Agenda Item TBD
PUBLIC HEARING
Meeting Date: January 21, 2020

TO: Mayor and Councilmembers

FROM: Peter T. Imhof, Planning and Environmental Review Director

CONTACT: Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner
J. Ritterbeck, Senior Planner

SUBJECT: Adoption of the New Zoning Ordinance

RECOMMENDATION:

A. Adopt the Planning Commission's recommendation and introduce and conduct the first reading (by title only and waive further reading) of Ordinance No. 20-__, entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code"; and delay the second reading until any General Plan Amendments necessary to implement the recommendation are initiated and adopted; or

B. After consideration of certain alternate recommendations from staff, continue the hearing and direct staff to return with New Zoning Ordinance revisions at a public hearing in February 2020.

CONTINUED PUBLIC HEARING:

This item was previously heard on November 5, 2019, December 3, 2019, and December 17, 2019, when it was continued to a hearing date of January 21, 2020. At this January 21 continued public hearing, staff seeks NZO direction from Council regarding the following issues:

- Nine "Other Items" to address Council requests, public comment (written and oral), and issues identified by staff including: visual resource protection; office districts (Business Park); fences, freestanding walls, and hedges; nonconforming uses and structures; mobile vendors; accessory dwelling units; substantial conformity determinations; the airport overlay, and exempt signs.

Staff will present a summary of these items at the January 21 continued public hearing, as detailed in the Worksheet (Attachment 1). This worksheet also provides a summary of direction from Council during the public hearing process. The staff reports for the previous

hearings are provided for reference purposes in Attachments 1, 2, and 3 respectively. All materials are posted on GoletaZoning.com.

At the close of Council direction regarding NZO edits and following public comment, staff will finalize an Errata Sheet of City Council-directed amendments and return at a continued hearing in February 2020 to review the content of the adoption recommendation to facilitate final action by the City Council.

Reviewed By:	**Legal Review By:**	**Approved By:**
Kristine Schmidt	Michael Jenkins	Michelle Greene
Assistant City Manager	City Attorney	City Manager

ATTACHMENTS:

1. Key Topics and Other Items Worksheet (1/21/20)
2. City Council Staff Report from November 5, 2019 including the Planning Commission-Recommended Proposed New Zoning Ordinance
3. City Council Staff Report from December 3, 2019
4. City Council Staff Report from December 17, 2019
5. Slide Presentation (1/21/20)

Attachment 1

Key Topics and Other Items Worksheet (1/21/20)

Key Topics and Other Items Worksheet (1/21/20)

Row No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
			A. Key Topic Areas		
A.1	Chapter 17.01 City Projects	All regulations of the NZO would apply to City projects.	NZO permit requirements would slow down the City's efforts to implement City projects	No further action needed.	**11/5** – No decision. Direction to staff to return with research on other jurisdictions. **12/3** – Direction to staff to revise the NZO to reflect staff's recommendations in the memo provided to Council. See Errata Sheet.
A.2	Section 17.30.070 ESHA - SPAs	The proposed NZO incorporates Streamside Protection Area (SPA) language provided by the Environmental Defense Center (EDC).	The EDC language appears to contradict the City's General Plan Conservation Element, which is prescriptive on SPA buffer widths and buffer reductions. A General Plan Amendment (GPA) may be needed to Conservation Element Sub-policy CE 2.2, if the City were to adopt the Planning Commission's recommendation, delaying adoption of the NZO.	No further action needed.	**11/5** – No discussion of this topic. Deferred discussion to City staff to further work with EDC. **12/3** – Direction to replace the PC recommended language with language suggested by the City Attorney's Office, with the removal of definitions. See Errata Sheet.
A.3	Section 17.30.120 ESHA – Lagoon Buffer	The proposed NZO includes a lagoon buffer of 100 feet.	General Plan policy treats lagoons as wetlands, which have specific buffer requirements, as detailed in Sub-policy CE 3.4. A GPA may be needed to Sub-policy CE 3.7 to establish unique buffer treatment for lagoon-type wetlands, delaying the adoption of the NZO.	Consider a proposed NZO revision to remove the lagoon buffer requirement to avoid the need for a GPA and to allow the wetland buffer regulations to apply to lagoon ESHA, as intended by the General Plan.	**11/5** – No discussion of this topic. **12/3** – No discussion of this topic. **12/17** – Council directed staff to remove subsection 17.30.120(A). See Errata Sheet.
A.4	Section 17.30.150 ESHA – Woodlands / Savannas Buffer	The proposed NZO includes a native oak woodland / savanna buffer of 50 feet.	Adding a woodland / savanna buffer appears to contradict the City's General Plan Conservation Element. General Plan policy does not include a buffer for this ESHA type and instead, in Sub-policy CE 9.3, requires that a minimum buffer area be established via a Tree Protection Ordinance. A GPA may be needed to Sub-policy CE 9.3 to include a 50-foot buffer, delaying the adoption of the NZO.	Consider a proposed NZO revision to remove the woodland / savanna buffer requirement to avoid the need for a GPA. Doing so would allow the City to develop detailed standards, including a buffer, in a separate Tree Protection Ordinance in consultation with appropriate subject matter experts, as intended by the General Plan.	**11/5** – No discussion of this topic. **12/3** – No discussion of this topic. **12/17** – Council directed staff to remove subsection 17.30.150(A). See Errata Sheet.
A.5	Chapter 17.17 and 17.28 Inclusionary Housing – Rentals	The proposed NZO does not include regulations requiring inclusionary units for rental housing projects.	Currently, General Plan policy HE 2.5 only applies to "for-sale" units. On October 15, 2019, the City Council initiated a GPA to HE 2.5 to include rental units. The Planning Commission is scheduled to consider the GPA on November 18, 2019.	No further action needed.	**11/5** – Direction to staff to proceed with processing of GPA to HE 2.5. **12/3** – Direction to incorporate edits to the inclusionary regulations to reflect the GPA adopted on 12/3. See Errata Sheet.
A.6	Section 17.28.110 Inclusionary Housing – Good Cause Time Extension	The proposed NZO would allow a developer to request a time extension to the construction of affordable units within a project, if "good cause" is shown with a time limitation of up to four years for such requests.	Allows for a delay in the construction of required inclusionary units.	No further action needed.	**11/5** – Direction to staff to proceed with deleting the entire §17.28.110, Performance Security for Inclusionary Housing Units. See Errata Sheet.
A.7	Table 17.07.020 Residential Care Facilities (RCFs)	The proposed NZO allows Large RCFs (RCFs providing care for more than six persons) to be located within both the Single-Family Residential (RS) and the Planned Residential (RP) zone districts with a Major Conditional Use Permit.	Adding the allowance for Large RCFs in the RS and RP zone districts appears to contradict the City's General Plan Land Use Element. General Plan policy does not support Large RCF uses in either of these zoning districts. A GPA may be needed to Land Use Element Table 2-1 to add a use type in the RS and RP land use designations that supports the Planning Commission's recommendation.	No further action needed.	**11/5** – Direction to staff to follow the General Plan and to not allow RCFs in the RS and RP zone districts. See Errata Sheet.

