commissioner Maynard and Commissioner Fuller commented: Agreed. Commissioner Shelor commented: Item 5 is heading in the right direction.</p>	<p>Comments noted.</p>
<p>Section 17.58.050 Commissioner Maynard, Workshop #2. Overall, she supports the idea that the Planning Commission would review projects after the Preliminary review and before the Final review, and that the projects would always return to the Design Review Board for Final review.</p>	<p>DRB process has been revised to have all projects return to DRB for Final Design Review for a project.</p>
<p>Section 17.58.060 Commissioner Maynard, Workshop #2. Commissioner Maynard commented that some of the proposed findings suggested by Commissioner Shelor may be more appropriate for the Planning Commission. She suggested adding compliance with the Visual Element of the General Plan to the Design Review Board findings and commented that considering a preliminary review by the Planning Commission would be helpful, not necessarily as a joint meeting with the Design Review Board.</p>	<p>No changes made. If all required findings can be made, the project complies with the NZO and all General Plan policies.</p>
<p>Section 17.58.060 Commissioner Shelor. Neighborhood compatibility is limiting as a DRB finding, and he believes that a broad overview of a project by the DRB should consider adequate infrastructure, parking, circulation, water, noise, public viewsheds, and creation of greenhouse gas, noting that these items should be vetted prior to review by the Planning Commission.</p>	<p>These items are addressed by the Review Authority for the project and through the CEQA process.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Section 17.58.060(J) Commissioner Maynard, Workshop #2. Commissioner Maynard recommended adding the modified wording “and solar and renewable energy access” to Item #J of the Design Review Board Findings, with regard to solar.</p>	<p>No changes made. Specific call out for solar access to ensure NZO follows State law with regards to solar.</p>
<p>Section 17.58.060(J) Chair Smith, Workshop #2. With regard to Design Review Board Finding #J, Chair Smith recommended adding language that would include reference to potential new technologies and similar innovations in addition to solar access.</p>	<p>See response above.</p>
<p>Workshop #9</p> <ol style="list-style-type: none"> 1. Commissioner Fuller supports not having the lighting standard and therefore allowing the approval to be made by the Design Review Board. He noted that there are places and situations where a more daylight or neutral kelvin would be appropriate and believes the Design Review Board, the applicants, and people who will be using the property should have the opportunity to determine what temperature of lighting they want. 2. Commissioner Shelor believes that the technology seems to be changing and probably will be changing rapidly, and he wants the city to stay with the technology and not fall behind. He does not believe one size should fit all with regard to the standards. He read, in part, a comment letter received a few months ago suggesting a neighborhood desire for 2800K temperature in neighborhoods and a higher temperature at intersections and other appropriate places. He noted he would not want an industrial look in his neighborhood. Commissioner Shelor suggested discussing this issue at an upcoming Planning Commission meeting with regard to the Capital Improvement Projects (CIP) consistency hearing. 3. Chair Smith commented that good points were made in the comment letter that was received and read in part by Commissioner Shelor. 4. Commissioner Fuller pointed out the sample color of the low Kelvin temperature and the moderate Kelvin temperature on the staff presentation. He commented that the low Kelvin lighting temperature is approximately 2700K which is a yellow color that would take out the other colors in the neighborhood. He noted that lighting that goes lower than 3000K would result in more amber colors and wash out the colors in the neighborhood. 	<p>All comments noted on the topic of lighting.</p> <p>Planning staff determined that the issue of Kelvin temperatures standards are better suited within another document other than the NZO, staff is recommending deleting this provision.</p> <p>Staff is aware that technology is changing rapidly and wants to ensure that the NZO does not codify antiquated provisions and requirements that would either be difficult or impossible to meet.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<ol style="list-style-type: none"> 5. Commissioner Fuller commented that the total amount of light (wattage) in a certain area should be a consideration in addition to the temperature of light. 6. Commissioner Maynard pointed out that she commented at a previous workshop that she had a concern about the exemption for city facility from lighting standards and she did not support it. 7. Chair Smith commented that one alternative would be to include this type of exemption in a set of design standards. 8. Commissioner Maynard commented that she would be open to staff advising if there is another document appropriate for the requirements. She noted that a lot of projects are small enough not to require Design Review Board review. 9. Commission Maynard encouraged retaining the maximum LED lighting standard in the zoning ordinance and keeping the maximum at 3000K which would keep it in line with the dark sky guidelines and provides an upper limit. 10. Chair Smith supports keeping an upper limit for lighting temperature in the NZO. She noted that technology may change, but there would be an upper limit for the lighting temperature for now. 11. Commissioner Fuller and Commissioner Shelor do not support retaining the 3000K maximum standard in the zoning ordinance. 	
Chapter 17.59 Development Plans	
<p>Section 17.59.020 Commissioner Maynard, Workshop #2. Commissioner Maynard commented that she believes the review authority for new structures and outdoor areas designated for sales or storage that do not exceed 10,000 square feet should be the Planning Commission, with regard to Section 17.59.020.B.1.a. She agrees with Section 17.59.020.B.1.b. and noted that the exemptions look fine.</p>	<p>Comment noted. No changes made. Triggers drafted to align with existing standards. In no case is a lower Review Authority proposed when compared to the existing zoning ordinances.</p>
Chapter 17.62 Modifications	
<p>General Commissioner Maynard, Workshop #3. Commissioner Maynard requested further discussion regarding Modifications and Exemptions.</p>	<p>Height modifications discussed during Workshop #6. Exemptions were further be discussed at Workshop #9.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>General Commissioner Maynard, Workshop #3. Commissioner Maynard recommended staff review the language in the 2015 version of the draft Ordinance with regard to Modifications because it is more detailed and stronger. She also recommended that if larger Modifications would be possible, there should be specific benefits from the Modification, such as affordable housing. She also noted the possible Modification allowances percentages in the 2015 version of the Ordinance were smaller than proposed in the New Zoning Ordinance.</p>	<p>Height modifications discussed during Workshop #6. Revisions made to limit height of Modifications to 20-30% of height standard for the district. Other allowable Modifications mirror existing allowances.</p>
<p>General Chair Smith, Workshop #3. Chair Smith agreed with comments from Commissioner Maynard regarding Modifications.</p>	<p>See response above.</p>
<p>Section 17.62.020(B)(1) Commissioner Maynard, Workshop #3. Commissioner Maynard commented that she cannot understand that in increase by up to 50 percent of maximum height of structures is a minor Modification.</p>	<p>See response above.</p>
<p>Section 17.62.040.A Required Findings Commissioner Maynard, Workshop #3. Commissioner Maynard questioned how “necessary” is defined.</p>	<p>Colloquially and as defined by Webster’s Dictionary, the term means as “absolutely needed; required.”</p>
<p>Section 17.62.040.B Required Findings Commissioner Maynard, Workshop #3. Commissioner Maynard questioned how the Modification “will result in a better site or architectural design” is defined and determined, noting the language seems broad, and Modifications can increase height by up to 50 percent.</p>	<p>This is a subjective phrase, which is why the decision is discretionary and made at a public hearing, rather than a staff-level determination.</p>
<p>Section 17.62.040 Required Findings Commissioner Fuller, Workshop #3. Commissioner Fuller commented that the Planning Commission would have the Review Authority for Modifications.</p>	<p>The Review Authority for a request for a Modification would be the Zoning Administrator, unless paired with another Discretionary Action subject to a higher Review Authority.</p>
<p>Section 17.59.040 Chair Smith, Workshop #3. Chair Smith commented that overall the Required Findings seems clear.</p>	<p>Comment noted.</p>

