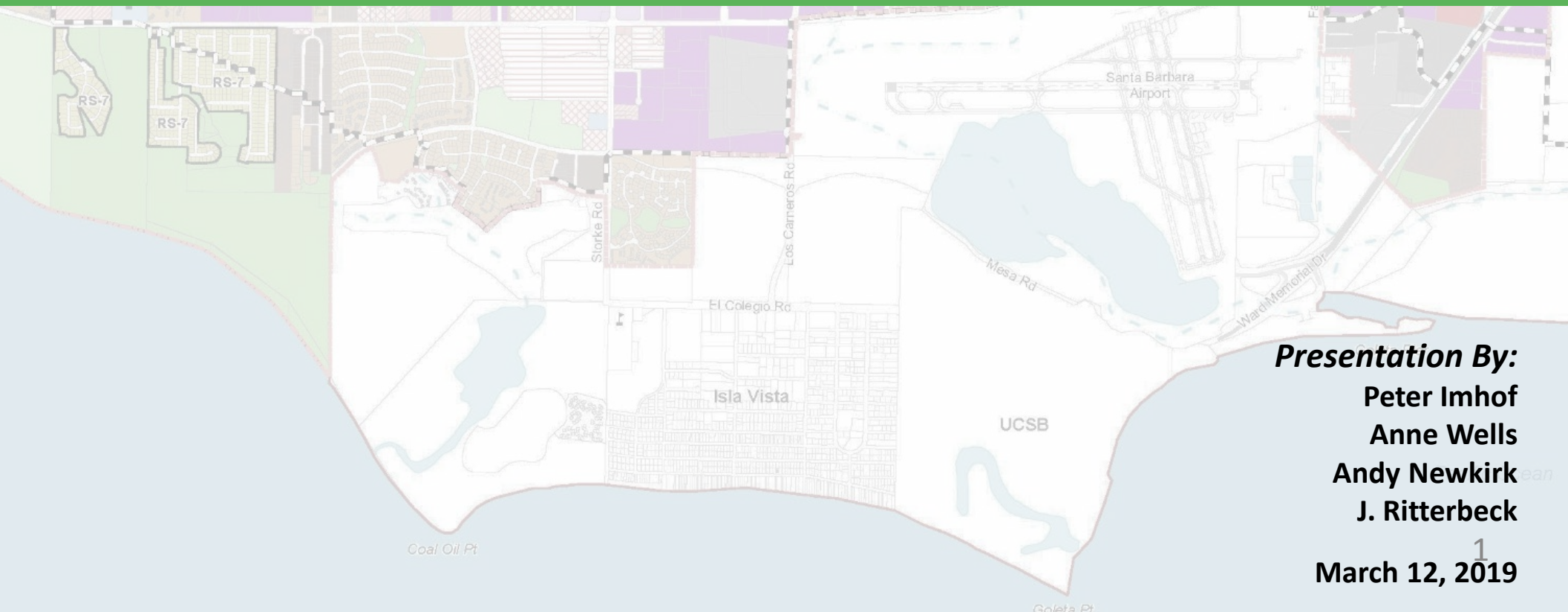




City of Goleta Revised Draft New Zoning Ordinance

Planning Commission Workshop 3 of 7



Presentation By:
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Andy Newkirk
J. Ritterbeck

1
March 12, 2019

Public Outreach

January 31st: Release of Revised Draft NZO

February 4th – 9th: NZO Open Houses

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

February 25th – April 18th: PC Workshops

May 7th: Joint Planning Commission / City Council Workshop

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

Agenda

Staff Overview, Questions, and Comments by Topic:

- Workshop #2 Wrap-up
 - Permits
 - Nonconforming Uses, Structures & Lots, and Change of Use
- Permit Process
 - Ministerial
 - Discretionary
- Required Findings
- CEQA
- Conditions of Approval

WORKSHOP #2

WRAP-UP

Permits

Please consider the following:

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

Removed Permits in the NZO

Removed Permit Types

- Lot Line Adjustments (LLA)
- Parcel Maps (TPM)
- Sign Certificate of Conformance (SCC)
- Oil Drilling and Production Plans
- Reclamation of Surface Mining Permits