Key Topics and Other Items Worksheet (1/21/20)

Row No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
A.8	Section 17.52.050 Noticing Requirements	The proposed NZO includes expanded requirements for noticing of proposed development, including: 1) Story poles, 2) On-site posted notices, 3) Mailed noticing for all projects, 4) Spanish translation, and 5) Press releases.	On-site Posted Notices: The Planning Commission did not provide a permit or approval trigger for the larger on-site noticing. Mailed Notices: The Planning Commission recommended removal of an allowance for posting notice in a newspaper rather than providing mailed notice if the recipients would number over 1,000. This is an existing allowance in the City's zoning ordinances and an allowance under state law. By removing the newspaper notice allowance, the City would incur significant cost for noticing items like new zoning regulations and General Plan amendments.	On-site Posted Notices: Consider proposed NZO revisions to include a trigger for the larger on-site noticing, including all new Development Plans, Amendments and Significant Changes to Development Plans, new Conditional Use Permits, and Amendments and Significant Changes to Conditional Use Permits. Mailed Notices: Consider proposed NZO revisions to restore the mailed notice allowance to align with the current practice.	**11/5** – • Support for including a trigger for larger on site noticing. See Errata Sheet. • For larger mailing, direction to staff to return with research on expenses and costs to City. • For story poles, direction to add more detailed requirements. See Errata Sheet. **12/3** – No discussion of this topic. **12/17** – • Council directed staff to remove the requirement for Spanish translation of notices in subsection 17.52.050(E). See Errata Sheet. • Council directed staff to remove the requirement for electronic notice in subsection 17.52.050(C)(4). See Errata Sheet. • Council directed staff to add a provision, as subsection 17.52.050(C)(1)(c), to allow for newspaper notice in-lieu of mailed notice for large mailings. See Errata Sheet. • Council expressed support for Staff's proposed additional requirements for story pole noticing. See Errata Sheet.
B. Other Items					
B.1	Day Care Uses	The proposed NZO allows day care more broadly than originally proposed with clear information for prospective day care providers.	Staff received direction to provide more flexibility for both Day Care Facilities and Family Day Care (a day care facility within a residential unit). In addition, the NZO includes incentives, such as priority processing, for Day Care Facilities, and standards for Day Care Facilities and Family Day Cares are comprehensively compiled for ease of understanding for potential day care providers.	Staff recommends the Proposed NZO language with no changes.	**12/17** – Council expressed support for the day care standards as proposed.
B.2	Chapter 17.58 Design Review Board (DRB)	The proposed NZO includes changes to the DRB process to closer reflect previous process, with some refinement.	Chapter 17.58 includes three levels of review (Conceptual, Preliminary, and Final), clarifies that DRB plays the role as both decision-maker (for ministerial projects) and recommending body (for discretionary projects), and clarifies that DRB grants final approvals after a project has received entitlement by the Planning Commission and/or City Council.	Staff recommends the Proposed NZO language with no changes.	**12/17** – Council expressed support for the Design Review Board procedures as proposed.
B.3	Chapter 17.35 Lighting	New requirements included in the NZO to address lighting issues, consistent with General Plan policy VH 4.12.	Staff received Planning Commission direction to include outdoor lighting plan application submittal requirements. In Section 17.35.060, the proposed NZO includes a requirement for project applicants to create a Lighting Plan. Lighting Plans are required for all development requiring DRB. In addition, staff received direction to include some light standards in the NZO, for example, the regulation of light trespass off a property, while leaving other standards, like light temperature, to DRB discretion and future guidelines.	Staff recommends the Proposed NZO language with no changes. Staff does not recommend adding new standards without first workshopping with DRB and Planning Commission.	**12/17** – Council expressed support for the lighting standards as proposed.

