

Response to Public Comment: City Council NZO Adoption Hearing of November 5, 2019

Public Comment	Staff Response
<p>Beth Collins representing Yardi.</p> <ol style="list-style-type: none"> 1) Recommends splitting the New Zoning Ordinance (NZO) into two documents (Inland and Coastal). 2) Noted that the Business Park (BP) zone district does not allow Professional Services and that this is probably a mistake. 3) She noted that the City would not be able to operate at City Hall. 	<ol style="list-style-type: none"> 1) Staff does not recommend this approach at this time. Maintaining one zoning ordinance provides clarity and consistency throughout the City and best effectuates the General Plan. If during the Local Coastal Program certification process it becomes clear that two zoning ordinances are justified, the City can split the future, adopted NZO into two ordinances. Adopting and maintaining a single NZO now does not preclude the City from splitting it into two in the future. 2) Professional Services is listed as not allowed in BP in General Plan Land Use Table 2-3. The definition of this use in the NZO was derived from the General Plan glossary definition of Professional Offices. Consequently, staff does not believe prohibiting Professional Services in BP is a mistake in the NZO. 3) City Hall would not fall under Professional Services. City Hall would fall under the Government Buildings use, which is allowed in BP, consistent with General Plan policy PF 1.1, which states that City Hall is consistent with any land use category in the General Plan.
<p>Kristen Miller, representing Goleta Chamber of Commerce.</p> <ol style="list-style-type: none"> 1) Recommends splitting the NZO into two documents (Inland and Coastal). 2) Recommends allowing commercially rented shipping containers to be exempt for commercial sites. 3) Recommends more leniency for food trucks to operate freely for school district and for microbreweries. 4) Expressed concern that M.Special would become nonconforming as an Eating and Drinking Establishment. 5) Noted that a cookie cutter approach to creeks and ESHA would not suffice. 6) Recommends allowing Office uses in BP zone. 7) Concern that the application vesting provision was reduced by two years by the Planning Commission, would like to see this extended to 38 months. 	<ol style="list-style-type: none"> 1) Staff does not recommend this approach at this time. Maintaining one zoning ordinance provides clarity and consistency throughout the City and best effectuates the General Plan. If during the Local Coastal Program certification process it becomes clear that two zoning ordinances are justified, the City can split the future, adopted NZO into two ordinances. Adopting and maintaining a single NZO now does not preclude the City from splitting it into two in the future. 2) Such structures are not prohibited by the NZO. As provided in Table 17.24.130, shipping containers and similar temporary storage containment qualify as an enclosed building and are subject to all development standards of Section 17.24.020, Accessory Structures. 3) Staff welcomes Council feedback on this item. This topic was discussed with the Planning Commission. 4) M.Special is not considered an Eating and Drinking Establishment. The bar at M.Special is an Accessory Use that would be allowed, with certain limitations, in association with a Microbrewery. 5) Comment noted. ESHA will be discussed at the December 3, 2019 Council hearing. 6) Professional Services is listed as not allowed in BP in General Plan Land Use Table 2-3. The definition of this use in the NZO was derived from the General Plan glossary definition of Professional Offices. Consequently, staff does not believe prohibiting Professional Services in BP is a mistake in the NZO. 7) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021.
<p>Cheryl Rogers, representing League of Women Voters.</p> <ol style="list-style-type: none"> 1) Recommends General Plan amendment to HE 2.5 to require at least 15% inclusionary for consistent with for-sale housing. 2) Supports General Plan amendments for ESHA protections. 3) Increase the required non-reducible buffer for Stream Protection Areas (SPA) to 100-foot like Environmental Defense Center (EDC) wants, including the Coastal Commission language and amend the General Plan accordingly. 4) Would like to see Large Residential Care Facilities (RCF) allowed in the Single-unit Residential (RS) and Planned Residential (RP) zone districts. 	<ol style="list-style-type: none"> 1) The General Plan Amendment is part of a separate item before Council. Any amendments will be reflected in the NZO when approved by Council. 2) Comment noted. ESHA will be discussed at the December 3, 2019 Council hearing. 3) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing. 4) Council addressed this issue on November 5, 2019. The Council direction was to remove the allowance for Large RCFs in RS and RP with a Major CUP.

