



**TO:** Mayor and Councilmembers

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

**CONTACT:** Anne Wells, Advance Planning Manager  
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**SUBJECT:** Title 17 (Zoning) Ordinance Amendments (Case No. 22-0001-ORD)

**RECOMMENDATION:**

Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 22-\_\_\_, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 of the Goleta Municipal Code.”

**BACKGROUND:**

On March 3, 2020, City Council adopted Title 17 (Zoning) of the Goleta Municipal Code (GMC). Title 17 became effective on April 3, 2020. Since adoption, the City has conducted two rounds of amendments to Title 17 to address “clean-up” items, including necessary revisions related to changes in State law and to clarify various provisions in the Title. The first of these amendments to Title 17 were adopted by the City Council on October 6, 2020, via Ordinance No. 20-09, and became effective on November 6, 2020. A second set of amendments was adopted on September 21, 2021, via Ordinance No. 21-07, and became effective on October 22, 2021. Since that time, staff has continued to track implementation of Title 17 and has identified additional amendments needed to 1) address potential inconsistencies with existing City policies or new State law, 2) better clarify the intent and application of Title 17 development standards based upon issues raised during review of development applications, and 3) correct typographical errors or ambiguities in the text of the Title. The proposed Ordinance will be the City’s third round of edits to the adopted Zoning regulations, which have been planned to occur on a regular basis since adoption of the code.

On March 28, 2022, the Planning Commission conducted a public hearing to consider the proposed Ordinance and adopted Resolution No. 22-02, recommending the City Council adopt the proposed Ordinance with one substantive revision. This revision is in regard to changing the permit path for electronic changeable copy signage on existing structures from a Major Conditional Use Permit to that of a Zoning Clearance, as discussed later in this staff report. The proposed Ordinance, provided as Attachment 1, also reflects the

direction the Planning Commission gave Planning staff as part of their 5-0 recommendation that the City Council approve the amendments to the Goleta Municipal Code Title 17 (Zoning) and adopt the proposed Ordinance.

## **DISCUSSION:**

The proposed amendments can be found in Section 4 of the proposed Ordinance. The amendments in the proposed Ordinance are in a “clean” format, meaning they do not show the actual proposed changes to the adopted regulations of Title 17. For ease of understanding these proposed changes, a table of proposed amendments showing tracked changes from the currently adopted regulations of Title 17 is also provided, as Attachment 2. Planning staff has divided the proposed amendments into three categories: “Required,” “Minor,” and “Clean-Up,” which are defined below:

Required – Edits that are included due to the City’s requirement to comply with either new or revised State or federal law(s) or to be consistent with General Plan policies.

Minor – To be considered minor, the proposed edit(s) must not change the clearly defined intent or application of the development standard and must not have been an issue of public debate or controversy. If a change exceeds this threshold, it will not be included as a minor edit and will rather be included with later substantive edits that will be subject to public workshops and adoption hearings.

Clean-Up – Small, typographical, or grammatical error(s) that could otherwise be edited by the City Clerk but, for full transparency, are included within this Ordinance Amendment.

## **STATE LAW CONSISTENCY**

Below is a summary of “Required” amendments needed to ensure development complies with requirements of State law.

### *Electrical Vehicle Charging Stations*

The installation of electrical vehicle (EV) charging stations is considered development under Title 17. Currently, pursuant to California Government Code Section 65850.7, local review of EV charging stations is limited to a project-specific analysis of health and safety impacts. To address the requirements of relevant State law, the City adopted Ordinance No. 20-05 on April 21, 2020. Ordinance No. 20-05 was codified as Chapter 15.20 of the GMC. Furthermore, as part of the last round of adopted amendments to Title 17, the City adopted new EV development standards (Section 17.24.220), a new cross-reference in the Zoning Clearance applicability section (Section 17.54.020) and a new exemption from Design Review in Chapter 17.58 to align with Chapter 15.20. Since the last round of Title 17 amendments, further changes in State EV charging station regulations occurred. Assembly Bill (AB) 970 (2021), among other things, requires a jurisdiction to reduce the number of “required parking” spaces to accommodate EV charging stations. AB 970 will become operative in the City on January 1, 2023.

Staff proposes an amendment to Title 17 Section 17.38.040 to include a new subsection (E) to state that the number of required parking spaces for an existing use be reduced by the amount necessary to accommodate electric vehicle charging stations. Additionally, the reduction of required parking spaces would include any associated equipment that may interfere with the required parking associated with the existing land use(s). (See Section 4(M) of the proposed Ordinance.) Staff proposes this amendment prior to the operable date of AB 970 to ensure that the City has the appropriate regulations in place in a timely manner and to further support EV charging station installations.

### *Appeals*

As Planning staff has continued reviewing State law, it was discovered that there was an additional phrase included within the appeal language of subsection 17.52.050(B)(2)(e) that was not included in California Government Code Section 65009(b)(2). State law allows someone to appeal an action based upon any issue raised by *anyone* at the hearing or in written correspondence delivered at or before the hearing.

Staff proposes to amend Title 17 Section 17.52.050(B)(2)(e) to delete the phrase “speaking on their behalf” in order to better align with the text of the State law. (See Section 4(BB) of the proposed Ordinance.)

### *Ministerial Review of Specific Housing Projects*

In a targeted effort to streamline housing production, State law currently allows only ministerial review for certain types of qualifying projects, such as Accessory Dwelling Units (ADUs) and projects that fall within the limited scope of Senate Bill 35 for affordable housing. Pursuant to Goleta Municipal Code Chapter 17.58, Design Review of a project is considered “discretionary review” under Title 17 and no exemption from Design Review currently exists for such projects.

Staff proposes an amendment to Title 17 Section 17.58.020(A) to include a new subsection (6) to provide for a blanket exemption from Design Review for all projects that require only ministerial review under State law. (See Section 4(OO) of the proposed Ordinance.)

### *Zoning Enforcement Remedies*

Chapter 17.69 of Title 17 provides details for the responsibilities of various departments, officials, and public employees of the City to enforce zoning regulations of the Goleta Municipal Code. Section 17.69.050, Remedies, begins with a statement that “[a]n alleged violator who is served with notice of violation subject to a civil penalty will not be subject to a criminal prosecution for the same factual situation.” City staff has been advised by the City Attorney’s Office that this provision is not consistent with State law and that the City could legally retain the option for criminal prosecution even after having served an alleged violation with a notice of violation.

As such, staff proposes that the first sentence of this Section be deleted in its entirety in order to ensure the City retains the option for criminal prosecution for noticed zoning violations. (See Section 4(RR) of the proposed Ordinance)

### GENERAL PLAN CONSISTENCY

Below is a summary of an additional “Required” amendment needed to ensure development complies with the applicable regulations of the City’s General Plan.

#### *Noise Exposure Level*

The City’s General Plan includes Noise Element subpolicy NE 1.1, titled Land Use Compatibility Standards, and cites Table 9-2 of the General Plan, which enumerates acceptable noise exposure levels. The subpolicy also includes a statement that reads, in part, that “proposals for new development that would cause [noise] standards to be exceeded shall only be approved if the project would provide a substantial benefit to the City.” The subpolicy language was integrated into Title 17 Noise standards as subsection 17.39.070(A)(1), which reads “[p]roposals for new development that would cause standards to exceed the Normally Acceptable noise exposure for any use may only be approved if the project would provide a substantial benefit to the City.” As written, the zoning standard could unintentionally prohibit small accessory AC units or pool equipment from being installed. Not only do many such units exceed the Normally Acceptable 50-60 decibel range and are often within the Conditionally Acceptable 60-65 decibel range, but they also do not provide a substantial benefit to the City.

Staff proposes an amendment to Title 17 subsection 17.39.070(A)(1) to replace “Normally Acceptable” with “Clearly Unacceptable” in order to align the zoning standard more closely with the intent of the policy and resolve a potential inconsistency between the Zoning Ordinance and the General Plan. The edit would also allow the City to apply conditions of approval to such projects to ensure sound attenuation devices are used and maintained in proper working order. (See Section 4(N) of the proposed Ordinance.)

### PROPOSED “MINOR” REVISIONS

Below is a discussion of “Minor” revisions staff has identified as warranting revisions based on early administration of Title 17 to development proposals, applications, and inquiries.