Key Topics and Other Items Worksheet (1/21/20)

Row No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
B.4	Chapter 17.38 Parking Standards	The proposed NZO includes new and modified requirements for various parking standards.	The Planning Commission recommendation includes an expansion of number and types of required on-site parking for new development. These provisions require ten percent electric vehicle (EV) parking, ten percent electric bike parking, two parking spaces per studio and one-bedroom unit, and guest parking at one space for every three units in multi-unit developments. The Planning Commission recommendation also included language regarding parking reductions for Transportation Demand Management (TDM) programs and within the Old Town District.	Staff recommends the Proposed NZO language with no changes. However, here are parking topics raised by public commenters, which Council may want to consider: • Single-Unit and Multi-Unit Dwelling parking standards • Old Town parking credits • Electric vehicle and bike parking	**12/17** – Council expressed support for the parking standards as proposed.
B.5	Section 17.41.260 Temporary Uses	A concern was raised that the NZO may unintentionally make events such as the Lemon Festival and July 4th fireworks require a Conditional Use Permit.	The Planning Commission-recommended NZO ensures that an event receiving a Special Events Permit from the City pursuant to Goleta Municipal Code Chapter 12.07 does not have to get a redundant permit pursuant to the NZO. Staff will be reviewing special event permit requirements with regard to established community events, and may separately recommend suggested changes to the Goleta Municipal Code Chapter 12.07, if necessary.	Staff recommends the Proposed NZO language with no changes. However, Council may consider adding "seasonal youth leagues" to the list of exemptions, so they do not need a Temporary Use Permit (TUP) and adding "large outdoor gatherings" to list of activities requiring a TUP. These additions would provide clarity for temporary uses not previous addressed in the NZO.	**12/17** – Council expressed support for the temporary use standards as proposed with the inclusions of seasonal youth leagues and large outdoor gatherings as presented by staff. See Errata Sheet.
B.6	Section 17.38.080 Trailers/RV Parking and Storage	The proposed NZO provides clarity on allowed locations and standards for trailers and RV parking and storage.	The Planning Commission recommended that trailers/recreational vehicle parking and storage be allowed within the front and side setbacks of a property. The Planning Commission recommendation includes standards for these types of parking that are now included in Section 17.38.080.	Staff recommends the Proposed NZO language with no changes.	**12/17** – Council expressed support for the trailers/RV standards as proposed.
B.7	Section 17.01.040(E) Vesting	The proposed NZO requires projects to process under the new standards after a sunset date.	The Planning Commission recommendation addressed the issue of which projects will be allowed to continue using the City's existing Inland and Coastal Zoning Ordinances once Title 17 is adopted. The Commission recommended allowing applicants with "Complete" applications as of September 1, 2019 to have the choice of using the existing zoning ordinances or the NZO with a sunset date of this provision at December 31, 2021. After December 31, 2021, all projects that have not received their land use entitlements would need to be processed under the NZO.	None provided. This is a policy decision for City Council. Staff suggests including a definition of "entitlement" as follows: **Entitlement.** The legal process of obtaining all required land use approvals for development, concluding any associated local appeal period, meeting any prior to issuance conditions of approval, and successfully obtaining issuance of the effectuating Zoning Permit.	**12/17** – Council expressed support for the vesting language as proposed with the inclusion of the definition of "Entitlement". See Errata Sheet.
B.8	Section 17.26.040 Visual Resource Protection	There was an expressed desire to strengthen visual resource protections.	Request by Councilmember Kasdin for staff to develop objective standards to help protect visual resources, similar to the expanded protections that were being discussed around SPAs.	Possible revision to NZO text to include a limitation on structure height where more than 10% of a protected public view would be impacted.	**12/17** – Council expressed support for the visual resource protection language with the inclusion of the objective public view impact standard of 10% for both lateral and vertical view impairment. See Errata Sheet.
B.9	Chapter 17.09 Office Districts (Business Park)	The proposed NZO currently does not include several prohibitions that are detailed in the General Plan.	General Plan subpolicy LU 4.2, Business Park (I-BP) states that "Activities in business park areas shall be conducted primarily indoors, and outdoor storage, processing, manufacturing, and vehicle repair are prohibited." This land use prohibition is not currently included in the proposed NZO.	In the BP (Business Park) zone district, add a prohibition on vehicular repair, processing, and manufacturing and private outdoor storage to be consistent with General Plan subpolicy LU 4.2.	TBD
B.10	Section 17.24.090 Fences, Freestanding Walls, and Hedges	The proposed NZO includes regulations for hedges but does not include a provision to ensure timely compliance with hedge height limits.	The current zoning ordinances do not regulate hedge height. The proposed NZO does and treats them similarly to fences and walls. However, there is no amortization period in the proposed NZO to force hedges in to compliance with NZO standards.	Include a hedge amortization period of 3 months to ensure that nonconforming hedges must be brought into compliance with the NZO.	TBD
B.11	Section 17.36.020 Nonconforming Uses and Structures	The proposed NZO requires unpermitted nonconformities to come into compliance within 90 days.	The 90-day timeline to attain permits will prove challenging for many uses and structures. Chapter 17.69 – Enforcement, already includes enforcement responsibilities for illegal development.	Remove the 90-day permit timeline for unpermitted nonconformities, relying instead on the Enforcement Chapter to state the process for resolving such issues.	TBD