New Permit Types in the NZO

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

Retained Permits in the NZO

- #### Retained Permit Types
- Overall Sign Plan (OSP)
 - Time Extension (TEX)
 - Amendment (AMD)
 - Substantial Conformity Determination (SCD)
 - Land Use Permit (LUP)
 - Conditional Use Permit (CUP)
 - Development Plan (DP)
 - Variance (VAR)
 - Coastal Development Permit (CDP)
 - Coastal Development Permit/Public Hearing (CDH)
 - Modification (MOD)
 - Emergency Permit (EMP)
 - Specific Plans (SP)

Nonconforming Uses, Structures and Lots

Nonconforming Uses, Structures

Chapter 17.36, page IV-66

The NZO includes the following:

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

Nonconforming Lots

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

The NZO includes the following:

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

Nonconforming

Please consider the following:

1. Should the NZO take a different nonconforming approach?:
 - Uses?
 - Structures?
 - Lots?
2. Are there other issues within these areas that need to be discussed?

Change of Use

Change of Use

§17.55.020(A), page V-24

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

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

A Land Use Permit is required for a Change of Use

- Allows DIFs to be collected

Change of Use

Please consider the following:

1. For change of use, the City could do one of the following:
 - Keep the existing proposed Change of Use requirements?
 - Remove them altogether? or
 - Is further refinement still needed?:
 - When a Change of Use permit is required, or
 - What type of Zoning Permit is required.
2. Are there other issues within these areas that need to be discussed?

PERMIT PROCESS



Select Language | ▼

[I Want To...](#)
[Projects & Programs](#)
[City Hall](#)
[Community](#)

- ▼ Planning and Environmental Review
 - Annual Work Program - Planning & Environmental Review
 - ▶ Advance Planning Division
 - ▶ Building & Planning
 - Accessory Dwelling Units
 - ▶ CEQA Review
 - ▶ General Plan
 - Green Building Program
 - ▶ Major Development Projects
 - ▶ Monarch Butterfly Inventory and Habitat Management Plan
 - Notices
 - Oil & Gas Projects
 - Planning Commission Contact Information
- ▼ Planning Permits and Regulations
 - ▶ Application Forms
 - City-Wide Regulations
 - Permit Procedures
 - Zoning Regulations - Inland Zone
 - Zoning Regulations - Coastal Zone

[City Hall](#) » [Planning and Environmental Review](#) » [Planning Permits and Regulations](#)

Application Forms

Font Size: [Share & Bookmark](#) [Feedback](#) [Print](#)

Below are application packets for the most commonly issued types of permits. Forms for permit types not listed here can be obtained by contacting the Planning Counter.

For assistance with all planning inquiries and applications, please contact the Planning Counter at (805) 961-7543.

- [General Planning Application](#)
- [Land Use Permit/Design Review \(LUP/DRB\)](#)
- [Coastal Development Permit/Design Review \(CDP/DRB\)](#)
- [Development Plan/Conditional Use Permit/Variance \(DP/CUP/V\)](#)
- [Sign Certificate of Conformance \(SCC\)](#)
- [Subdivision Maps \(TPM, TTM\)](#)
- [Lot Line Adjustment \(LLA\)](#)
- [Environmental Questionnaire](#)

Appeal Application and Procedures

Free viewers are required for some of the attached documents. They can be downloaded by clicking on the icons below.



PLANNING PERMIT APPLICATION

Planning and Environmental Review
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7543 Fax: (805) 961-7551