#### *Zoning Code Determinations and Rules of Interpretation*

Within subsection 17.01.040(D) of Title 17, the Director of Planning and Environmental Review (Director) has the stated authority to make official Zoning Code Determinations. Later, a provision in subsection 17.02.030(A) assigning authority to the Director to determine the interpretation for any definition not expressly identified in the Title or provide clarification and determination of the rules within the Title. There has been some confusion as to when a Director’s decision on a matter would constitute an official determination, subject to appeal, and when the decision is simply a clarification to a

particular provision of the Title, commonly due to vague language, missing punctuation, or a misspelled word.

Staff proposes to retitle the subsection to differentiate better between these two provisions by replacing the term “interpretation” in subsection 17.01.040(D) with “applicability” and to remove the term “determination” from subsection 17.02.030(A), since the intent of the provision is to allow the Director to clarify how a development standard is to be applied to a project application as it is under review or being processed for a hearing. A common example of this would be where a proposed project has more than one possible permit path or when a Director’s clarification would allow the project application to continue being processed without unnecessary procedures, delay, or costs. (See Section 4(A) and Section 4(B), respectively, of the proposed Ordinance.)

#### *Additional Development Regulations*

Chapter 17.07 of Title 17 includes development regulations that are specific to residential zone districts throughout the City. Section 17.07.030 includes text that directs the reader to Table 17.07.030 for a comparison of those regulations across each of the five “R” zones (RS, RP, RM, RH, and RMHP). However, the last sentence of this Section currently states that “[r]egulations applicable to multiple districts are in Part IV of this title.” As written, this phrase “multiple districts” could be misleadingly read as either meaning “R” zones allowing multiple-unit development or meaning when a project crosses multiple zoning district boundaries and is not entirely within one zoning district. Neither of these previous interpretations are correct and the last sentence of this Section is intended to direct the reader to Part IV of the Title for additional regulations that are not “zone-specific,” but rather, are “use-specific” across all zoning districts.

Staff proposes to clarify Section 17.07.030 with edits to the last sentence to clarify that regulations specifically applicable to one or more residential districts are found in Sections 17.07.040 through 17.07.060 and other use-specific regulations applicable to all zoning districts are located Part IV of the Title. (See Section 4(C) of the proposed Ordinance.)

#### *Accessory Structures Located Near Other Structures*

Currently, subsection 17.24.020(C) of Title 17 is titled “Relation to Other Structures.” However, the text in this subsection actually discusses the relationship to a primary use. Within the subsequent subsection (D), there is language speaking to the required 5-foot of building separation for an accessory structure from a principal structure that should be moved to subsection (C) for continuity and clarity.

Staff proposes to retitle the subsection to “Relation to Primary Use or Other Structures” and create two new subsections titled: 1) “Primary Use” and 2) “Building Separation.” The first of the new subsections will contain the existing text in (C) and the second new subsection will contain language requiring 5 feet of building separation, which is being deleted from subsection 17.24.020(D)(1)(b)(ii) and is discussed below. (See Section 4(G) of the proposed Ordinance.)

### *Accessory Structures in Rear Setback*

The overwhelming majority of residential lots within the City are developed with small, single-family dwellings built at or near the front setback line and with generally uniform depths of backyards that are almost entirely included within the rear setback. As such, it is common for many households to construct accessory structures (e.g., trellis, patio cover, shed, etc.) within the rear setback. When the City adopted Title 17, it made a distinction between accessory structures located in the rear setback of residential districts that were greater than 12 feet in height and those that were 12 feet or less in height. Subsection 17.24.020(D)(1)(b) requires those that are over 12 feet in height to conform with the rear setback, while those that are 12 feet or less are allowed to be located up to just three feet from the rear property line. However, for those accessory structures that are 12 or less in height, the provision is currently written assuming that the structure is detached from the principal dwelling.

Staff proposes to revise the text in subsection 17.24.020(D)(1)(b), Rear Setbacks, to remove the second sentence in (ii) stating “In addition, located no closer than five feet from the principal structure.” The remaining language of subsection would be reworded for clarity. (See Section 4(H) of the proposed Ordinance.)

### *Retaining Walls*

City staff has noted that an ambiguity may exist while processing development applications that include a proposed retaining wall. Currently, retaining walls are included within the discussion in Title 17 Section 17.24.090 (Fences, Freestanding Walls, and Hedges). However, there is neither a definition for the term, nor is this specific type of wall included in the title of the Section along with “freestanding” walls.

Staff proposes to rename this Section of Title to “Fences, Freestanding and Retaining Walls, and Hedges” and to include this type of wall within the preamble. (See Section 4(I) of the proposed Ordinance.)

### *Inclusionary Housing Exemption*

As written, Chapter 17.28 of Title 17 includes an exemption to the City’s Inclusionary Housing requirements for “single-unit dwellings” in subsection 17.28.020(B)(1). There are two separate development scenarios that could be proposed that could potentially take advantage of an unintended loophole that the simple text of this current exemption provides. First, since adoption of Title 17, the State has adopted Senate Bill 9 (SB 9), which allows an existing residential parcel to split into no more than two residential lots. This “lot split” would be a ministerial process, without discretionary review or hearing, and is limited to residential zone districts within urban areas of the State. Since the SB 9 urban lot split would result in two separate and buildable lots that could each be developed with a single-unit dwelling or a duplex and also take advantage of the recently adopted Accessory Dwelling Unit State law(s), the existing, single-unit dwelling could in turn result in a total of six dwelling units (SFD, ADU, and JADU). The second loophole would entail the situation where a developer proposed to develop more than one single-unit dwelling

within a large housing development (i.e., attached single-unit townhomes or multiple detached single-unit dwellings) on one, albeit large, legal parcel.

In these instances, since the text reads in the plural for “single-unit dwellings,” it could be inadvertently read and applied to each of the previous scenarios. As such, staff proposes to reword the (B)(1) exemption to narrow this exemption provision to clearly apply only to projects to construct one, single-unit dwelling on an existing “R” zoned lot. (See Section 4(J) of the proposed Ordinance.)

### *Electronic Changeable Copy*

Currently, Title 17 subsection 17.40.060(I)(1) regulates projects using electronic changeable copy (ECC) signage. Such sign types are only permissible within non-residential zoning districts with the approval of a Major Conditional Use Permit and further limited to fuel stations, indoor theaters, and Public/Quasi-Public uses. Additionally, these sign types are currently subject to Design Review approval. During the Title 17 adoption process, staff received numerous public comments requesting additional new restrictions for the development of signs using ECC. Those comments were noted in the City’s [Response to Public Comments table](#) for subsection 17.40.060(I) on pgs. 120-125. Additionally, during Workshop #5, the Planning Commissioners provided staff with specific comments relating to signage [in general] and ECC [specifically], noting that it appeared to be most suitable outside of scenic corridors and on monument signs (see pgs. 64-65 of City’s [Response to Planning Commission Comments](#)). Lastly, the City noted the topic within the [Key Issues Guide](#) (pg. 63) with a comparison of the existing standard and the new standard, along with an explanation of how and why the change was proposed. The existing regulations in Title 17 represent a “compromise” position after comments were received that the City should ban such types of signs outright. Ultimately, the requirement for a Major Conditional Use Permit was accepted by the Planning Commission and City Council based on the assurance it gave the City that adequate policy and environmental analysis would be conducted to ensure all potentially negative impacts (e.g., aesthetic, scenic corridors, nighttime glare, dark sky compliance, neighborhood compatibility, etc.) would be thoroughly analyzed and properly mitigated through environmental review.

A recent application for proposed new development included a request to replace the manually changeable copy on an existing, non-conforming gas station pole sign and two existing monument signs located on a corner lot at Fairview and Calle Real with new ECC for fuel prices. The applicant asked the City to consider revisiting the Major Conditional Use Permit requirement and reducing the permit path for projects proposing to replace existing manually changeable copy with ECC to only Design Review (with follow-on effectuating Zoning Clearance). As such, the Major Conditional Use Permit requirement would only apply to projects proposing new gas price signs with ECC. City staff presented this topic to the Planning Commission on March 28, 2022 and was provided with direction to recommend the City Council allow such streamlined permitting, but only for existing, conforming signs that are not located within a scenic corridor. This direction is reflected in the recommended Ordinance Amendments shown in Attachment 1 (see Section 4(O) and Section 4(P) of the proposed Ordinance) and also shown in tracked changes in Attachment 2 to this staff report.