Row No.	NZO Citation	Issue Summary	Background	Option / Recommendation	Direction / Decision
B.12	Section 17.36.050 Nonconforming Uses and Structures	The proposed NZO provides regulations for non-conforming structures and outlines when a structure can be rebuilt to its nonconforming dimensions.	This Chapter limits the ability to reconstruct a nonconforming structure damaged or partially destroyed by fire, flood, earthquake, or other natural disaster. Currently, the NZO does not allow reconstruction of nonconforming structures where the structure is completely (greater than 75% of total costs) destroyed. However, Government Code Section 65852.25 prohibits the City from preventing the reconstruction of multi-unit dwellings.	Add special provisions to address rebuilding nonconforming housing consistent with Government Code section 65852.25. *Note:* staff is seeking feedback from Council about whether the scope of the new provision should be broadened to include single-unit dwellings, which would be consistent with existing City regulations. The current zoning regulations allow for reconstruction of nonconforming single-unit dwellings.	TBD
B.13	Section 17.41.190 Mobile Vendors	The proposed NZO includes new regulations for mobile vendors (including food trucks) when located on private property.	These new standards include when mobile vendors need a Temporary Use Permit and provides certain limitations and restrictions on their operation.	Staff recommends revisions to remove the vendor limit at events receiving a Special Events Permit (see subsection 17.41.190(A)(2)) and to clarify County department names (see 17.41.190(C)(1). Council could also consider removing subsection 17.41.190(E)(2), which prohibits mobile vendors within 300 feet of similar uses.	TBD
B.14	Section 17.41.030 Accessory Dwelling Units (ADU)	The proposed NZO includes requirements and standards for ADUs that are not compliant with recent changes in state ADU law.	The City adopted Ordinance No. 18-01 in 2018 to regulate ADUs based on previous changes in state law. Ordinance No. 18-01 has been included in the proposed NZO. However, in 2019, the state amended its ADU laws and Ordinance No. 18-01 is now out of compliance with state law. As such, the City needs to update its ADU Ordinance and remove existing regulations for ADUs found in the proposed NZO.	Make all revisions necessary to ensure City ADU regulations are compliant with state law.	TBD
B.15	Section 17.52.100(B) Substantial Conformity Determination (SCD)	The proposed NZO includes a process for SCDs. The SCD process is carried forward, with some changes, from the existing zoning ordinances.	SCDs are a non-noticed, non-appealable process for minor changes to previous discretionary approvals. This is a procedure that currently is used by the City. The NZO allows the Director to approve these changes, based on thresholds outlined in the NZO, without notice or an avenue for appeal. Should the Director deny the SCD, the applicant could apply for an Amendment under Section 17.52.100(C). Amendments require notice and allow for an appeal, but do not have a hearing.	Staff recommends adding a clause in subsection 17.52.100(B)(1) that the Director must determine that the project has not been the subject of substantial public controversy, and there is no reason to believe the change is likely to create substantial public controversy. The Council should also consider whether SCDs should be appealable.	TBD
B.16	Chapter 17.16 -AE Airport Environs Overlay District	The proposed NZO includes an overlay district with specific land use restrictions based on proximity to the runway ends of Santa Barbara Airport.	The General Plan specifically calls for an Airport approach overlay in Implementation Action SE-IA-1. The Safety Element includes specific policy direction for this overlay in Safety Element Policy SE 9. In particular, the Overlay focuses on the requirements of subpolicies SE 9.1-9.5 and the Airport Land Use Plan (ALUP).	Council could consider changes to the -AE Overlay. Refer to separate handout for revisions that would eliminate the requirement to consult with Airport Land Use Commission staff and Santa Barbara Airport staff, remove density thresholds for further review, and clarify that the overlay only applies to new uses.	TBD
B.17	Section 17.40.030 Exempt Signs	The proposed NZO exempts non-commercial speech on residential and non-residential uses with different size allowances for each.	Pursuant to subsection 17.40.030(T), protected non-commercial speech signs on residential uses may be no larger than 4 ft. x 6 ft. However, there is no limit on the number of such signs. Pursuant to subsection 17.40.030(U), protected non-commercial speech signs on commercial uses may not be higher than 6 feet in height and signs may not total more than 25 square feet cumulatively.	Staff recommends maintaining the sign standards as drafted.	TBD