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<p>Steven Amerikaner, representing SyWest.</p> <ol style="list-style-type: none"> 1) Suggests that the sunset provision of two years for vesting applications is too short and requested no sunset of that provision. 2) Requested the City notify applicants that would be affected by this provision. 3) Suggested that there was ambiguity in the phrase "land use entitlements" in Section 17.01.040(E)(4). 	<ol style="list-style-type: none"> 1) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. 2) City sent a letter to all relevant applicants around October 16, 2019. 3) Staff will provide clarity on this issue at the December 3, 2019 hearing.
<p>Ginger Anderson, Stantec</p> <ol style="list-style-type: none"> 1) Asked the question of whether the City had done the analysis to determine how many properties would be made nonconforming due to the adoption of the NZO with respect to Development Plans. 2) Recommends splitting the NZO into two documents (Inland and Coastal). 3) Suggests that the September 1, 2019 application submittal date to qualify for the Vesting Applications provision is inappropriate since it has already passed and the City Council had not yet even approved the NZO. 4) Noted the length of time needed for projects approval with respect to project vesting. 5) Suggested that there was ambiguity in the phrase "land use entitlements" in Section 17.01.040(E)(4). 6) Suggested that the 90 day permit approval for illegally constructed projects (Section 17.36.020(C)) is not realistic and should be changed. 	<ol style="list-style-type: none"> 1) Development consistent with an existing Development Plan would not be considered nonconforming. 2) Staff does not recommend this approach at this time. Maintaining one zoning ordinance provides clarity and consistency throughout the City and best effectuates the General Plan. If during the Local Coastal Program certification process it becomes clear that two zoning ordinances are justified, the City can split the future, adopted NZO into two ordinances. Adopting and maintaining a single NZO now does not preclude the City from splitting it into two in the future. 3) This is a policy decision for Council. Staff proposed this date and Planning Commission supported this date. The rationale was to limit completed applications just before the NZO is adopted that would then not be processed under the NZO. 4) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. 5) Staff will provide clarity on this issue at the December 3, 2019 hearing. 6) Staff will provide revisions on this issue at the December 3, 2019 hearing.
<p>Kristin Brandt.</p> <ol style="list-style-type: none"> 1) Concerned about the revision to the parking in-lieu fee in Old Town and suggested that it should be used for more than what the NZO recommends. 	<ol style="list-style-type: none"> 1) Allowances for the in-lieu fees are limited to those enumerated in General Plan subpolicy TE 9.6(c).
<p>Jason Chapman.</p> <ol style="list-style-type: none"> 1) Expressed concern that the City is over-parking for studio and one-bedroom units (2 parking spaces per unit, 1 spot per 3 units for guest parking). 2) Suggested that the NZO requires nearly twice what the inherited County zoning required. 3) Indicated that increased parking requirements would result in decreased walkability and dedicate space needed for housing for parking. 4) Consider parking reductions for all rental housing. 5) Noted that the City is making great efforts to bring affordable housing to Goleta. 6) Indicated that he believes that the State is in a housing crisis and that any reduction of inclusionary housing requirements should not be something everybody gets and should be clearer about when reductions may be granted. 	<ol style="list-style-type: none"> 1) The change to require more parking than is now required for studio and one-bedroom units (1 space per dwelling unit, 1 space per 5 dwelling units for visitors) was made by the Planning Commission during the recommendation hearings. 2) See response above. 3) See response above. 4) Council may consider this request. New developments requiring Development Plans can request adjustments to parking standards as part of their project approval process and can make the argument on a project-specific basis where they have a rental housing project. 5) Comment noted. No response required. 6) The potential reduction of the inclusionary percentage is a decision for the Review Authority. The NZO, following the lead of General Plan Housing Element policy HE 2.5, identifies potential rationales for a reduction.
<p>Eileen Monahan.</p> <ol style="list-style-type: none"> 1) Commented that the NZO will serve as a model for other jurisdictions as to how to support and promote the creation of childcare facilities. 2) Recommends that the City consider developing a Childcare Plan. 	<ol style="list-style-type: none"> 1) No response required. 2) No response required.

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<p>Michelle Graham, representing Children’s Resource and Referral.</p> <ol style="list-style-type: none"> 1) Expressed appreciation for the New Zoning Ordinance bringing more access to child care and opportunities for parents to go to work. 	<ol style="list-style-type: none"> 1) No response required.
