



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

CONTACT: Anne Wells, Advance Planning Manager
Andy Newkirk, Supervising Senior Planner

SUBJECT: Santa Barbara Airport Land Use Compatibility Plan Title 17 (Zoning)
Amendments Ordinance Second Reading and CEQA Exemption

RECOMMENDATION:

Conduct second reading (by title only, waiving further reading) of Ordinance No. 23-___, entitled, "An Ordinance of the City Council of the City of Goleta, California, Amending Title 17 (Zoning) of the Goleta Municipal Code to Ensure Consistency with the Santa Barbara Airport Land Use Compatibility Plan and Determining the Ordinance to be Exempt from CEQA Pursuant to CEQA Guidelines Sections 15060(c)(3), 15378(b)(5), and 15061(b)(3) (Case No. 23-0001-ORD)."

BACKGROUND:

On January 19, 2023, the Santa Barbara County Association of Governments, as the designated Airport Land Use Commission for Santa Barbara County adopted the Santa Barbara Airport Land Use Compatibility Plan (ALUCP). The ALUCP replaced the 1993 Santa Barbara County Airport Land Use Plan (ALUP).

The requirements of the now superseded ALUP were reflected in City planning documents. These included references in the Land Use Element, Safety Element, and Noise Element of the Goleta General Plan / Coastal Land Use Plan (General Plan) and in Title 17 (Zoning) of the Goleta Municipal Code (particularly Chapter 17.16 -AE Airport Environs Overlay District).

California Government Code Section 65302.3 required amendments to the General Plan to comply with the ALUCP. Such amendments were adopted by City Council on November 7, 2023.

In addition to the amendments to the General Plan, amendments were needed to Title 17 to align with the required amendments to the General Plan. These amendments were considered by the Planning Commission at a public hearing on October 9, 2023. At that

hearing, the Planning Commission recommended to City Council adoption of the amendments.

DISCUSSION:

On November 7, 2023, the City Council reviewed the Planning Commission recommendation and unanimously introduced and conducted the first reading of the Ordinance, provided as Attachment 1.

The City Council must conduct a second reading of the Ordinance prior to the Ordinance going into effect. The City Council has the opportunity to conduct the second reading and adopt the Ordinance, which would then be effective on the thirty-first day after adoption.

FISCAL IMPACTS:

Staff time for the ALUCP amendments project is included in the Advance Planning Work Program for Fiscal Year 2023-24. Consultant costs for the project are funded through GL Account No. 101-40-4300-51200.

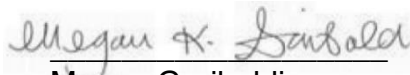
ALTERNATIVES:

The City Council could choose not to adopt the Ordinance. Failure to adopt the Ordinance would create an inconsistency between the City's General Plan and zoning regulations. This inconsistency would need to be resolved, consistent with State Planning Law.

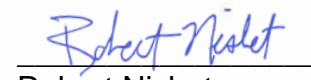
Reviewed By:


Kristine Schmidt
Assistant City Manager

Legal Review By:


Megan Garibaldi
City Attorney

Approved By:


Robert Nisbet
City Manager

ATTACHMENTS:

1. Ordinance No 23-__, entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Title 17 (Zoning) of the Goleta Municipal Code to Ensure Consistency with the Santa Barbara Airport Land Use Compatibility Plan and Determining the Ordinance to be Exempt from CEQA Pursuant to CEQA Guidelines Sections 15060(c)(3), 15378(b)(5), and 15061(b)(3) (Case No. 23-0001-ORD)"

Exhibit A: Amended Zoning Overlay Districts Map

Attachment 1

Ordinance No 23-___, entitled “An Ordinance of the City Council of the City of Goleta, California, Amending Title 17 (Zoning) of the Goleta Municipal Code to Ensure Consistency with the Santa Barbara Airport Land Use Compatibility Plan and Determining the Ordinance to be Exempt from CEQA Pursuant to CEQA Guidelines Sections 15060(c)(3), 15378(b)(5), and 15061(b)(3) (Case No. 23-0001-ORD)