C. Minor Cleanups

Item No.	NZO Citation	Option / Recommendation
C.1	Section 17.26.060 - Scenic Corridors	Delete redundant term “identified” in the preamble to this section.
C.2	Section 17.38.110 - Parking Area Design	Replace three angled parking figures (Figures 17.38.110(B-4), (B-5), and (B-6)) with new figures to more accurately represent parking lot designs.
C.3	Section 17.39.070 - Noise	Correct a typo of “Conditionally Unacceptable” with “Conditionally Acceptable” to accurately reflect a Community Exposure category from Table 17.39.070(A).
C.4	Section 17.40.060 - General Provisions for Signs	Change “is” to “in” in subsection 17.40.060(I)(1).
C.5	Section 17.41.060 - Animal Keeping	Revise to more accurately reflect relevant County advisors.
C.6	Section 17.42.010 - Telecommunications Facilities	Revise language in the purpose section to better reflect the applicability of the Chapter.

Key Topics and Other Items Worksheet (1/21/20)

Attachment 2

City Council Staff Report from November 5, 2019 Including the Planning Commission-Recommended Proposed New Zoning Ordinance

Please refer to the November 5, 2019 packet, full packet is available online

Attachment 3

City Council Staff Report from December 3, 2019

Please refer to the December 3, 2019 packet, full packet is available online

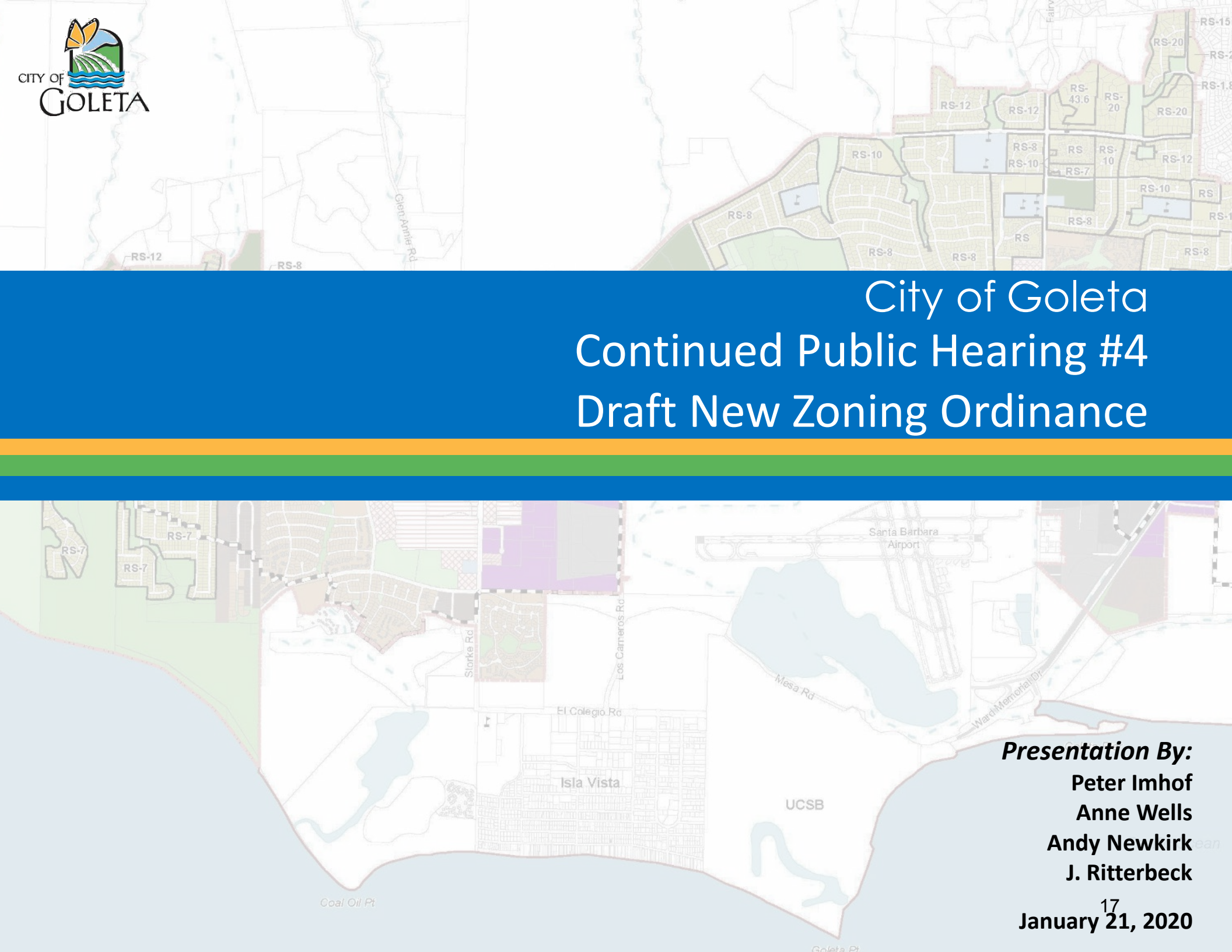
Attachment 4

City Council Staff Report from December 17, 2019

Please refer to the December 17, 2019, packet, full packet is available online

Attachment 5

Slide Presentation (1/21/20)



City of Goleta
Continued Public Hearing #4
Draft New Zoning Ordinance

Presentation By:

Peter Imhof
Anne Wells
Andy Newkirk
J. Ritterbeck

January 21, 2020

Key Topics

1. ~~City Projects - §17.01.030 & .040; §17.53.020~~
2. ~~ESHA - Chapter 17.30~~
   a. ~~Streamside Protection Areas - §17.30.070~~
   b. ~~Lagoon Buffer - §17.30.120~~
   c. ~~Woodlands / Savannas Buffer - §17.30.150~~
3. ~~Inclusionary Housing - Chapter 17.28~~
   a. ~~Rental Units - Chapter 17.28~~
