



6 May 2019

City of Goleta
 Advance Planning Division
 630 Cremona Drive
 Goleta, CA 93117

RE: **Draft New Zoning Ordinance (NZO) – Public Comments**

On behalf of Suzanne Elledge Planning and Permitting Services, Inc., we appreciate the opportunity to provide comments on the City's Draft NZO dated January 2019. The draft document, key issues guide and public workshops have been well publicized and circulated. We believe the draft document is nicely organized, user friendly and the released red-lined/tracked changes version of the document was very helpful in understanding the changes proposed for the document from the prior 2015 draft. We provide the following public comments which are organized in order of the draft NZO, by section, for City review and consideration:

Chapter 17.01 – Introductory Provisions, Section 17.01.040, Applicability (E. Project Vesting)

The proposed language in this section does not refer or speak to discretionary project approvals (i.e. CUP, Development Plan, etc.). As land use professionals, it is important to define at which point a discretionary action is vested prior to the effective date of the NZO. This section seems to only speak to application of vesting for follow-up building permits. We recommend adding clarification or a separate definition that relates to discretionary actions and vesting of those approvals.

Chapters 17.07 -17.12 (Base Zone District Standards and Allowed Uses)

For all base zone district sections of the draft NZO, the Land Use Regulations sections have redlined/removed language relating to *"where specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclasses not listed in the table or not found to be substantially similar to the uses below are prohibited."* We believe a similar statement must be incorporated back into the NZO to allow the Director to define uses and classifications not specifically listed and/or have the ability to determine that a use conforms with the intent of said zone district.

Further, the current Zoning Ordinance includes language in the allowed uses section that stated *"uses, buildings, and structures incidental, accessory, and subordinate to permitted uses"* which is critical language to include in the NZO as it allows reasonable flexibility in the

defined allowed uses that otherwise would have no path forward for consideration. A similar use definition should be added to all land use categories.

With over 25 years of land use experience, we at SEPPS have come to understand that each site and each project is unique and often found that not all uses classifications can be explicitly defined and strongly recommend the City maintain the ability to assess a specific project or proposed use classification that is not explicitly listed and be able to make a determination as to its appropriate or similar use or classification.

Chapter 17.09 Land Use Regulations – Office Districts, Use Table

The land use regulations table, specifically the Office Institutional uses section, does not allow any type of indoor warehousing and storage. There are existing, permitted, office uses within the OI zone district that also have an R&D and technology component (which is allowed in both the BP and OI zone districts). Those components often require some type of indoor warehousing and storage. We believe the table should be revised to add the p4 note which would allow some level of appropriate and associated indoor storage uses within the OI zone district *“only if it is in association with a permitting use”*.

The recommend change remains consistent with the Office Institutional (OI) defined purpose and intent *“to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation of the General Plan”*. Further, the City’s General Plan OI general purpose is *“intended to provide appropriate locations for a range of employment-creating economic activities, from those based on advanced technology to storage and warehousing, while seeking to minimize traffic congestion, visual, and other impacts on the surrounding residential areas.”*

Chapter 17.09 Land Use Regulations – Office Districts, Use Table

The land use regulations table, specifically the uses section, allows residential facilities, assisted living uses with approval of a Conditional Use Permit (CUP). Senior Residential Living uses are completely omitted from the draft NZO.

We suggest the City consider allowing both of these uses, or define a “Combined Independent/Assisted living facilities” use (without a CUP requirement) given the current zoning designation allows these types uses. The recommended change would remain consistent with the intent of the General Plan given assisted living residential uses are an allowed use in the I-OI General Plan designation.

Chapter 17.55 Land Use Permits

The draft NZO does not include a Time Limits section in the LUP chapter. We recommend the City define in detail a time limits section of this chapter.

Chapter 17.57 Conditional Use Permits

The draft NZO does not include a Time Limits section in the CUP chapter. We recommend the City define in detail a time limits section of this chapter.

Chapter 17.59 Development Plans, Section 17.59.040 (Time Limit)

The proposed time limits noted in the Development Plan chapter do not account for long-term master plan projects. For those projects that require a Development Plan approval, there are often long-term, comprehensive master plans associated with them (i.e. private educational or institutional uses) that are phased and built out over 15-30 years' time. The time limits as noted do not discuss the approval vesting obtained with follow-up land use or coastal development permits that typically secure said approvals. We recommend the City define in greater detail the time limits section of this chapter.

We thank you for the opportunity to participate in the public review of the draft NZO document. Should you have any questions or require additional information, please contact our office at 966-2758.

Sincerely,

SUZANNE ELLEDGE

PLANNING & PERMITTING SERVICES, INC.



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