ORDINANCE NO. 23-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE GOLETA MUNICIPAL CODE TO ENSURE CONSISTENCY WITH THE SANTA BARBARA AIRPORT LAND USE COMPATIBILITY PLAN AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15060(C)(3), 15378(B)(5), AND 15061(B)(3) (CASE NO. 23-0001-ORD)

WHEREAS the City of Goleta (City) adopted Title 17 (Zoning) of the Goleta Municipal Code (GMC) on March 3, 2020; and

WHEREAS Title 17 included Chapter 17.16 -AE Airport Environs Overlay District and a Zoning Overlay Districts Map; and

WHEREAS Chapter 17.16 and the Zoning Overlay Districts Map reflect the procedures, standards, and zones of the 1993 Airport Land Use Plan adopted by the Santa Barbara Airport Land Use Commission; and

WHEREAS, on January 19, 2023, the Santa Barbara County Association of Governments Board of Directors, serving as the Airport Land Use Commission, adopted the Santa Barbara Airport Land Use Compatibility Plan that replaced the 1993 Airport Land Use Plan; and

WHEREAS, pursuant to California Government Code Section 65302.3, the City's General Plan / Coastal Land Use Plan (General Plan) must now be amended to ensure consistency with the Santa Barbara Airport Land Use Compatibility Plan; and

WHEREAS, pursuant to California Government Code Section 65860(a), Title 17 must also be amended to align with the required amendments to the General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 **Recitals**

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2 **Required Findings for Ordinance Amendments**

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council makes the following findings:

(a) The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and this Title.

State planning law, specifically California Government Code Section 65302.3, requires the City to maintain a General Plan that is consistent with the recently adopted Santa Barbara Airport Land Use Compatibility Plan (ALUCP). Pursuant to California Government Code Section 65860(a), the City's zoning must be consistent with the General Plan. Because the City is amending the General Plan to be consistent with the ALUCP, such amendments would create inconsistencies between the General Plan and Title 17 (Zoning) of the Goleta Municipal Code without the proposed amendments to Title 17. As such, under State planning law, the amendments to Title 17 are required and consistent with State law.

The amendments were prepared to ensure that all potential internal inconsistencies within the General Plan were resolved. Additionally, the amendments were prepared with the entirety of Title 17 in mind to ensure that the amendments do not create any internal inconsistencies within Title.

Therefore, the amendments are consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code.

(b) The amendment is in the interests of the general community welfare.

The amendments are in the interest of the general community welfare by including the most current requirements, in the ALUCP, that address noise and safety impacts to uses within the City. Currently, Title 17 includes references to the ALUP which is now outdated and superseded. The development of ALUCP was guided by the 2011 California Airport Land Use Planning Handbook. The Handbook was prepared in 2011 and was therefore not available when the 1993 ALUP was prepared. The updates in the ALUCP therefore represent new and improved guidance on how to ensure noise and safety compatibility between uses in the City and airport activities at the Santa Barbara Airport.

Therefore, the amendments are in the interests of the general community welfare.

(c) The amendment is consistent with good zoning and planning practices.

Ensuring consistency between Title 17 and the General Plan is required pursuant to California Government Code Section 65860(a). The amendments to Title 17 have been prepared to ensure consistency between the ALUCP General Plan amendments and the Title 17 amendments. Such vertical consistency represents good zoning and planning practices to comply with the requirement of Section 65860(a) but also to ensure for the public consistent, clear, and applicable requirements across all planning documents.

The amendments are also prepared to include cross-references to more detailed requirements and standards in the ALUCP and federal law were appropriate to ensure that these standards and requirements are directly referred to ensure that the most current and appropriate standards and requirements are followed, while still providing clear guidance within Title 17.

Therefore, the amendments are consistent with good zoning and planning practices.

SECTION 3 Environmental Assessment

The City Council finds that the ALUCP amendments to Title 17 are exempt from review under the CEQA (California Public Resources Code Sections 21000 et seq.) pursuant to Section 15060(c)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity is not a project as defined in Section 15378(a) but it is an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment pursuant to Section 15378(b)(5).