| FOR STAFF USE ONLY | | |
|--|--|--|
| CASE NO: | FIXED FEES: | RECEIPT NO: |
| RECEIVED BY: | DEPOSIT FEES: | DATE: |
| <input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Home Occupation Permit | <input type="checkbox"/> Sign Certificate of Conformance |
| <input type="checkbox"/> Coastal Development Permit (Local) | <input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> Specific Plan / Specific Plan Amendment |
| <input type="checkbox"/> Coastal Development Permit (Local) w/ Hearing | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Substantial Conformity Determination |
| <input type="checkbox"/> Conditional Use Permit – Major (New/ Revision / Amendment) | <input type="checkbox"/> Lot Merger | <input type="checkbox"/> Tentative Parcel Map |
| <input type="checkbox"/> Conditional Use Permit – Minor (New / Revision / Amendment) | <input type="checkbox"/> Map Clearance/LLA Clearance | <input type="checkbox"/> Tentative Tract Map |
| <input type="checkbox"/> Compliance Review | <input type="checkbox"/> Modification | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Design Review Board | <input type="checkbox"/> Overall Sign Plan | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Development Plan (New / Revision / Amendment) | <input type="checkbox"/> Planner Consultation | <input type="checkbox"/> Zoning Ordinance Amendment |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Pre-Application | <input type="checkbox"/> Zoning Conformity Letter |
| <input type="checkbox"/> Government Code Consistency Determination | <input type="checkbox"/> Road Naming/Name Change | <input type="checkbox"/> Miscellaneous: |

Applicants: If you have any questions regarding this application or required materials, please call Planning and Environmental Review at (805) 961-7543.

PRIMARY CONTACT INFORMATION (Please print or type)

NAME _____

TELEPHONE _____ EMAIL _____

SITE INFORMATION

PROPERTY ADDRESS _____

YEAR BUILT _____

ASSESSOR'S PARCEL NUMBER (S) (Primary APN): _____

(Secondary APN): _____

(Tertiary APN): _____



SUBMITTAL CHECKLIST FOR
Land Use Permit/Temporary Land Use Permit (LUP)
Coastal Development Permit with Hearing (CDP-H)
Substantial Conformity Determination (SCD)
with Design Review Board (DRB)

Planning and Environmental Review
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7543 Fax: (805) 961-7551

Items REQUIRED of Applications for review by the Design Review Board and all Multiple Family, Commercial or Industrial projects, and new Single Family Homes:

- ___ 1 copy of the Planning Permit Application with all required signatures.
- ___ 3 sets of plans, including the following:
 - site plan
 - conceptual grading and improvement plans (as applicable)
 - full floor plans and elevation drawings
 - roof plans
 - landscape plans (as applicable)
 (note: additional sets will be required prior to scheduling matter)
- ___ 1 copy of above exhibits reduced to 11"x 17".
- ___ 1 sample board no larger than an 8 1/2" x 14" size showing project location and direction of all photographs.
- ___ 1 copy of above exhibits on CD-ROM or emailed PDF (optional but recommended).
- ___ 1 copy of any Covenants, Conditions and Restrictions (C C & Rs).
- ___ 1 copy of easement descriptions for all easements onsite (these may be found on the property's Title Report), prepared within the last 6 months.
- ___ 1 hard copy and one electronic copy of a Stormwater Control Plan.
- ___ 1 set of photographs of site are required. Photographs are to provide a streetscape showing the subject property and adjacent properties. For all second story projects, photographs shall be taken from the approximate location a window, deck, balcony, etcetera is proposed. Photographs should be no smaller than 3"x 5" and mounted on cardstock not to exceed 8.5"x11". A diagram identifying the location and direction of all photographs shall be provided.
- ___ Mailed Noticing Packet (see Guidelines for Mailed Noticing Packet).
- ___ 1 sample board, no larger than 8.5" x 14", showing project location and direction of all photographs. (For DRB applications only)
- ___ Applicable fees.

Note: Plans must be individually folded by the applicant to a maximum 8 1/2" x 11" size. Additional information or special studies may be required with your application. The need for further information will be determined by your case planner after review of your request. Additional copies of some documents may be requested during processing and will be required for public hearings.



SUBMITTAL CHECKLIST FOR
Land Use Permit/Temporary Land Use Permit (LUP)
Coastal Development Permit (CDP)
Substantial Conformity Determination (SCD)

Planning and Environmental Review
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7543 Fax: (805) 961-7551

Items REQUIRED of Applications for single family residential projects, exempt from Design Review Board:

- ___ 1 copy of the Planning Permit Application with all required signatures.
- ___ 2 sets of plans, including the following:
 - site plan
 - conceptual grading and improvement plans (as applicable)
 - full floor plans and elevation drawings
 - roof plans
- ___ 1 complete set of above drawings reduced to 11" x 17".
- ___ 1 copy of above exhibits on CD-ROM or emailed PDF (optional but recommended).
- ___ 1 copy of any Covenants, Conditions and Restrictions (C C & Rs).
- ___ 1 hard copy and one electronic copy of a Stormwater Control Plan.
- ___ 1 copy of easement descriptions for all easements onsite (these may be found on the property's Title Report), prepared within the last 6 months.
- ___ 1 set of photographs of site are required. Photographs are to capture all development onsite. Photographs are to provide a streetscape showing the subject property and adjacent properties. For all second story projects, photographs shall be taken from the approximate location a window, deck, balcony, etcetera is proposed. Photographs should be no smaller than 3"x 5" and mounted on cardstock not to exceed 8.5"x11". A diagram identifying the location and direction of all photographs shall be provided. A text description of each photograph shall be provided.
- ___ (Coastal Zone only) Mailed Noticing Packet (see Guidelines for Mailed Noticing Packet).
- ___ Applicable fees.

Note: Plans must be individually folded by the applicant to a maximum 8 1/2" x 11" size. Additional information or special studies may be required with your application. The need for further information will be determined by your case planner after review of your request. Additional copies of some documents may be requested during processing and will be required for public hearings.

Ministerial Process

Review Authorities

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

1. Coastal Development Permit with waived hearing moves Review Authority to Director and appeal body to the Planning Commission.

Project Review






NZO Zoning Permits: LUP, CDP, ZC

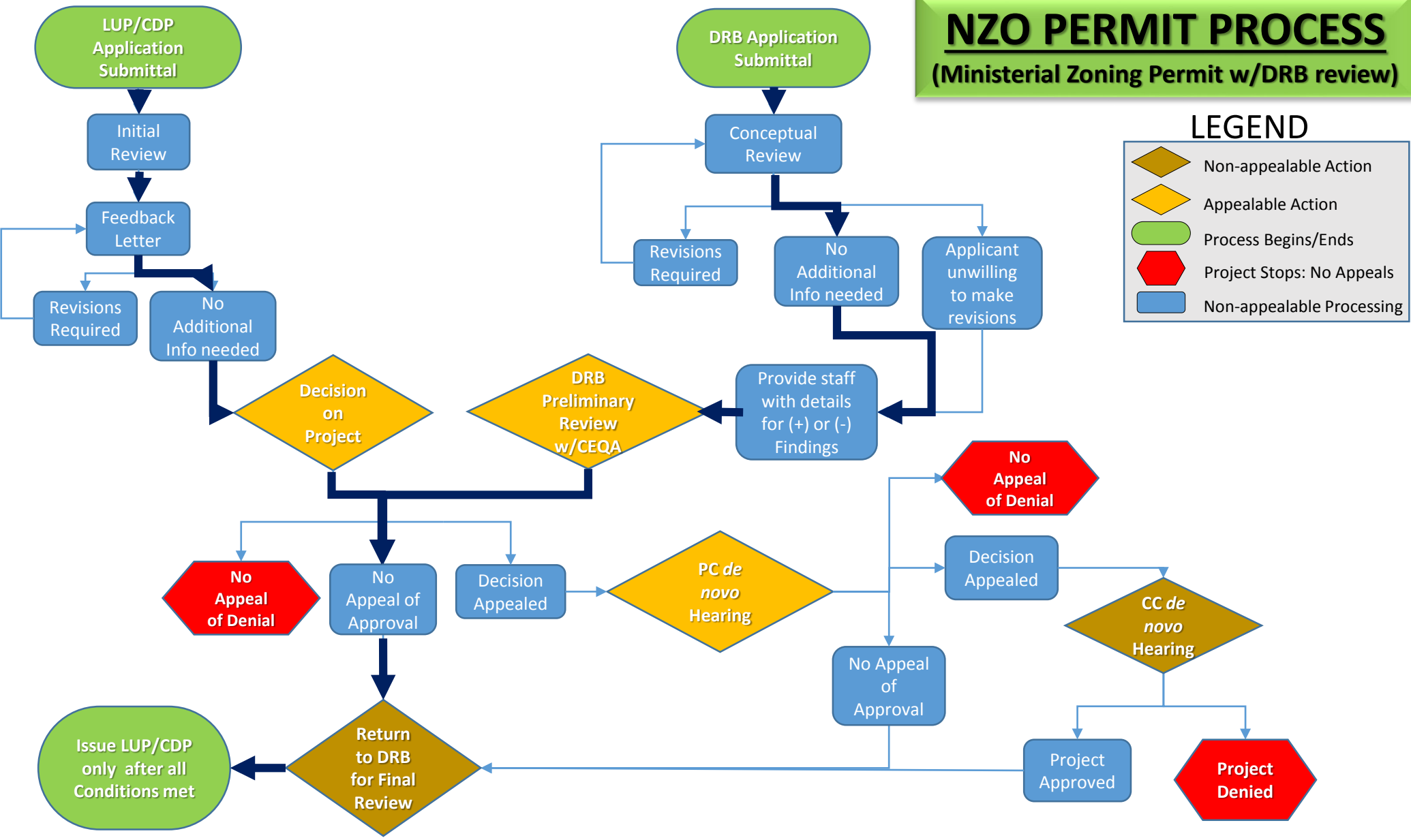
1. Application submittal
2. Concurrent DRB application submittal
3. Staff review & feedback
4. DRB review & feedback
5. Staff clears project for DRB action
6. DRB action (w/findings & CEQA)
7. Subsequent PER action (w/findings & conditions)
8. Appeal periods* (except ZC)
9. Final DRB
10. Zoning Permit issuance (all conditions met)