### *Standards for Specific Sign Types*

Section 17.40.080 of Title 17 currently provides detailed development regulations for seven specific types of signage (i.e., A-Frame, Awning/Canopy, Freestanding, Menu, Projecting, Wall, and Window signs). However, it is not made explicitly clear that these detailed standards are not intended to be mutually exclusive, but rather are to be applied cumulatively and in addition to the other development standards for all signage types.

Staff proposes to rename the Section to add the term “Additional” to the beginning of the title and to add a preamble that explains that the additional standards are in addition to any standards, allowances, or limitations set forth elsewhere in the Chapter. (See Section 4(Q) of the proposed Ordinance.)

### *Nonconforming Signs*

Within Section 17.40.100, Nonconforming Signs, subsection (A) provides a discussion for the applicability of the Section. However, the text of the “Applicability” subsection begins with an exception to an exemption to signage that was made nonconforming due to the adoption of Title 17 zoning standards. There is also a lack of clarity as to what situations and signs this Section is actually intended to apply to since the Applicability subsection cites the general Chapter 17.36, Nonconforming Uses and Structures, of Title 17. Lastly, the exception provided for illegal/unpermitted signs does not make clear what standards would then apply to such signs.

Staff proposes to reword the “Applicability” subsection to provide detailed language and citations for two different types of signage, as follows: 1) signs made nonconforming due to the adoption of Title 17, and 2) unpermitted signs or signs illegally altered subsequent to the adoption of Title 17. The resulting regulations of this Section would contain all development standards for Nonconforming Signs and the citation to the general “Nonconforming Uses and Structures” Chapter of Title 17 would be deleted. Illegal and unpermitted signs will be subject to Chapter 17.69, Enforcement. (See Section 4(R) of the proposed Ordinance.)

### *Director Duties and Authorities*

Section 17.50.060 of Title 17 provides a list of duties and powers held by the Director of Planning and Environmental Review. The second enumerated duty is to make official, written determinations of applicability or interpretation of any provision of the Title, as required. However, as written, the text combines two distinct roles of the Director. As discussed earlier in this staff report, it is not clear whether there is a distinction between a “determination” and a “clarification.” Title 17 provides a formal path for a “Zoning Code Determination,” which is under the authority of the Director within subsection 17.01.040(D). Additionally, a minor edit was proposed to subsection 17.02.030(A) in order to allow the Director to interpret a definition or clarify how a development standard is to be applied to a project application as it is being processed.



As such, staff proposes an edit to this second enumerated duty in order to clearly cite the formal Zoning Code Determinations discussed in Chapter 17.01. Additionally, a new subsection (3) would be added that references the informal clarifications discussed in Chapter 17.02, which ensure timely application review and case processing. These edits would close the loop on the two roles of the Director as discussed in Part I of the Title. Lastly, the remaining duties and authorities listed in subsection 17.50.060(A) would then be renumbered accordingly. (See Section 4(V) and Section 4(W) of the proposed Ordinance.)

#### *Public Notification for Director Decisions*

During the Title 17 adoption process, a number of changes were made to the processes and procedures for Director Decisions as they related to Substantial Conformity Determinations and to Amendments to previously approved projects. Nearly all of those changes were made within Section 17.52.100; however, a noticing provision for these decisions was inadvertently missed within subsection 17.52.050(A). The discussion at the time was to have these decisions noticed on the City's website and subject to appeal. As such, subsection 17.52.050(A) should be revised to incorporate the noticing requirement for these two types of actions taken by the Director.

Staff proposes the following edits to subsection 17.52.050(A): 1) add the term "actions" between "permits and hearings" at the end of the applicability subsection, 2) rewrite subsection (A)(2) to read "All Zoning Code Determinations by the Director require noticing only on the City's website," and 3) add a new subsection titled "Director Decisions," which will state that an action by the Director on applications for a Substantial Conformity Determination or an Amendment to a prior discretionary approval requires noticing on the City's website, and renumber the remaining subsection for Public Hearings accordingly. (See Section 4(X), Section (Z), and Section (AA), respectively, of the proposed Ordinance.)

#### *Public Notice*

During the processing of permit applications, new ordinances, ordinance amendments, and other actions that require a recommendation by the Planning Commission to the City Council, there have been many instances where a hardship has been created on applicants and/or City staff due to the requirement to include the recommendation within the language of the public notice for the City Council hearing. This requirement is currently codified as Title 17 subsection 17.52.050(B)(2)(f). Due to docketing and newspaper deadlines, the infrequency of public hearings, the time delay in adopting official minutes from hearings, and at times the difficulty for staff to accurately summarize complex recommendations, the existing requirement can prohibit the City from quickly scheduling and noticing a subsequent City Council hearing after the Planning Commission's recommendation hearing.

Although City staff recommended deleting subsection 17.52.050(B)(2)(f) in its entirety, the Planning Commission's recommended that rather than including their recommendation within the public notice, the notice should instead include the dates of all prior public hearings for the project. In this way, the public would be better informed of

which review authorities had previously reviewed the project and could navigate to the City's Government Meeting Agendas and Videos webpage to obtain video recordings, staff reports, and adopted minutes. The Planning Commission's recommendation has been integrated into the proposed Ordinance being presented for consideration by the City Council. (See Section 4(CC) of the proposed Ordinance.)

#### *Changes to Prior Permits and Approvals*

Title 17 currently allows changes to previously approved projects, pursuant to Section 17.52.100. While Planning staff has processed a number of these types of changes for a Director's decision through a Substantial Conformity Determination (subsection 17.52.100(B)) or an Amendment (subsection 17.52.100(C)), additional guidance has been requested to clarify whether the requested changes to the project are to be evaluated against the zoning ordinance in effect at the time of the original approval or if they are to be analyzed against the current development standards of Title 17.

Staff proposes to edit the preamble to Section 17.52.100 to clarify that changes to previously approved Zoning Permits and Discretionary Approvals are to be reviewed against the regulations and development standards in effect at the time the City acts upon the application for the requested change. As such, only the proposed new development must comply with current zoning regulations. Any existing nonconforming use or structure that is not proposed to be changed may remain but would still be subject to Chapter 17.36, Nonconforming Uses and Structures. (See Section 4(DD) of the proposed Ordinance.)

#### *Changes to Zoning Permits*

Subsection 17.52.100(A)(1)(e-f) of Title 17 allows for minor changes to previously approved or issued Zoning Permits. Any request for a minor change is limited in scope and must meet nine specific screening criteria as listed in subsections 17.52.100(A)(1)(a-i). However, in two separate criteria, minor edits are needed in order to correct a mis-citation in (e) and to add a caveat for a Zoning Clearance in (f). Within subsection (e), the current language states that the change must be exempt from the Design Review Board, but then cites a section that provides for exemptions from Zoning Permits, not Design Review. The intent of this criterion is to allow a minor change if the requested change is exempt from Design Review, pursuant to Section 17.58.020. Then within subsection (f), the text currently only provides for a minor change if it would otherwise be exempt from Zoning Permits. However, during the Title 17 adoption process, there were expanded allowances for small development that would qualify for a non-appealable entitlement through a Zoning Clearance, pursuant to Chapter 17.54.

Staff proposes to correct the mis-citation in subsection (e) to Section 17.53.020 by citing the Design Review exemptions located in Section 17.58.020 of Title 17. Additionally, since the Zoning Clearance is a type of Zoning Permit, subsection (f) should be revised to add the Zoning Clearance as an allowable option for a minor change. (See Section 4(EE) and Section (FF), respectively, of the proposed Ordinance.)

### *Substantial Conformity Determinations*

Subsection 17.52.100(B)(2) of Title 17 includes four required findings for approval of a requested Substantial Conformity Determination. The fourth finding, found in subsection (d), currently states that “[a]ny revisions to the original project have received Design Review Board approvals for landscaping and structures, if necessary.” However, the intent of the Substantial Conformity Determination is to allow the Director to be the Review Authority, not the Design Review Board, which would have had prior authority for the project during its original approval.

Staff recommends edits to subsection (d) should be made to clarify that change to the original project may be approved if they are consistent with any prior Design Review approval or conditions of approval for landscaping and structures. (See Section 4(JJ) of the proposed Ordinance.)