The amendments are also exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

SECTION 4 Title 17 of the Goleta Municipal Code Amendments

(a) Chapter 17.16 -AE Airport Environs Overlay District is amended to read in its entirety:

Sections:

17.16.010 Purpose
17.16.020 Applicability
17.16.030 Review Authority
17.16.040 Safety Compatibility
17.16.050 Noise Compatibility
17.16.060 Regulations for Airspace Protection
17.16.070 Avigation Easement and Overflight Notification

17.16.010 Purpose

The purpose of the -AE Airport Environs Overlay District is to regulate land uses within the Airport Influence Area (AIA) consistent with the adopted Airport Land Use Compatibility Plan (ALUCP) for Santa Barbara County, and to limit the height of structures and appurtenances (including vegetation) within these areas. The intent is to protect the safety of people both in the air and on the ground, to reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and to preserve navigable airspace around the Santa Barbara Airport.

17.16.020 Applicability

The standards and regulations of this Chapter apply to new uses and new development within the AIA of the Santa Barbara Airport shown on the Zoning Overlay Map. As used herein, "Airport" means the Santa Barbara Airport. Regulations in the -AE Overlay District modify and supplement the base zoning district regulations. In cases where the regulations of the -AE Overlay District conflict with the regulations of the base zoning district, the more restrictive regulations take precedence.

17.16.030 Review Authority

Review of projects for consistency with the ALUCP will be done by the Review Authority specified in Title 17 for the type of project proposed. Under this subsection, the Review Authority has authority granted to the Airport Land Use Commission (ALUC) in the ALUCP. ALUC determination of consistency is required where identified in Section 2.5.1 of the ALUCP.

17.16.040 Safety Compatibility

- A. **General.** All uses of land or water within the -AE Overlay District shall avoid:
 - 1. Sources of glare (such as from mirrored or other highly reflective buildings or building features) or bright lights (including search lights and laser light displays);
 - 2. Distracting lights that could be mistaken for airport lights;
 - 3. Sources of dust, steam, or smoke that may impair pilot visibility;

4. Sources of electrical interference with aircraft communications or navigation; and
5. Any proposed use that creates an increased attraction for wildlife. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

B. Use Limitations. In addition to any other use limitations within Title 17, new uses must conform to the use standards and use allowances in ALUCP Section 3.3, Safety Compatibility Policies. These standards and allowances include, but are not limited to, consistency with ALUCP Table 3-2, Santa Barbara Airport Safety Compatibility Criteria.

C. Runway 7-25 Safety Corridor. Only the following may be permitted within the Runway 7-25 Runway Protection Zone (Safety Zone 1):

1. Open Space.
2. Landscaping that meets height restrictions and does not attract potential wildlife hazards.
3. Roadways.
4. Parking.

17.16.050 Noise Compatibility

In addition to any noise standards within Title 17, new uses must conform to the noise standards and allowances in Section 3.2, Noise Compatibility Policies, of the ALUCP. These standards and allowances include, but are not limited, to those found in ALUCP Table 3-1, Santa Barbara Airport Noise Compatibility Criteria.

17.16.060 Regulations for Airspace Protection

- A. FAA Notification and Review.** Any applicant proposing construction or alteration within the -AE Overlay District must submit notification of the proposal to the FAA for an aeronautical study if such construction or alteration exceeds one of the following height standards:
1. 200 feet above ground level; or
 2. The plane of an imaginary surface extending outward and upward at a slope of 100 to one for a distance of 20,000 feet from the nearest point of any runway.
- B. Height Limitations.** The criteria for determining the acceptability of a project with respect to height must be based upon the standards set forth in Title 14 of the Code of Federal Regulations (CFR) Part 77 Safe, Efficient Use, and Preservation of the Navigable

Airspace(Part 77). Additionally, where an FAA aeronautical study of a proposed object is required in accordance with Part 77, the project must receive an FAA Determination of No Hazard to Air Navigation for that object.

17.16.070 Avigation Easement and Overflight Notification

A. **Avigation Easement Dedication.** An avigation easement must be dedicated to the City of Santa Barbara for any development consistent with ALUCP requirements.