Response to Planning Commission Comments

PLANNING COMMISSION COMMENT	CITY STAFF RESPONSE
<p>Section 17.62.020(B)(1) Workshop #4 Height questions for Consideration by the Planning Commission: Q. Any change to the “up to 50%” height modification? Commissioner Maynard recommended lowering the height modification to “up to 20% maximum modification” that will include the total of all height increases added together; and only considering going over 20 percent in building height on a development plan for substantial affordable housing.</p>	<p>Comment noted. NZO Chapter 17.62, Modifications revised to allow height MODs of up to 30% to residential uses and MODs of up to 20% for non-residential uses.</p>
<h2>Chapter 17.65 Development Agreements</h2>	
<p><i>General</i> Commissioner Shelor, Workshop #1. Commissioner Shelor recommended consideration of a sort of transfer of solar development rights in a situation that it might be efficient somewhere else in the City.</p>	<p>Comment noted. Transfer of any development rights would currently be done through a Development Agreement (see Chapter 17.65).</p>
<h2>Chapter 17.73 List of Terms and Definitions</h2>	
<p><i>VH 4.4 Multifamily Residential Areas</i> Commissioner Maynard, Workshop #1. Commissioner Maynard commented that the language regarding providing amenities for “different age groups” should be considered with regard to Multifamily Residential Areas.</p>	<p>Edits made to Part IV, Definitions for Open Space Types. Private Common Open Space definition includes “and offering amenities for different age groups.” Edits also made to clarify private vs. public open space.</p>

Planning Commission Workshop Comments:

- Workshop #1 (2/23)
- Workshop #2 (3/06)
- Workshop #3 (3/12)
- Workshop #4 (3/21)
- Workshop #5 (4/8)
- Workshop #6 (4/11)
- Workshop #7 (4/18)
- Workshop #8 (4/23)
- Workshop #9 (5/9)

PENDING Joint City Council/Planning Commission Workshop Comments:

- *Joint Workshop (5/7)*