### *10-Day Appeal Period*

Currently, subsection 17.52.090(A) provides detail that the effective date of an approved project is upon the expiration of the 10-day appeal period. An additional, useful reference of the duration of the appeal period should be added to Section 17.52.120, Appeals.

Staff proposes to edit subsection 17.52.120(D)(1) to specify that the timely filing of an appeal within the 10-day appeal period shall stay all proceedings for the permit or action being appealed. (See Section 4(KK) of the proposed Ordinance.)

### *Emergency Generators*

Chapter 17.53 of Title 17 provides a list of development that is exempt from zoning permits. Subsection 17.53.020(V) states that the temporary use of generators during a power outage or emergency for up to 90 days is exempt. The subsection also cites California Government Code for the definition of what constitutes “emergency use,” which includes a power outage. Upon further analysis of the topic, staff does not believe the 90-day limitation is a suitable or defensible limitation, since it is neither in the General Plan nor State law, and a declared emergency could last longer than 90 days.

As such, staff proposes to insert the term “other” before “emergency use” at the end of the first sentence and to delete the last sentence in its entirety to eliminate the arbitrary 90-day limitation. (See Section 4(LL) of the proposed Ordinance.)

### *Findings for Zoning Clearances*

When the City adopted Title 17, it created a new type of Zoning Permit called a “Zoning Clearance,” which is codified in Chapter 17.54 of the Title. This permit serves two distinct purposes. First, it acts as an entitlement permit for eight types of small development projects (see subsection 17.58.020(A)(1-8)) that the City has determined have de minimis impacts. Secondly, it acts as an effectuating permit for five types of discretionary actions (see subsection 17.58.020(B)(1-5)). At issue, the current required findings in Section 17.54.040 do not make a clear distinction between the two purposes of this permit type.

To better reflect this difference, the preamble of this Section, citing the Common Procedures findings, should be applicable for the entitlement permit and subsections (A-B) should be applicable for the effectuating permit.

Staff proposes to rename subsection (A) to “Entitlement Permit” and subsection (B) to Effectuating Permit.” The entitlement permit findings would cite Section 17.52.070, Common Findings, and further clarify that no additional permit-specific findings are required. The two effectuating permit findings would mirror the existing two findings listed in subsection 17.54.040(A-B). (See Section 4(NN) of the proposed Ordinance.)

### *General Plan Amendment Initiations*

Title 17 provides detailed procedures for making changes to the City’s General Plan. Of note, Section 17.67.030 details the process to initiate a General Plan Amendment. However, once an amendment is initiated, there is not clear language as to whether that initiation remains open in perpetuity or if it should expire or otherwise sunset if no action is taken on that initiation.

Staff proposes to add a new subsection (D) to Section 17.67.030 of Title 17 to clarify that an initiated General Plan Amendment must have a subsequent application for the General Plan Amendment within two years from the date of the initiation; otherwise, the initiation would expire. Additionally, the new subsection should also note that the initiation is not subject to a Time Extension, pursuant to subsection 17.52.090(D) of Title 17. (See Section 4(QQ) of the proposed Ordinance.)

### OTHER “CLEAN-UP” REVISIONS

The proposed Ordinance also includes several clarifying “Clean-Up” amendments to clear up ambiguities, improve formatting, or correct typographical errors. Below is a quick summary of these proposed changes:

- Update Figure 17.07.030 to better reflect the “Buildable Area” by eliminating the notched-out area at the front of the home and extend the buildable area up to the front setback. (See Section 4(D) of the proposed Ordinance.)
- Change to subsection 17.07.040(B)(8)(e)(i) to replace the term “primary” with “principal.” (See Section 4(E) of the proposed Ordinance.)
- Changes to footnote 5 in Table 17.09.020 to replace the term “permitted” with “allowed” in two instances. (See Section 4(F) of the proposed Ordinance.)
- Within subsection 17.28.060(C)(4), correct the mis-citation to Section 17.28.120 with the proper citation to Section 17.28.110, Inclusionary Housing - Enforcement. (See Section 4(K) of the proposed Ordinance.)
- Edit to Table 17.38.040(A) to change “space” to “spaces” for the Studio and one-bedroom units parking requirement. (See Section 4(L) of the proposed Ordinance.)
- Within subsection 17.41.180(B), delete the “s” in “uses” to correct the plural term and make it singular in both instances in the sentence. (See Section 4(S) of the proposed Ordinance.)

- Correction to Section 17.41.220 to delete the term “Large” from the beginning of the preamble, since the Section discussed both small and large residential care facilities. (See Section 4(T) of the proposed Ordinance.)
- Edit to subsection 17.41.220(A) to correct a typographical error to delete the “t” in “not” to correctly read as “no”. (See Section 4(U) of the proposed Ordinance.)
- Edit to subsection 17.52.050(A)(1) to delete the redundant phrase “require public notice,” which is already stated in the previous subsection (A). (See Section 4(Y) of the proposed Ordinance.)
- Edit to subsection 17.52.100(B)(1) to replace the term “issued” with “approved” in the first sentence. (See Section 4(GG) of the proposed Ordinance.)
- Throughout the subsections of 17.52.100(B)(1)(a), make the following three edits: 1) in both subsections (i) and (ii), replace the phrase “previous Permit or Plan” with “allowed in the original” in order to close a loophole that could theoretically allow incremental cumulative changes that conflict with the intent of this provision, 2) move the phrase “whichever is less” from the end of the sentence in subsection (i) to follow the phrase “1,000 square feet or more than ten percent,” 3) edit the last part of subsection (iii) to replace “proposal would” to “change will” in order to make the language and verb tense consistent with the other thresholds. (See Section 4(HH) of the proposed Ordinance.)
- Edit to subsection 17.52.100(B)(2)(a) to clarify that the original findings for approval “can still be made” and are not technically “re-made” when processing changes to older permits through a Substantial Conformity Determination. (See Section 4(II) of the proposed Ordinance.)
- Edit to subsection 17.54.020(B)(3) to change the upper case “A” in Approvals to a lower case “a.” (See Section 4(MM) of the proposed Ordinance.)
- Within subsection 17.58.040(B)(1)(c), edits to add the correct punctuation between the listed Review Authorities and to delete the unnecessary phrase “of Planning and Environmental Review” from the Director’s title. (See Section 4(PP) of the proposed Ordinance.)
- Edit to the existing definition of “Accessory Structure, Detached” to replace the term “principle” with “primary.” (See Section 4(SS.1) of the proposed Ordinance.)
- Edit to the existing definition of “Discretionary Review” in order to add Substantial Conformity Determinations, Amendments, and Revisions to the end of the list of discretionary actions. (See Section 4(SS.2) of the proposed Ordinance.)
- Edit to the existing definition of “Above Moderate-Income Households” to add “Greater than” at the beginning of the definition and delete “to 200.” This edit will make the definition consistent with how the income category is use elsewhere in the Title. (See Section 4(SS.3) of the proposed Ordinance.)
- Edit to the existing definition of “Corner Lot” to delete the phrase “or more” and limit the lot to being bounded on only two sides by streets. In this case, if a lot has more than two street frontages, it would be captured under the definition of “Irregular Lot.” (See Section 4(SS.4) of the proposed Ordinance.)
- Edit to the existing definition of “Through Lot” to limit frontage to “only” two parallel or approximately parallel “public” streets. This edit will ensure that private accessways are not counted as a street and also eliminate the possibility for a lot to fit within the definition of both a Corner Lot and a Through Lot. (See Section 4(SS.5) of the proposed Ordinance.)

- Edit to the existing definition of “Mixed-Use Development” in Chapter 17.73 to delete the phrase “on the same lot.” This edit is necessary due to some larger development projects not being isolated to a single legal lot of record. (See Section 4(SS.6) of the proposed Ordinance.)

## **ENVIRONMENTAL REVIEW:**

The proposed Ordinance is not subject to the California Environmental Quality Act (CEQA) 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(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

The proposed Ordinance is 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.

In addition, Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) exempt from further environmental review certain qualifying projects that are consistent with a community plan or zoning. Under this statutory exemption, projects that are consistent with the development density of existing zoning, community plan or General Plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional CEQA review except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. Specifically, where a prior EIR relied upon by the lead agency was prepared for a General Plan meeting the requirements of State CEQA Guidelines Section 15183, any rezoning action consistent with the General Plan shall be treated as an exempt project pursuant to Section 15183 of the CEQA Guidelines.