* If appealed, PC hearing

NZO PERMIT PROCESS (Ministerial Zoning Permit w/DRB review)

LEGEND

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



Permit Process - Ministerial

Please consider the following:

1. Should there be any changes to the types of permits the City considers Ministerial and therefore, do not require a public hearing?
2. Are there other issues within this area that need to be discussed?

Discretionary Process

Review Authorities

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

1. Coastal Development Permit with waived hearing moves Review Authority to Director and appeal body to the Planning Commission.

Project Review

Discretionary Actions: CUP, DP, MOD, VAR






1. Application submittal
2. Concurrent DRB application submittal
3. Staff completeness review & feedback
4. DRB review, feedback, revisions
5. Staff clears project for DRB preliminary review
6. DRB recommendation (w/draft findings)
7. Public hearing (ZA, PC, CC) (w/findings, CEQA & conditions)
8. Appeal period*
9. DRB final review
10. Zoning Clearance (all conditions met)

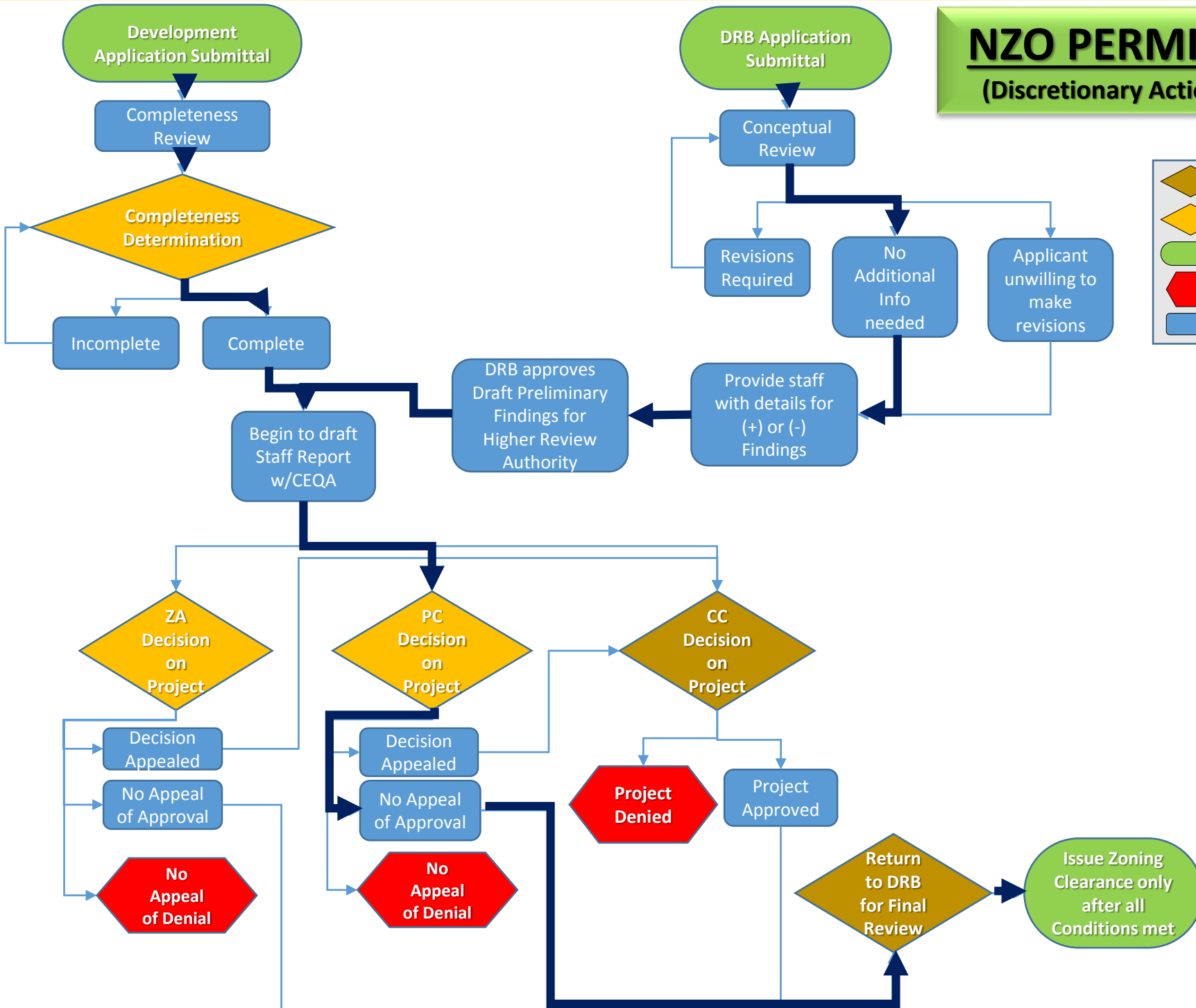
* If appealed, CC hearing

NZO PERMIT PROCESS

(Discretionary Action w/DRB review)

LEGEND

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



Permit Process - Discretionary

Please consider the following:

1. Should there be any changes to the types of permits the City considers Discretionary and needing a public hearing?
2. Are there other issues within this area that need to be discussed?

REQUIRED FINDINGS

Findings

§17.52.070, page V-12

Action to Approve = All findings made affirmatively

Action to Deny = At least one finding made negatively

Four Common Findings

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

Additional Findings

- By permit type: [CUP](#), [DP](#), [MOD](#), [VAR](#)