1. **Applicability.** The requirement for an avigation easement applies in the following situations:

- a. Where proposed structures, trees, or other objects would constitute an obstruction as defined by the FAA (exceeds a Part 77 surface);
- b. Located on a site where the ground level penetrates a Part 77 surface; or
- c. Situated on property lying within the projected 65 dBA CNEL or greater noise contour of the Santa Barbara Airport that has been designated as a conditionally compatible land use in Table 3-1 of the ALUCP.

2. **Contents.** The avigation easement shall:

- a. Provide the right of flight in the airspace above the property;
- b. Allow the generation of noise and other impacts associated with aircraft overflight;
- c. Restrict the height of structures, trees, and other objects;
- d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
- e. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

B. **Airport in Vicinity Notification Recordation.** An overflight notification consistent with the following must be recorded as part of any real estate transaction for any residential development within the AIA.

1. **Disclosure.** The notification must contain the following language, as dictated by applicable law, with regard to real estate transfer disclosure:

- a. *Notice of Airport in Vicinity.* This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property

before you complete your purchase and determine whether they are acceptable to you.

2. **Notice.** The notification must be made evident to prospective purchasers, lessees, and renters of the property and must appear on the property deed or Covenants, Conditions, and Restrictions (CC&Rs).
3. **Exception.** An overflight notification is not required where an avigation easement is required.

(b) Section 17.73.010 Definitions is amended to add the following definitions:

1. **Airport Influence Area (AIA).** The jurisdiction of the Santa Barbara County Airport Land Use Commission and is the area where airport-related noise, safety, airspace protection, and overflight factors may significantly affect land use compatibility or necessitate restrictions on certain land uses as determined by the Commission.
2. **Avigation Easement.** An easement that transfers certain property rights from a property owner to an airport owner. Generally, an avigation easement provides the right of flight in the airspace above the property, allows the generation of noise and other impacts associated with aircraft overflight, restricts the height of structures, trees and other objects, permits access to the property for the removal or aeronautical marking of objects exceeding the established height limit and prohibits electrical interference, glare, and other potential hazards to flight from being created on the property.
3. **Overflight Notification.** A buyer awareness tool designed to ensure that prospective buyers of property near an airport, particularly residential property, are informed about the airport's potential impact on the property. An overflight notification is recorded in the property's chain of title and indicates that the property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (such as noise, vibration, overflights, or odors). Unlike an avigation easement, an overflight notification does not convey property rights from the property owner to the airport and does not restrict the height of objects. It simply documents the existence of conditions that may affect the property for the purpose of notifying the property owner.
4. **Runway Protection Zone (RPZ).** A trapezoidal-shaped area at ground level immediately off the end of a civilian airport runway

with specific land use restrictions intended to enhance the safety and protection of people and property on the ground.

5. **Safety Zone.** An area near an airport, associated with an ALUCP, in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.
6. **Santa Barbara County Airport Land Use Commission (ALUC).** The Santa Barbara County Association of Governments, acting in its capacity as the Santa Barbara County Airport Land Use Commission.

SECTION 5 **Zoning Overlay Map**

The existing Zoning Overlay Districts Map is repealed and replaced with the Zoning Overlay Districts Map as shown in Exhibit A.

SECTION 6 **Effect of Amendments**

To the extent any provision of this Ordinance repeals, amends, or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7 **Severability**

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8 **Codification**

The City Clerk shall cause these amendments to be appropriately renumbered and codified in Title 17 of the Goleta Municipal Code on the effective date of this Ordinance.

SECTION 9 **Certification of City Clerk**

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 10 **Effective Date**

This Ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED this _____day of _____
2023.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 23-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