The City of Goleta has an existing, adopted General Plan for which an EIR has been certified. The proposed Ordinance is consistent with the existing, adopted General Plan and its development densities. Furthermore, since the adoption of this Ordinance is not considered a “project” under CEQA, there will be no project-specific, significant effects or impacts from the action to adopt the proposed Ordinance. Therefore, no additional environmental review is required. Any subsequent project for new development processed under Title 17 will be separately analyzed in accordance with CEQA. A draft of the proposed Notice of Exemption is provided as Attachment 3.

## **FISCAL IMPACTS:**

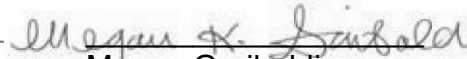
There is no direct fiscal impact from adoption of the proposed Ordinance. Funding for Planning and Environmental Review staff time to prepare the proposed Ordinance was included in the adopted FY 2021–22 Budget under Program 4300 of the Advance Planning Division.

**Reviewed By:**

**Legal Review By:**

**Approved By:**

  
Kristine Schmidt  
Assistant City Manager

  
Megan Garibaldi  
City Attorney

  
Michelle Greene  
City Manager

**ATTACHMENTS:**

1. Ordinance No. 22-\_\_, entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 of the Goleta Municipal Code"
2. Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)
3. Environmental Document: [Draft] Notice of Exemption
4. Staff Presentation

## **Attachment 1**

**Ordinance No. 22-\_\_, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 of the Goleta Municipal Code”**



## **ORDINANCE NO. 22-\_\_**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADOPTING VARIOUS AMENDMENTS TO TITLE 17 OF THE GOLETA MUNICIPAL CODE**

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

**WHEREAS**, since the adoption of Title 17, City staff has identified a variety of edits that are needed to improve Title 17 by addressing State law and General Plan policy, remedying minor errors and inconsistencies, and by providing clarification for other ambiguities; and

**WHEREAS** the Planning Commission conducted a duly noticed public hearing on March 28, 2022, at which time all interested parties were given an opportunity to be heard; and

**WHEREAS** the Planning Commission recommended to City Council adoption of the Title 17 Amendments Ordinance on March 28, 2022; and

**WHEREAS** the City Council conducted a duly noticed public hearing on \_\_\_\_\_, 2022 at which time all interested persons were given an opportunity to be heard; and

**WHEREAS** the City Council adopted Ordinance No. 22-0001-ORD, which amends Title 17 of the GMC, by a majority vote on \_\_\_\_\_, 2022.

**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 Title 17 of the Goleta Municipal Code.**

The Ordinance, which amends the Goleta Municipal Code Title 17, is consistent with all applicable provisions of the City's General Plan that relate to development on real property throughout the City. Many of the textual amendments relate to

minor clerical revisions that do not alter the previous finding of Title 17 consistency with the General Plan, as presented in Ordinance No. 20-03.

Specifically, the Ordinance maintains consistency with General Plan policies relating to noise attenuation and amends the associated sections of Title 17 to better align the zoning regulations with those policies. Amendments to Section 17.39.070 noise standards now allow the City more flexibility to condition and mitigate new development. Such mitigations include incorporating various sound attenuation measures as features of the proposed development to reduce noise exposure levels to acceptable levels while ensuring consistency with Noise Element subpolicy NE 1.1 and NE 1.2.

The Ordinance will amend Title 17 and bring the City's zoning regulations into compliance with California Government Code Section 65850.7, which regulates and limits the scope of local review of electrical vehicle charging stations and supporting equipment. The Ordinance adds subsection 17.38.040(E), which reduces required parking by the amount necessary to accommodate electric vehicle charging stations and any associated equipment.

Finally, an amendment to the City's Design Review procedures in subsection 17.58.020(A) to add an exemption from this form of discretionary review ensures that Title 17 maintains consistency with Senate Bill 35, which was signed into law in 2017 (Chapter 366, Statutes of 2017), which requires streamlined, ministerial approval process for certain types of housing projects throughout the State.

**B. The amendment is in the interests of the general community welfare.**

The Ordinance, which amends Goleta Municipal Code Title 17, will allow the City to continue to effectively exercise its police power rights over privately-owned real property. These police power ensure the City's ability to implement the goals, objectives, and policies of the General Plan, which protect the health, safety, and general welfare of the community. Therefore, the Amendment is in the interest of the general community welfare and this finding can be made.

**C. The amendment is consistent with good zoning and planning practices.**

The Ordinance, which amends Goleta Municipal Code Title 17, will help the City continue to implement the community goals, objectives, and policies of the General Plan. Furthermore, the Amendment will further enable the City to have better control over existing and future land uses and development on real property throughout Goleta and ensure full compliance with State law controlling the review of certain types of development. Therefore, the Amendment is consistent with good zoning and planning practices and this finding can be made.

**SECTION 3 Environmental Assessment**

The Ordinance is not subject to the California Environmental Quality Act (CEQA) 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(b)(5)

as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

The Ordinance is 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.

Furthermore, pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an Environmental Impact Report (EIR) was certified shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. There is no new substantial information indicating that the impacts of adopting the Ordinance will be more severe than described in the General Plan EIR and there are no cumulative or off-site impacts from the proposed Ordinance that were not addressed in the General Plan EIR. As such, the Ordinance is exempt from further CEQA review.

#### **SECTION 4            Title 17 of the Goleta Municipal Code Amendments**

Title 17 of the GMC is hereby amended as follows:

***A. Subsection 17.01.040(D) of the Goleta Municipal Code is amended to read as follows:***

**Zoning Code Determinations.** The Director has the authority to determine the applicability of any provision of this Title.

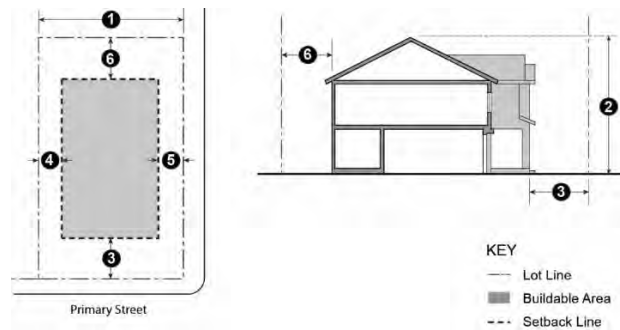
***B. The title and text of Subsection 17.02.030(A) of the Goleta Municipal Code is amended to read as follows:***

**Definitions and Clarifications.** The Director shall be responsible for the interpretation of any definition not expressly identified in this Title or provide clarification of the rules and regulations within this Title.

***C. The preamble for Section 17.07.030 of the Goleta Municipal Code is amended to read as follows:***

Table 17.07.030 prescribes development regulations for the Residential Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the “Additional Regulations” column, the regulations apply to all districts. When in just one district’s column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations specifically applicable to one or more residential districts can be found below in Section 17.07.040 et seq. Other use-specific regulations applicable to all zoning districts, including non-residential districts, are in Part IV of this Title.

- D. **Replace existing image at the top of Table 17.07.030 of the Goleta Municipal Code with the figure below:**



- E. **Subsection 17.07.040(B)(8)(e)(i) of the Goleta Municipal Code is amended to read as follows:**

The maximum floor area of each new principal dwelling is 800 square feet.

- F. **Footnote (5) in Table 17.09.020 of the Goleta Municipal Code is amended to read as follows:**

Only if it is in association with an allowed use. Where a parcel has multiple tenant spaces, Indoor Warehousing and Storage must be within the same tenant space as the allowed use but is not subject to the Accessory Use standards in Section 17.41.040.

- G. **Subsection 17.24.020(C) of the Goleta Municipal Code is amended to read as follows:**

**Relation to Primary Use or Other Structures.**

1. **Primary Use.** An attached or detached accessory structure may only be constructed on a lot on which there is a primary use to which the accessory structure is related.
2. **Building Separation.** A detached accessory structure must be separated from the primary structure and any other accessory structure by at least five feet.