<p>Mitch Menzer, representing the Bacara.</p> <ol style="list-style-type: none"> 1) Spoke in support of 17.36.020(D) which excludes projects that have previously been approved through a Development Plan from the non-conforming use provisions. 	<ol style="list-style-type: none"> 1) No response required.
<p>Cecilia Brown.</p> <ol style="list-style-type: none"> 1) Expressed concern with the NZO removing an existing provision for Substantial Conformity Determinations (SCD) (Appendix H) that excluded the use of an SCD if the previously approved project was the subject of public controversy. 2) Suggested notification for SCDs. 3) Suggested that the Lighting Chapter of the NZO should include a provision for an applicant to provide “total site lumens” in order for the Review Authority to be able to determine if the project is appropriate against a standard. 4) Believes that a 32 square-foot sign for non-residential noticing for big projects is a good size with additional standards for things like height. 5) Expressed a desire to expand the criteria for when story poles were going to be required and include projects requesting a Modification or Variance. 6) Also indicated that the City should have story pole guidelines either imbedded in the NZO or adopt interim standards immediately. 	<ol style="list-style-type: none"> 1) Staff spent considerable time clarifying the thresholds for SCDs to ensure that the Director would not have to make a judgment call and could apply objective criteria. 2) Notification for SCDs would be new. Currently, SCDs do not require noticing. 3) No changes recommended. Not all lighting submittal requirements have a corresponding standard. An example of this is light temperature. The total site lumens standards provided for in the International Dark Sky Association Model Lighting Ordinance breaks a jurisdiction into various lighting zones and regulates total site lumens based on these zones and other factors. The zones do not simply line up with various zone districts. As such, the City would need to create a new overlay to identify which lighting zone each parcel in the City falls under and add standards based on these lighting zones. 4) Council provided feedback on on-site noticing at the November 5, 2019 hearing and supported the 32 square foot requirement, with a trigger as proposed by staff for the larger signage. 5) The criteria within the NZO for an automatic trigger for story poles for larger projects. If the DRB or other review authority believes they are necessary, they would still be able to request them for smaller projects. Additionally, Modifications and Variances apply to more than just structural development and therefore the regulations would have several caveats and exceptions and could become confusing. 6) Staff will provide additional standards on this issue at the December 3, 2019 hearing.
<p>George Relles.</p> <ol style="list-style-type: none"> 1) Expressed concern that the SCD was not subject to noticing or to appeal. 2) Expressed concern that the finding at subsection 17.51.070(A)(1) for “adequate infrastructure and public services” is unclear, particularly “planned transportation.” 3) Questioned why a residentially zoned lot is limited to six square feet for non-commercial [political] speech signs, but in non-residential zones that limit was 25 square feet and could be twice that limit for a short period before and after an election. 4) Sought clarification of the use of “must” with “where applicable” with respect to view protections. 5) Supported email notice for large projects and through other technologies. 	<ol style="list-style-type: none"> 1) Only projects that are minor in nature and do not change the overall scope or analysis of a previously-approve project and would not result in new impacts or negative effects would qualify for a SCD. As such, the small change would not be noticed nor appealable. 2) Transportation is not defined in the NZO, but Transportation Facilities is. This analysis would be undertaken on a case-by-case basis. 3) The difference in signage limitations is consistent with the purpose of the various zone districts, especially those that protect the character of residential zones (see §17.07.010). 4) The language mirrors policy within the General Plan. 5) Email notice is required in the NZO for all public hearings.
<p>Linda Krop, Environmental Defense Center.</p> <ol style="list-style-type: none"> 1) Discussed application vesting and wished to inform/educate the Council that the Planning Commission recommendation goes well beyond what the legal standard allows the City to do in this respect. Wanted to make sure Council knows which projects would be affected by the NZO. 2) Expressed believe that the NZO is “vague” as to the details of how a City project would be processed if it was exempt from the NZO permit requirements and where the public would go to the decision-maker. 3) Questioned who would be the “Lead Agency,” pursuant to CEQA, if the City was not acting as the permit authority. 	<ol style="list-style-type: none"> 1) This is a policy decision for Council. Previous versions of the NZO provided no extension for vesting. During the Planning Commission workshop process, Planning Commission expressed a desire for a vesting extension but did not specify a time limit. In response, staff suggested an option of extending vesting to December 31, 2023. Planning Commission decided to keep an extension period, but limit it to December 31, 2021. 2) Staff will provide clarity on this issue at the December 3, 2019 hearing. 3) No action required. The City would still be the Lead Agency for City projects. CEQA section 15367 defines “Lead Agency” as the public agency which has the principal responsibility for carrying out or approving a project.” 4) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing. 5) See response above.