   b. ~~"Good Cause" Time Extensions - §17.28.110~~
4. ~~Residential Care Facilities - Table 17.07.020 and §17.41.210~~
5. ~~Noticing - §17.52.050~~

Other Items Summary

1. ~~Day Care Uses §17.41.110 & .130~~
2. ~~Design Review Board §17.58.060~~
3. ~~Lighting Chapter 17.35~~
4. ~~Parking Standards Chapter 17.38~~
5. ~~Temporary Uses §17.41.260~~
6. ~~Trailers/RVs Parking §17.38.080~~
7. ~~Application Vesting §17.01.040(E)~~

(refer to informational handout for more detail)

Other Items Summary

~~8. Visual Resource Protection - §17.26.040~~

9. Office Districts / Business Park - Chapter 17.09
10. Fences, Freestanding Walls, and Hedges - §17.24.090
11. Nonconforming Structures - §17.36.020
12. Nonconforming Structures - §17.36.050
13. Mobile Vendors - §17.41.190
14. Accessory Dwelling Units - §17.41.030
15. Substantial Conformity Determination - §17.52.100
16. Airport Overlay – Chapter 17.16
17. Exempt Signs - §17.40.030

Repeals and Amendments

As part of NZO adoption, ordinances and sections of the Goleta Municipal Code (GMC) are repealed or amended.

- **Repeals**
  - City's existing Inland and Coastal Zoning Ordinances,
  - Sign Ordinance,
  - Various uncodified zoning ordinances, and
  - Various portions of GMC made redundant by the NZO.
- **Amendments**
  - Various sections in the GMC to ensure NZO consistency.

CEQA

The NZO would be exempt from environmental review, pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183

City Council Deliberation and Action

Recommendation

A. Adopt the Planning Commission's recommendation and introduce and conduct the first reading (by title only) of Ordinance No. 19-__, entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code"; and delay the second reading until any General Plan Amendments necessary to implement the recommendation are initiated and adopted; or

B. After consideration of certain alternate recommendations from staff, continue the hearing and direct staff to return with New Zoning Ordinance revisions at the next public hearing in February 2020.