- H. **Subsection 17.24.020(D)(1)(b) of the Goleta Municipal Code is amended to read as follows:**

**Rear Setbacks.**

- i. Accessory structures greater than 12 feet in height must conform to the setback regulations of the district, or as otherwise allowed under this Title.
- ii. Accessory structures that are less than or equal to 12 feet may be located no less than three feet from the rear lot line but may not occupy more than 40 percent of the required rear setback area.

- I. ***The title and preamble for Section 17.24.090 of the Goleta Municipal Code are amended to read as follows:***

**Fences, Freestanding and Retaining Walls, and Hedges**

Fences, freestanding and retaining walls, and hedges must comply with the following standards.

- J. ***Subsection 17.28.020(B)(1) of the Goleta Municipal Code is amended to read as follows:***

Projects to construct one, single-unit dwellings on an existing “R” zoned lot;

- K. ***Subsection 17.28.060(C)(4) of the Goleta Municipal Code is amended to read as follows:***

**Reporting.** The Director may require certification of continuing occupancy of the inclusionary unit by eligible households, which must be verified to the reasonable satisfaction of the Director by means of a written report to the Director, setting forth the income and family size of the occupants of the inclusionary unit. The property owner or housing management entity will be deemed in default of the Inclusionary Housing Agreement if failing to deliver such annual report within 30 days after receipt of written notice from the Director requesting such report and subject to enforcement pursuant to Section 17.28.110, Inclusionary Housing – Enforcement. The Director will have the option of establishing the type of form to be used for the report.

- L. ***Required Parking Spaces for Studio and One-Bedroom Units in Table 17.38.040(A) of the Goleta Municipal Code is amended to read as follows:***

2 spaces per unit.

- M. ***Add a new Subsection 17.38.040(E) of the Goleta Municipal Code to read as follows:***

**Electrical Vehicle Charging Stations.** The number of required parking spaces for an existing use shall be reduced by the amount necessary to accommodate electric vehicle charging stations and any associated equipment that interfere with, reduce, eliminate, or in any way impact the required parking spaces for the existing uses.

- N. ***Subsection 17.39.070(A)(1) of the Goleta Municipal Code is amended to read as follows:***

Proposals for new development that would cause standards to exceed the Clearly Unacceptable noise exposure for any use may only be approved if the project would provide a substantial benefit to the City.

- O. ***Subsection 17.40.060(I)(1) of the Goleta Municipal Code is amended to read as follows:***

**Electronic Copy.** Electronic copy may only be used on new signs with approval of a Major Conditional Use Permit and may only be used on existing signs, subject to the requirements of this Chapter, with Design Review Board approval and an effectuating Zoning Clearance.

**P. Subsection 17.40.060(l)(1)(a) of the Goleta Municipal Code is amended to read as follows:**

*Location.* Electronic changeable copy must be located outside of any adopted scenic corridor and is only allowed within non-residential districts and as follows:

- i. Fuel price signs at service and gas station sites.
- ii. Indoor theaters to display current and future showings.
- iii. Public/Quasi-Public uses on land with at least 400 feet of continuous street frontage.

**Q. The title and preamble for Section 17.40.080 of the Goleta Municipal Code is amended to read as follows:**

**Additional Standards for Specific Sign Types.**

This Section establishes additional development standards for specific sign types. The standards set forth below are in addition to any standards, allowances, or limitations set forth elsewhere in this Chapter.

**R. Subsection 17.40.100(A) of the Goleta Municipal Code is amended to read as follows:**

**Applicability.** All exempt and/or permitted signage that exists within the City on the date this Title becomes effective that is made nonconforming as to this Chapter shall be subject to the following provisions of this Section. All illegal or unpermitted signs shall be deemed in violation of this Title and are subject to Chapter 17.69, Enforcement.

**S. Subsection 17.41.180(B) of the Goleta Municipal Code is amended to read as follows:**

**Allowable Uses.** Live/Work Units must contain a residential use but are not required to maintain a “work” or commercial use.

**T. The preamble for Section 17.41.220 of the Goleta Municipal Code is amended to read as follows:**

Residential care facilities must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:

**U. Subsection 17.41.220(A) of the Goleta Municipal Code is amended to read as follows:**

**Small Residential Care Facilities.** There are no City-specific standards for Small Residential Care Facilities.

***V. Subsection 17.50.060(A)(2) of the Goleta Municipal Code is amended to read as follows:***

Make official Zoning Code Determinations as to the applicability of any provision of this Title, pursuant to subsection 17.01.040(D) of this Title.

***W. Add new subsection 17.50.020(A)(3) to read as follows:***

Provide clarification of the rules and regulations of this Title, pursuant to subsection 17.02.030(A).

***And renumber the remaining items in subsection 17.50.020(A) accordingly.***

***X. Subsection 17.52.050(A) of the Goleta Municipal Code is amended to read as follows:***

**Applicability.** Public notice is required for the following types of permits, actions, and hearings:

***Y. Subsection 17.52.050(A)(1) of the Goleta Municipal Code is amended to read as follows:***

**Zoning Permits.** All Zoning Permits, except for Zoning Clearances.

***Z. Subsection 17.52.050(A)(2) of the Goleta Municipal Code is amended to read as follows:***

**Zoning Code Determinations.** All Zoning Code Determinations by the Director require noticing only on the City's website.

***AA. Add new Subsection 17.52.050(A)(3) to the Goleta Municipal Code to read as follows:***

**Director Decisions.** An action by the Director on applications for a Substantial Conformity Determination, pursuant to subsection 17.52.100(B) or an Amendment to a prior discretionary approval, pursuant to subsection 17.52.100(C) of this Title.

***Renumber the remaining subsection "Public Hearings" to (4) accordingly.***

***BB. Subsection 17.52.050(B)(2)(e) of the Goleta Municipal Code is amended to read as follows:***

A statement, that if a person challenges the subject project in court, that person may be limited to raising only those issues that the person, or someone else, raised at the

public hearing or in written correspondence delivered to the City at, or before, the public hearing.

**CC. Subsection 17.52.050(B)(2)(f) of the Goleta Municipal Code is amended to read as follows:**

For City Council hearings, the dates of all prior public hearings by City Review Authorities, pursuant to Chapter 17.50 of this Title.

**DD. The preamble for Section 17.52.100 of the Goleta Municipal Code is amended to read as follows:**

Changes to previously approved Zoning Permits and Discretionary Approvals shall be reviewed against the regulations and development standards in effect at the time the City acts upon the application for the requested change and must be processed pursuant to this Section. Any Nonconforming, existing development shall be subject to Chapter 17.36, Nonconforming Uses and Structures.

**EE. Subsection 17.52.100(A)(1)(e) of the Goleta Municipal Code is amended to read as follows:**

The minor change is exempt from Design Review, pursuant to Section 17.58.020, Exemptions, and would not be counter to any design direction previously provided;

**FF. Subsection 17.52.100(A)(1)(f) of the Goleta Municipal Code is amended to read as follows:**

The change would otherwise be exempt from a Zoning Permit or only require a Zoning Clearance;

**GG. Subsection 17.52.100(B)(1) of the Goleta Municipal Code is amended to read as follows:**

**Minor Changes to Approved Development.** The Director may approve a minor change to any Conditional Use Permit or Development Plan approved pursuant to this Title prior to the approval expiration, if applicable. The Director must determine that the change is in substantial conformity with the approval such that the change would not result in a change to the project, which would alter the scope and intent of the approval the Review Authority originally acted on, pursuant to the standards and findings below:

**HH. Subsection 17.52.100(B)(1)(a) of the Goleta Municipal Code is amended to read as follows:**

*Development Thresholds.*

- i. The change will not result in an increase of 1,000 square feet or more than ten percent, whichever is less, of building coverage of new structures over the total allowed in the original approval.



- ii. The change will not result in an overall height, which is greater than ten percent above the originally approved height.
- iii. The change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area (50 cubic yards in the Coastal Zone) and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for the project; mitigation measures were imposed to mitigate said impacts and the change will not compromise the mitigation measures imposed.

**II. Subsection 17.52.100(B)(2)(a) of the Goleta Municipal Code is amended to read as follows:**

The findings required for the original approval can still be made.

**JJ. Subsection 17.52.100(B)(2)(d) of the Goleta Municipal Code is amended to read as follows:**

Any changes to the original project are consistent with any prior Design Review approval or conditions of approval for landscaping and structures.