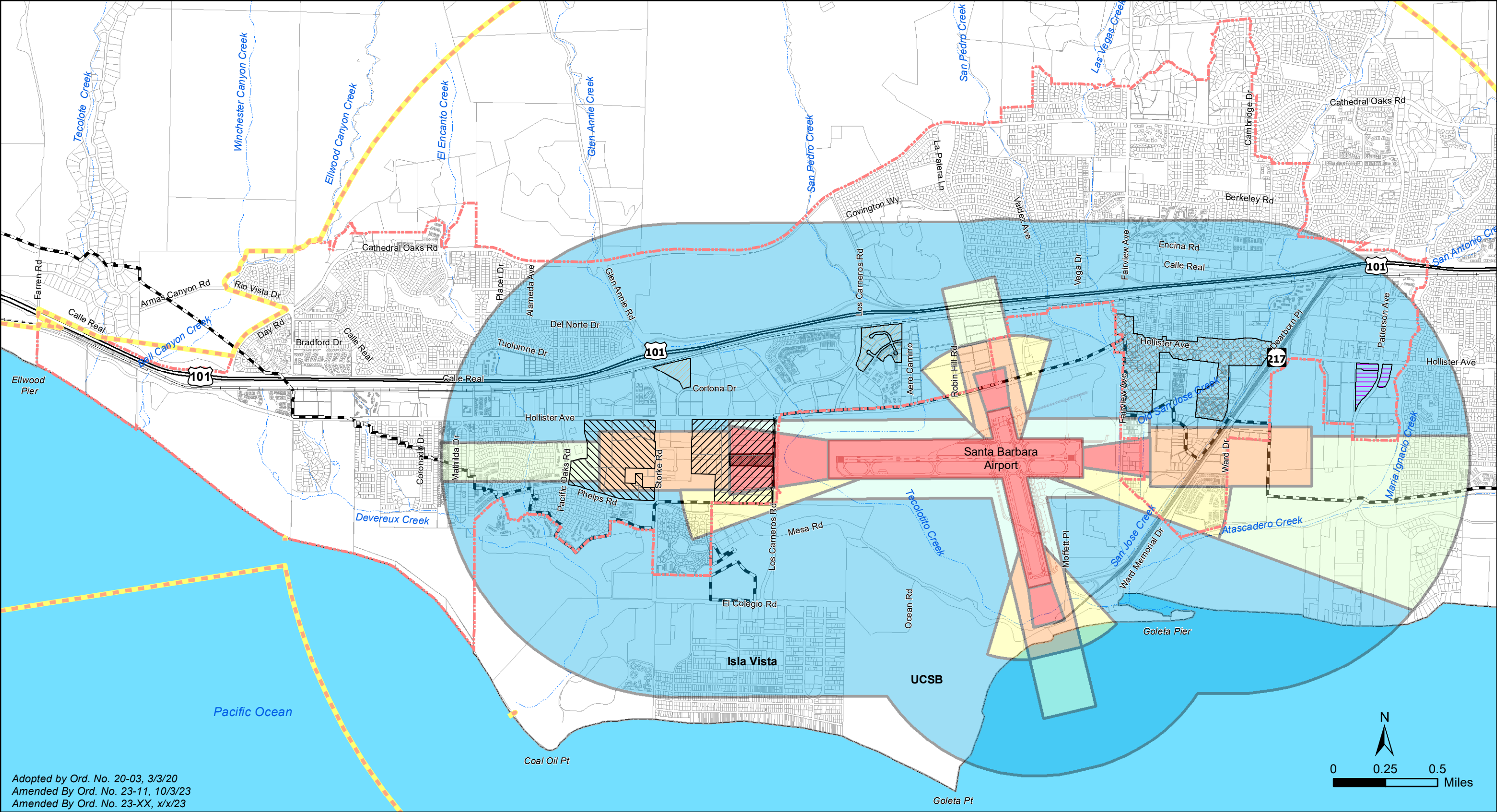
ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Exhibit A

Amended Zoning Overlay Districts Map



Adopted by Ord. No. 20-03, 3/3/20
Amended By Ord. No. 23-11, 10/3/23
Amended By Ord. No. 23-XX, x/x/23

Legend		Other Overlay Districts		Other Features	
-AE Airport Environs		300' Airport Safety Corridor		Goleta City Boundary	
Safety Zone 1		Airport Influence Area		Coastal Zone Boundary	
Safety Zone 2		AH Affordable Housing			
Safety Zone 3		H Hospital			
Safety Zone 4		OTH Old Town Heritage			
Safety Zone 5		CBPSP Cabrillo Business Park Specific Plan			
Safety Zone 6		CRMSF Camino Real Marketplace Specific Plan			