Public Comment Received

-----Original Message-----
From: Brian <boisky7@cox.net>
Sent: Wednesday, December 18, 2019 8:52 AM
To: Anne Wells <awells@cityofgoleta.org>
Subject: Camper storage

Hi Anne, I watched the city Council meeting online last night. Rodger's concerns about allowing campers or trailers to be stored on a front lawn are valid. They should not be allowed. Storing campers on the side yard setbacks are appropriate. But, to allow campers or trailers to be plopped in a front yard is not acceptable. I live in Old Town and already there are multiple households that store cars in driveways for years helping our neighborhood look like a junk yard. Allowing front yard storage will look even worse than driveway storage.
Does the new ordinances restrict people from storing multiple cars in a driveway for years even if they run or not ?
Thanks for all you dedication and hard work.
Brian Boisky

Sent from my iPad

From: Calo, Ben B (San Luis Obispo) USA <Ben.Calo@LehighHanson.com>
Sent: Friday, January 03, 2020 4:24 PM
To: Paula Perotte <pperotte@cityofgoleta.org>; Kyle Richards <krichards@cityofgoleta.org>; Roger Aceves <raceves@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>; James Kyriaco <jkyriaco@cityofgoleta.org>; Peter Imhof <pimhof@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>
Cc: Moore, Kenneth (San Luis Obispo) USA <Kenneth.Moore@LehighHanson.com>; Jones, Trevor M (San Luis Obispo) USA <Trevor.Jones@LehighHanson.com>; Guerra, Erika (San Ramon) USA <Erika.Guerra@LehighHanson.com>; Damonte, Ana (San Ramon) USA <Ana.Damonte@LehighHanson.com>; Hungerford, Sean (HTHJ) <shungerford@hthjlaw.com>; Anderson, Ginger (Stantec) <Ginger.Andersen@stantec.com>
Subject: City of Goleta, Proposed Zoning Ordinance Comment Letter, Hanson Aggregates

Dear Mayor and Council Members,

On behalf of Hanson Aggregates Mid-Pacific Inc., please find attached a comment letter regarding the proposed zoning ordinance. We deeply appreciate the City's time and attention to this matter. We look forward to any questions and to coordinating with City staff as needed to make the appropriate revisions. I can be reached at 805.305.9971 or Ben.Calo@LehighHanson.com.

Thank you,

Ben Calo
Environmental & Land Management Specialist

Lehigh Hanson – Central Coast
P.O. Box 71
San Luis Obispo, CA 93406

Mobile: 805.305.9971
Fax: 805.543.1806
Email: Ben.Calo@lehighhanson.com

Hanson
HEIDELBERGCEMENT Group

Hanson Aggregates Mid-Pacific Inc.
PO Box 71
San Luis Obispo, CA 93406
Office: 805.543.2223
Fax: 805.543.1806

January 3, 2020

Attention: Mayor Paula Perotte and Councilmembers
City of Goleta
130 Cremona Drive
Goleta CA 9311

Subject: Goleta New Zoning Ordinance
General Industrial Regulations Comments

Dear Mayor and Councilmembers,

On behalf of Hanson Aggregates Mid-Pacific, Inc. ("Hanson"), thank you for the opportunity to request revisions to the November 2019 draft of the new zoning ordinance. We are making this request in order to allow our longstanding business to modernize in a way that is necessary for us to continue operating normally, and which otherwise would be prohibited under the new ordinance.

By way of background, for the past 60 years, Hanson and its predecessors have operated a ready-mix concrete plant at 50 South Kellogg Avenue (the "Facility"). The Facility is one of two concrete suppliers in Goleta's city limits, and the only one with union staff. The Facility is the only one in the City capable of producing over 1,500 cubic yards of concrete per day, with a permitted limit of up to 4,320 cubic yards of concrete per day, making it ideally suited to high-volume public works projects, and the only plant capable of producing high volumes of concrete in response to an emergency situation. The Facility has become an integral part of the local construction industry and has supplied countless public and private construction projects – primarily due to the exceptional quality and volume of its concrete products.

The Facility's concrete manufacturing equipment is aging, however, and needs to be modernized for the Facility to continue serving the City's needs. Currently, the Facility is a dry batch double-concrete batch plant, consisting of two concrete plants merged into a single concrete plant. Hanson intends to replace the existing plant equipment with modern equipment in a single-plant format.

The new equipment would be less complex, more efficient, and cleaner with reduced air emissions. It would occupy a smaller footprint, and be slightly lower in height (by approximately three feet). Replacing the plant equipment would not increase production, or introduce new or additional environmental impacts. The new equipment represents a typical upgrade for this type of facility that allows our legal use to continue while meeting all standards for reliability, efficiency, safety and emissions.

The Facility is properly zoned as "industrial" under the current and proposed zoning ordinance. Under the existing and proposed new zoning ordinance, however, the plant equipment exceeds height limits. The existing plant equipment and silos are 65-feet in height (55-feet in height from current grade) with a 30-foot antenna. Existing zoning regulations have a 45-foot height limit for structures; the proposed ordinance has a 35-foot limit. The existing equipment operates legally because it predates the existing height restrictions in the zoning ordinance. In its current form, however, the proposed ordinance does not clearly allow Hanson to replace aging equipment that are nonconforming as to height with modern components as Hanson intends.