**KK. Subsection 17.52.120(D)(1) of the Goleta Municipal Code is amended to read as follows:**

**Proceedings Stayed by Appeal.** The timely filing of an appeal within the 10-day appeal period shall stay all proceedings for the permit or action being appealed.

**LL. Subsection 17.53.020(V) of the Goleta Municipal Code is amended to read as follows:**

The temporary use of generators in the event of a power outage or for other emergency use. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations, Section 93115, as may be amended.

**MM. Subsection 17.54.020(B)(3) of the Goleta Municipal Code is amended to read as follows:**

Design Review Board approvals for individual Signs not associated with an Overall Sign Plan and actions to grant Design Review approval for a project where the Design Review Board is the Review Authority.

**NN. Section 17.54.040 of the Goleta Municipal Code is amended to read as follows:**

**17.54.040 Required Findings**

- A. **Entitlement Permit.** Other than those findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, no additional permit-specific findings are required for the issuance of an Entitlement Zoning Permit.

**B. Effectuating Permit.** Prior to the issuance of an Effectuating Zoning Clearance, the following findings must be made:

1. All necessary prior approvals have been obtained.
2. Any “Prior to Issuance of Zoning Clearance” conditions from the Discretionary Approval have been met.

**OO. Add new Subsection 17.58.020(A)(6) to the Goleta Municipal Code to read as follows:**

Projects requiring only ministerial review under State law.

**PP. Subsection 17.58.040(B)(1)(c) of the Goleta Municipal Code is amended to read as follows:**

Any project where Design Review Board review is specified by action of the City Council, or Planning Commission, or the Director;

**QQ. Add new Subsection 17.67.030(D) to the Goleta Municipal Code to read as follows:**

**Expiration.** If a request to initiate a General Plan Amendment is approved by City Council, a General Plan Amendment application must be submitted within two years from the date of initiation, pursuant to Chapter 17.52, Common Procedures. If no application for a General Plan Amendment is submitted within this time period, the approved initiation shall expire, become null and void, and shall not be subject to subsection 17.52.090(D), Time Extensions, of this Title.

**RR. Section 17.69.050 of the Goleta Municipal Code is amended to read as follows:**

All remedies provided for herein will be cumulative and not exclusive. The conviction and punishment of any person hereunder will not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction, or removal thereof. In addition to the other remedies provided in this Title, the City Council, the City Attorney, or any adjacent or neighboring property owner who would be especially damaged by the violation of any provision of this Title, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement, or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

**SS. Section 17.73.020 of the Goleta Municipal Code is amended as follows:**

1. Amend the definition for “Accessory Structure, Detached” to read as follows:

An accessory structure that is structurally disconnected from the primary structure.

2. Amend the definition for “Discretionary Review” to read as follows:

The review of a project that requires the exercise of judgment or deliberation and as distinguished from situations where the City merely has to determine whether there has been conformity with objective standards in applicable statutes, ordinances, or regulations. Discretionary Review includes review by a Review Authority on any of the following: Coastal Development Permits within the Appeals Jurisdiction, Conditional Use Permits, Demolition of a Historic Resource, Design Review and Overall Sign Plans reviewed by the Design Review Board, Development Plans, General Plan Amendments, Modifications, Government Code Consistency Determination, Specific Plans, Time Extensions, Variances, Zoning Ordinance Amendments, and Zoning Map Amendments, and changes to previously approved projects, such as Substantial Conformity Determinations, Amendments, and Revisions.

3. Amend the definition of “Above Moderate-Income Household” to read as follows:

Greater than 120 percent of area median income, adjusted for household size as appropriate for the unit.

4. Amend the definition of “Corner Lot” to read as follows:

A lot or parcel bounded on two sides by street lines that have an angle intersection that is not more than 135 degrees.

5. Amend the definition of “Through Lot” to read as follows:

A lot having frontage on only two parallel or approximately parallel public streets.

6. Amend the definition for “Mixed Use Development” to read as follows:

A development that combines both residential and non-residential uses in an integrated pattern with significant functional interrelationships and a coherent physical design.

## **SECTION 5**      **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 6**      **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 7**            **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 8**            **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 9**            **Effective Date**

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

**INTRODUCED ON** the \_\_\_\_ day of \_\_\_\_\_, 2022.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
PAULA PEROTTE  
MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
MICHAEL JENKINS  
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. 22-\_\_ 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

## **Attachment 2**

### **Title 17 Proposed Ordinance Amendments in Track Changes Table (For Reference Purposes Only)**

**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

Level of Change	Title 17 Citation	Tracked Changes Amendment
Minor	17.01.040(D)	Edit to §17.01.040(D) as follows:  <b>Zoning Code Determinations.</b> The Director has the authority to determine the <del>interpretation</del> <u>applicability</u> of any provision of this Title.
Minor	17.02.030(A)	Edits to §17.02.030(A) as follows:  <b>Definitions and Clarifications.</b> The Director shall <del>determine</del> <u>be responsible for the interpretation for</u> of any definition not expressly identified in this Title or provide clarification <del>and determination</del> <u>of these rules and regulations within this Title.</u>
Minor	17.07.030	Edits to the preamble of Section 17.07.030 as follows:  Table 17.07.030 prescribes development regulations for the Residential Districts for permitted and conditionally permitted uses. Letters in parenthesis (e.g., (A)) refer to the regulations following the table. When in the “Additional Regulations” column, the regulations apply to all districts. When in just one district’s column, the regulations apply only to that particular district. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations <u>specifically applicable to one or more residential districts can be found below in Section 17.07.040 et seq. Other use-specific regulations applicable to multiple districts all zoning districts, including non-residential districts,</u> are in Part IV of this Title.
Clean-Up	Table 17.07.030	Edit to replace the existing image in Table 17.07.030 labeled “Primary Street” with new image that correctly depicts the front setback (shown as #3 in the image).
Clean-Up	17.07.040(B)(8)(e)(i)	Edit to §17.07.040(B)(8)(e)(i) as follows:  i. The maximum floor area of each new <del>primary</del> <u>principal</u> dwelling is 800 square feet.
Clean-Up	Table 17.09.020	Edits to footnote number 5. of Table 17.09.020 as follows:  Only if it is in association with an <del>allowed</del> <u>permitted</u> use. Where a parcel has multiple tenant spaces, Indoor Warehousing and Storage must be within the same tenant space as the <del>allowed</del> <u>permitted</u> use but is not subject to the Accessory Use standards in Section 17.41.040.
Minor	17.24.020(C)	Edits to §17.24.020(C) as follows:  <b>Relation to Primary Use or Other Structures.</b> <u>1. Primary Use.</u> An attached or detached accessory structure may <u>only</u> be constructed on a lot on which there is a primary use to which the accessory structure is related. <u>2. Building Separation.</u> A detached accessory structure must be separated from the primary structure and any other accessory structure <u>by at least five feet.</u>

**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

<b>Minor</b>	17.24.020(D)(1)(b)	<p>Edits to §17.24.020(D)(1)(b) as follows:</p> <p><i>Rear Setbacks.</i></p> <p>i. <del>If height</del> Accessory structures greater than 12 feet: <u>in height</u> Accessory structures must conform to the setback regulations of the district, or as otherwise allowed under this Title.</p> <p>ii. <del>If height</del> Accessory structures <u>that are</u> less than or equal to 12 feet: Accessory structures may be located no less than three feet from the rear lot line. <del>In addition, located no closer than five feet from the principal structure, but may not occupy no more than 40 percent of the required rear setback area.</del></p>
<b>Minor</b>	17.24.090	<p>Rename Section to <b>“Fences, Freestanding and Retaining Walls, and Hedges”</b></p> <p>Edit first sentences to read as follows:</p> <p>“Fences, freestanding <u>and retaining</u> walls, and hedges must comply with the following standards.”</p>
<b>Minor</b>	17.28.020(B)(1)	<p>Edits to §17.28.020(B)(1) as follows:</p> <p>1. <u>Projects to construct one, §single-unit dwellings on an existing “R” zoned lot;</u></p>
<b>Clean-Up</b>	17.28.060(C)(4)	<p>Edit to §17.28.060(C)(4) to correct the citation to the Inclusionary Housing – Enforcement Section of Title 17.</p> <p><b>Reporting.</b> The Director may require certification of continuing occupancy of the inclusionary unit by eligible households, which must be verified to the reasonable satisfaction of the Director by means of a written report to the Director, setting forth the income and family size of the occupants of the inclusionary unit. The property owner or housing management entity will be deemed in default of the Inclusionary Housing Agreement if failing to deliver such annual report within 30 days after receipt of written notice from the Director requesting such report and subject to enforcement pursuant to Section 17.28.1210, Inclusionary Housing – Enforcement. The Director will have the option of establishing the type of form to be used for the report.</p>
<b>Clean-Up</b>	Table 17.38.040(A)	<p>Edit to Table 17.38.040(A) for Studio and one-bedroom units as follows:</p> <p>“2 spaces <u>per unit.</u>”</p>
<b>Required</b>	17.38.040(E) [New]	<p>Add new subsection 17.38.040(E) to incorporate changes to State law provisions for EV Charging Stations to read as follows:</p> <p><b>Electrical Vehicle Charging Stations.</b> The number of required parking spaces for an existing use shall be reduced by the <u>amount necessary to accommodate electric vehicle charging stations and any associated equipment that interfere with, reduce, eliminate, or in any way impact the required parking spaces for the existing uses.</u></p>
<b>Required</b>	17.39.070(A)(1)	<p>Edit to §17.39.070(A)(1) to better align with the City’s General Plan, as follows:</p> <p>Proposals for new development that would cause standards to exceed the <del>Normally Acceptable</del> <u>Clearly Unacceptable</u> noise exposure for any use may only be approved if the project would provide a substantial benefit to the City.</p>