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<p>4) Noted that the findings for SPA buffer reductions are consistent with the General Plan and reflect the Eastern Goleta Valley Plan, and does not create a new takings test, which is already included in NZO Section 17.01.040(A)(2).</p> <p>5) Stated that the EDC is only attempting to provide clarity and consistency and not create anything new.</p> <p>6) Recommended that the City staff meet with the California Coastal Commission (CCC) staff prior to adopting the NZO.</p>	<p>6) As explained at the hearing, Coastal Commission staff has a Local Coastal Program certification process that would involve the review of both the General Plan and the Zoning Ordinance for the City of Goleta because they have not yet certified our General Plan. Furthermore, the goal is to get our Zoning and General Plan in sync for the vast majority (over 80 percent) of the City that is located outside of the Coastal Zone.</p>
<p>April Reid.</p> <p>1) Expressed concern that parking standards should require that a new development provide all required parking on-site and not allowed to reduce those requirements because of the effect it has on neighboring communities like hers, which is overcrowded with cars (and is a private street).</p> <p>2) Supported the requirement for guest parking and suggested increasing the requirement.</p> <p>3) Believes that the City should be protecting creeks and reducing the ability of the Kenwood project to develop 50 feet from the creek.</p> <p>4) Stated that there were Endangered Species located within the creek and over 100 other animals, including turtles and snakes, which she has seen/recorded on her outdoor cameras.</p>	<p>1) Parking discussed extensively with Planning Commission. As proposed, most parking reductions will be done through a discretionary process where individual site issues can be reviewed.</p> <p>2) Comment noted. No response required.</p> <p>3) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing.</p> <p>4) See response above.</p>
<p>Frank Arredondo.</p> <p>1) Concerned with the NZO Cultural Resources Chapter.</p> <p>2) Expressed belief that the General Plan is out-of-date with respect to the requirements of State law pertaining to protection of Native American resources.</p> <p>3) Stated his concern that he did not believe the City was adhering to AB 52 requirements because we have not adopted rules that enforce the State law.</p>	<p>1) At the suggestion of staff, Planning Commission removed the Cultural Resources regulations. These will be addressed as part of the Historic Preservation Ordinance. Staff previously noticed all individuals on the City's cultural resources mailing list during the environmental review process and again after conclusion of the public workshops but prior to public hearings on the proposed NZO.</p> <p>2) The City is obligated to follow state law with respect to consultation and notification.</p> <p>3) See response above.</p>
<p>Fermina Murray.</p> <p>1) Agreed with comments by Linda Krop regarding City projects. Recommended that the City retain the requirement that City projects are subject to the same regulations as private development.</p> <p>2) Agrees with Cecilia Brown's comments regarding story poles.</p>	<p>1) Comment noted. Further details on this issue will be provided at the December 3, 2019 hearing.</p> <p>2) Staff will provide additional standards on this issue at the December 3, 2019 hearing.</p>
<p>Deborah Williams.</p> <p>1) Agreed with comments by Linda Krop and Fermina Murray regarding City projects. Recommended that the City retain the requirement that City projects are subject to the same regulations as private development.</p> <p>2) Agreed with the recommendations made by the Urban Creeks Council and the Environmental Defense Center, League of Women Voters, and the Planning Commission.</p> <p>3) Noted that it is essential for a 100-foot setback, whenever possible and commented that when someone asks for a reduction of the one-hundred foot creek buffer, the process must be set forth by the California Coastal Commission.</p>	<p>1) Comment noted. Further details on this issue will be provided at the December 3, 2019 hearing.</p> <p>2) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing.</p> <p>3) See responses above.</p>
<p>Barbara Massey</p> <p>1) Agreed with comments by Linda Krop regarding City projects. Recommended that the City retain the requirement that City projects are subject to the same regulations as private development.</p> <p>2) Suggested that the people of Goleta would not trust the City government without the proper procedures that others have to go through.</p> <p>3) Spoke in support of story poles and agrees with other public comments.</p> <p>4) Supported triggers for on-site signage, but questioned what it means to be "significant."</p>	<p>1) Comment noted. Further details on this issue will be provided at the December 3, 2019 hearing.</p> <p>2) Comment noted.</p> <p>3) Staff will provide additional standards on this issue at the December 3, 2019 hearing.</p> <p>4) Council provide feedback on on-site noticing at the November 5, 2019 hearing and supported the 32 square foot requirement, with a trigger as proposed by staff for the larger signage. What constitutes "Significant" is outlined in subsection 17.52.100(D).</p> <p>5) Further details on this issue will be provided at the December 3, 2019 hearing.</p>

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5) Spoke to the importance of mailed notices as not everyone has a computer.	