Specific Findings

- By use/development: [Telecom](#), [Inclusionary Housing](#), [SPA](#)

Findings

Please consider the following:

1. Are the expanded findings in the NZO adequate and clearly articulated?
2. Are there other issues within this area that need to be discussed?

CEQA

Environmental Review

Ministerial Permits

1. Statutorily Exempt
Ministerial Projects

Discretionary Actions

1. Categorically Exempt
 - Existing Facilities
 - New Construction / Small Structures
 - Alteration to Land Use
 - Habitat Restoration
2. Initial Study
 - Negative Declaration
 - Mitigated Negative Declaration
 - Environmental Impact Report

CEQA Checklist

- **Aesthetic**
- Agriculture & Forestry
- **Biological**
- Cultural
- **Energy**
- Geology & Soil
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- **Land Use & Planning**
- Mineral
- **Population & Housing**
- **Public Services**
- Recreation
- **Transportation & Traffic**
- Tribal
- Utilities & Services
- Wildfire

Environmental Review

Please consider the following:

1. The NZO attempts to reduce redundancies, as such, specific environmental issues for larger discretionary projects covered under CEQA are not included as development standards.

Does the PC believe this to be the proper approach?

2. Are there other issues within this area that need to be discussed?

CONDITIONS OF APPROVAL

Conditions

Standard Conditions

Permit-specific Conditions

Project-specific Conditions

Issue Area Conditions / Mitigation Measures

Conditions

Please consider the following:

1. In order to apply a condition, there must be a nexus to do so.
2. A Review Authority has the ability to add, remove, or modify conditions and the applicant would need to agree to them if the project is to be approved.
3. Are there other issues within this area that need to be discussed?