The concrete plant itself is a piece of equipment that is manufactured elsewhere and brought on site, assembled and affixed to the ground. Hanson has explored whether it can modernize the plant within the proposed height limit, and found that no manufacturer makes plant equipment within this height limit; the process itself relies on a certain size, shape and height in its design. Thus, as written, the ordinance could require Hanson to maintain the existing plant as-is, using antiquated, unreliable, and less efficient equipment. If the plant equipment were to deteriorate beyond repair, Hanson could be forced to end operations in the City.

The zoning ordinance amendment process presents Hanson and the City with a rare opportunity to allow important facilities like this to use the newest, cleanest and most efficient equipment. We do not believe that it is the City's intent to prohibit industrial facilities such as Hanson's from using modern equipment, or to encourage the use of antiquated and unreliable equipment. Hanson therefore asks for relatively minor modifications to the proposed ordinance allowing modernization to occur. Our requests are the following:

1. That the City include language in its new ordinance that allows the replacement of structures and equipment that are nonconforming as to height in the general industrial ("IG") zone provided there is no increase in height, size or capacity.

   As an example, Santa Barbara County exempts "specific structures and equipment," and specifically concrete ready-mix silos from the height limits of its M-1 zone if "compliance would render operations technically infeasible." (S.B.C. Code, § 35.30.090, subd. (E)(3)(a).) Santa Barbara County further exempts height limits for structures and equipment associated with facilities in M-2 zones if "compliance would render operations technically infeasible." (S.B.C. Code, § 35.30.090, subd. (E)(3)(b).) We welcome you to review and consider the language as highlighted in Attachment 1.

   Adding a similar exemption to the City's proposed ordinance would allow Hanson to modernize and preserve its longstanding business. Additionally, in other parts of the proposed ordinance, we observe that the City will be allowing for the replacement of non-conforming structures in non-industrial zones if there is no increase in size. (See Draft Ord., § 17.25.020(B)(8)(b).) A similar allowance here is even more appropriate for industrial facilities that are existing, properly zoned and sited.

2. Height limits be restored to previous limits (45') and allowances made for equipment to extend beyond 45 feet. Although this will not cover our silos, we believe maintaining the 45-foot limit in this industrial zone is appropriate and provides our Facility with the flexibility to make other modifications in the future.

Hanson deeply appreciates the City's time and attention to this matter. We look forward to any questions and to coordinating with City staff as needed to make the appropriate revisions. I can be reached at 805.305.9971 or Ben.Calo@LehighHanson.com.

Sincerely,

Ben Calo
Environmental and Land Management Specialist

Attachments:
1. Santa Barbara Countywide Land Use & Development Code 35.30.090.E.3

cc: Kyle Richards, Mayor Pro Tempore
Roger S. Aceves, Councilmember
Stuart Kasdin, Councilmember
James Kyriaco, Councilmember
Peter Imhoff, Planning Director
Anne Wells, Planning Manager
Andy Newkirk, Senior Planner
Ken Moore, Trevor Jones, Erika Guerra, Ana Demonte (Hanson Aggregates)
Sean Hungerford (HTHJ Law)
Ginger Anderson (Stantec)

Attachment 1

higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.

3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.

4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 through D.3 above, are not cumulative.

E. **Exemptions for specific structures and equipment.** The following structures and equipment may exceed the applicable height limit as provided below where the excess height is not prohibited by Section 35.28.060 (Airport Approach Overlay).

1. **Coastal Zone only.**

a. Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs, allowed in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities), or to operate the La Goleta gas storage reservoir (located on Assessor's Parcel Number 071-210-001, as of June 30, 2006), may exceed the applicable height limit for a period of four years or less, provided the temporary use is completed in a diligent manner.

(1) Upon written request by the operator, the Director may grant up to two one-year extensions, provided that the operator is diligent in completing an established drilling program.

2. **Coastal Zone and Inland area.**

a. Amine columns, distillation columns, stripper columns, and flare stacks associated with gas processing, oil and gas production, or oil and gas transportation allowed in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities) may exceed the applicable height limit where compliance would render such facilities technically infeasible.

b. Workover/pulling rigs necessary to service oil, gas and injection wells may exceed the applicable height limit, provided that the use of these rigs is completed in a diligent manner.

(1) Within the Coastal Zone, this includes workover/pulling rigs necessary to operate the La Goleta gas storage reservoir (located on Assessor's Parcel Number 071-210-001, as of June 30, 2006).

c. **Small Wind Energy Facilities.** See Chapter 35.57 (Wind Energy Conversion Systems) height limits for Small Wind Energy Facilities.

(1) Subsection 35.30.090.E.2.c of this Development Code shall remain in effect only until January 1, 2017, and is repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.

3. **Inland area only.**

a. **Silos used to store and load concrete ready-mix in the M-1 zone may exceed applicable height limits where compliance would render operations technically infeasible.**

b. **Structures and equipment associated with facilities in the M-2 zone may exceed applicable height limits where compliance would render operations technically infeasible.**

c. Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs, or to