Brian Trautwein, Environmental Defense Center. 1) Spoke on the importance of the hundred-foot stream setback for developers and noted former Goleta City Councils sometimes did not enforce the setback. 2) Commented that there is no clear process for when setback can be reduced.	1) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing. 2) See response above.
Tara Messing, Environmental Defense Center. 1) Commented that the New Zoning Ordinance must include a clear process for determining whether to allow a setback reduction. 2) Suggested a general provision that all modifications be subject to the same findings as they recommend for SPAs. 3) Urged the City to meet with Coastal Commission before adopting the New Zoning Ordinance as the Coastal Commission has jurisdiction in the Coastal Zone affected by the New Zoning Ordinance.	1) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing. 2) No change recommended. Buffers are not subject to Modification allowances and if Modification Chapter used the takings test language, they would remove the rationale for Modifications and would effectively become more onerous than even a Variance. 3) As explained at the hearing, Coastal Commission staff has a Local Coastal Program certification process that would involve the review of both the General Plan and the Zoning Ordinance for the City of Goleta because they have not yet certified our General Plan. Furthermore, the goal is to get our Zoning and General Plan in sync for the vast majority (over 80 percent) of the City that is located outside of the Coastal Zone.
Dan McCarter, representing Urban Creeks Council. 1) Spoke to the threats to creeks, which house many endangered species and advocated for strong protections for environmentally sensitive habitats. 2) Noted the importance of adequate creek setbacks, of at least 100 feet, and creek protections.	1) Comment noted. 2) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing.
Louis Andaloro, representing Urban Creeks Council. 1) Spoke to the importance of the one-hundred foot creek setbacks, protecting water quality, habitat, and wildlife within the watersheds of Goleta and ensure the proper application of CE 2.2 so future planners, applicants, and decisionmakers know how to determine if a buffer reduction from one-hundred feet is allowed. 2) Noted that realtors he spoke to sees value in enhanced creek setbacks.	1) Comment noted. SPA buffers will be discussed at the December 3, 2019 Council hearing. 2) Comment noted.
Bert Brounstein. 1) Expressed his support for allowing senior care facilities in RS and RP zone districts. 2) Stated that he liked the idea of large groups of elderly persons being able to live in a nice residential neighborhoods. 3) Questioned the separation requirement.	1) Comment noted. 2) Council addressed this issue on November 5, 2019. The Council direction was to remove the allowance for Large RCFs in RS and RP. 3) Council discussed RCFs at the November 5, 2019 hearing and did not adjust the separation requirement.
Kim Kimbell. 1) Expressed his support for allowing senior care housing in residential zone districts. 2) Commented that Goleta is deficient in the number of senior care beds. 3) Expressed support for separating large (at 7) and really large (at 14) senior care facilities and not include a separation requirement for the less than 14 bed facilities.	1) Comment noted. 2) Comment noted. 3) Council discussed RCFs at the November 5, 2019 hearing and did not adjust the Large and Small RCF definitions.
Hersel Mikaelian. 1) Spoke on the amount of aging baby boomers, and the need for more senior care facilities. 2) Expressed his desire for the City to allow larger senior care facilities in residential zone districts. 3) Would like previous City ordinance to be brought back that was repealed in 2015.	1) Comment noted. 2) Council addressed this issue on November 5, 2019. The Council direction was to remove the allowance for Large RCFs in RS and RP. 3) Council discussed RCFs at the November 5, 2019 hearing and did not adjust the Large and Small RCF definitions.