NEXT STEPS

Workshop Schedule

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

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

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

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

Reference Slides

Additional Findings



Conditional Use Permits (§17.57.050)

1. The use as proposed is consistent with the General Plan.
2. The use will not be more injurious to the health, safety, and welfare of the surrounding neighborhood due to noise, dust, smoke, or vibration than from uses allowed in the district.
3. If processed without an associated Development Plan, these additional findings must also be made:
 - A. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
 - B. Any significant environmental impacts are mitigated to the maximum extent feasible.

Additional Findings



Development Plans (§17.59.040)

1. The use as proposed is consistent with the General Plan.
2. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
3. Any significant environmental impacts are mitigated to the maximum extent feasible.
4. The project will not conflict with any easements required for public access through, or public use of a portion of the property.

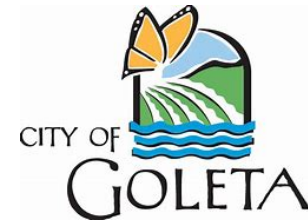
Additional Findings



Modifications (§17.62.040)

1. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstance; and
2. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Design Review Board and/or will result in greater resource protection than the project without such Modification.

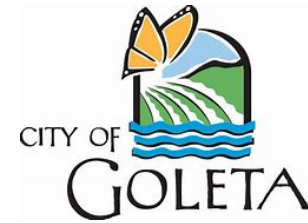
Additional Findings



Variances (§17.60.040)

1. The granting of the Variance will not be in conflict with the intent and purpose of this Title or the adopted General Plan.
 2. There are special circumstances applicable to the property, relative to its size, shape, topography, location, or surroundings.
 3. The strict application of the zoning regulations will deprive such property of privileges enjoyed by other properties in the vicinity and under the same zoning classification;
 4. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
-
5. In addition to the findings required by parts (A) through (D) of this Section, if the project is located within the Coastal Zone, the Variance must also be consistent with the provisions of the California Coastal Act that are applicable to the subject property.

Specific Findings



Telecommunication Facilities (§17.42.040)

1. The proposed telecommunication facility conforms with all applicable development standards of this Chapter;
2. The proposed telecommunication facility will be a co-located facility, or additional findings for non-co-located facilities can be made;
3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site;
4. The proposed facility will not be readily visible, or it is not feasible to incorporate additional measures that would make the facility not readily visible;
5. The applicant has demonstrated that the facility will be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards; and
6. The applicant has demonstrated that there is a need for service (i.e., coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

Specific Findings



Inclusionary Housing (Chapter 17.28)

- **Required Finding.** If proposing either off-site development or a land dedication to meet the requirements of this Chapter, the following *finding* must be made by the City Council:
 - A. The development of on-site affordable units is infeasible.
 - B. The off-site location is comparable in character and location to the market-rate development location.

- **Required Findings.** If proposing an inclusionary housing in-lieu payment, acquisition or rehabilitation of existing units, or other alternatives of equal value to the development of affordable units on site dedication to meet the requirements of this Chapter, the following *findings* must be made by the City Council:
 - A. The development of on-site affordable units is infeasible.
 - B. The developer demonstrates that the in-lieu payment, acquisition and rehabilitation of existing units, or other alternative is of equal value to the provision of the affordable units on site.

- **Required Findings.** If proposing tradeoffs pursuant to this Chapter, the following *findings* must be made:
 - A. The development of on-site extremely low- and very low- income units is infeasible.
 - B. The developer provides substantial evidence to demonstrate that the City's housing goals can be more effectively achieved through the proposed tradeoffs.

Specific Findings



Streamside Protection Areas (§17.30.070)

The Planning Commission may allow portions of a SPA upland buffer to be less than 100 feet, but not less than 25 feet, subject to approval of a Major Conditional Use Permit. Any decision to decrease the 100-foot buffer shall be based on the Initial Assessment and Biological Report, if needed, and a *finding* that:

- A. The project's impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream; and
- B. There is no feasible alternative siting for development that will avoid the SPA upland buffer.