**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

Minor	17.40.060(I)(1)	<p>Edit to §17.40.060(I)(1) and §17.40.060(I)(1)(a) to streamline permit path for existing signs in certain instances to allow Design Review Board approval in-lieu of a Major Conditional Use Permit.</p> <p><b>I. Changeable Copy.</b> The use of changeable copy on signage is subject to Design Review and may only be permitted in accordance with the following regulations.</p> <p>1. <b>Electronic Copy.</b> <del>Electronic changeable copy is only allowed in non-residential districts and as follows:</del>  <u>Electronic copy may only be used on new signs with approval of a Major Conditional Use Permit and may only be used on existing signs, subject to the requirements of this Chapter, with Design Review Board approval and an effectuating Zoning Clearance.</u></p> <p>a. <del>Location. Electronic copy may only be used for the following with approval of a Major Conditional Use Permit. Electronic changeable copy must be located outside of any adopted scenic corridor and is only allowed within non-residential districts and as follows:</del>  <u>Location. Electronic changeable copy must be located outside of any adopted scenic corridor and is only allowed within non-residential districts and as follows:</u></p> <ul style="list-style-type: none"> <li>i. Fuel price signs at service and gas station sites.</li> <li>ii. Indoor theaters to display current and future showings.</li> <li>iii. Public/Quasi-Public uses on land with at least 400 feet of continuous street frontage.</li> </ul>
Minor	17.40.080	<p>Rename §17.40.080 to read: <u>Additional Standards for Specific Sign Types.</u></p> <p>Add a new preamble to §17.40.080 to read as follows:</p> <p><u>This Section establishes additional development standards for specific sign types. The standards set forth below are in addition to any standards, allowances, or limitations set forth elsewhere in this Chapter.</u></p>
Minor	17.40.100(A)	<p>Edits to §17.40.100(A) as follows:</p> <p><b>Applicability.</b> <del>Except for illegal/unpermitted signs, all</del> <u>All</u> exempt and/or permitted signage that exists within the City on the date this Title becomes effective that is made nonconforming as to this Chapter shall be subject to <del>Chapter 17.36, Nonconforming Uses and Structures</del> <u>the following provisions of this Section. All illegal or unpermitted signs shall be deemed in violation of this Title and are subject to Chapter 17.69, Enforcement.</u></p>
Clean-Up	17.41.180(B)	<p>Edit to §17.40.180(B) as follows:</p> <p><b>Allowable Uses.</b> Live/Work Units must contain a residential uses, but are not required to maintain a “work” or commercial uses.</p>
Clean-Up	17.41.220	<p>Edit to the preamble of §17.41.220 as follows:</p> <p><del>Large</del> <u>Residential care facilities</u> must be located, developed, and operated in compliance with the following standards, where allowed by Part II, Base Zoning District Standards and Allowed Uses:</p>
Clean-Up	17.41.220(A)	<p>Edit to §17.41.220 as follows:</p> <p><b>Small Residential Care Facilities.</b> There are not City-specific standards for Small Residential Care Facilities.</p>

**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

Minor	17.50.060(A)(2)	Edits to §17.50.060(A)(2) as follows:  Make official, <del>written</del> <u>Zoning Code</u> <del>d</del> <u>Determinations of as to the applicability or interpretation of any provision of this Title, as required pursuant to subsection 17.01.040(D) of this Title.</u>
Minor	17.50.060(A)(3) [NEW]	Edit to §17.50.060(A) to add a new subsection (3), to read as follows:  <u>Provide clarification of the rules and regulations of this Title, pursuant to subsection 17.02.030(A).</u>  And renumber the remaining items in the subsection accordingly.
Minor	17.52.050(A)	Edits to §17.52.050(A) as follows:  <b>Applicability.</b> Public notice is required for the following types of permits, <u>actions</u> , and hearings:
Clean-Up	17.52.050(A)(1)	Edit to §17.52.050(A)(1) as follows:  <b>Zoning Permits.</b> All Zoning Permits, except for Zoning Clearances <del>require public noticing.</del>
Clean-Up	17.52.050(A)(2)	Edit to §17.52.050(A)(2) as follows:  <b>Zoning Code Determination.</b> <del>A</del> All Zoning Code <del>d</del> <u>Determinations by the Director pertaining to the interpretation or applicability of this Title require noticing only on the City's website.</u>
Minor	17.52.050(A)(3) [NEW]	Edit to add new subsection 17.52.050(A)(3) for Director Decisions, to read as follows: 3. <b>Director Decisions.</b> An action by the Director on applications for a Substantial Conformity Determination, pursuant to subsection 17.52.100(B) or an Amendment to a prior discretionary approval, pursuant to subsection 17.52.100(C) of this Title.  Renumber the remaining subsection "Public Hearings" to (4) accordingly.
Required	17.52.050(B)(2)(e)	Edit to §17.52.050(B)(2)(e) to better align with State law, as follows:  A statement, that if a person challenges the subject project in court, that person may be limited to raising only those issues that the person, or someone else <del>speaking on their behalf</del> , raised at the public hearing or in written correspondence delivered to the City at, or before, the public hearing; <del>and.</del>
Minor	17.52.050(B)(2)(f)	Edits to §17.52.050(B)(2)(f) to read as follows:  f. For City Council hearings, the <del>Planning Commission recommendation</del> <u>dates of all prior public hearings by City Review Authorities, pursuant to Chapter 17.50 of this Title.</u>
Minor	17.52.100	Edits to the preamble of §17.52.100 to read as follows:  <u>Changes to <del>prior</del> previously approved Zoning Permits and Discretionary Approvals and Zoning Permits for new development shall be reviewed against the regulations and development standards in effect at the time the City acts upon the application for the requested change and must be processed as follows: pursuant to this Section. Any Nonconforming, existing development shall be subject to Chapter 17.36, Nonconforming Uses and Structures.</u>

**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

<b>Minor</b>	17.52.100(A)(1)(e)	Edits to §17.52.100(A)(1)(e) to read as follows:  The minor change is exempt from <del>review by the Design Review Board</del> , pursuant to Section 17.538.020, Exemptions— <del>Exempt Development</del> , and would not be counter to <u>any</u> design direction <u>previously</u> provided;
<b>Minor</b>	17.52.100(A)(1)(f)	Edit to §17.52.100(A)(1)(f) to read as follows:  The change would otherwise be exempt from a Zoning Permit <u>or only require a Zoning Clearance</u> ;
<b>Clean-Up</b>	17.52.100(B)(1)	Edit to §17.52.100(B)(1) to replace the term “issued” to “approved” in the first sentence, as follows:  <b>Minor Changes to Approved Development.</b> The Director may approve a minor change to any Conditional Use Permit or Development Plan <del>issued</del> <u>approved</u> pursuant to this Title prior to the approval expiration, if applicable.
<b>Clean-Up</b>	17.52.100(B)(1)(a)(i-iii)	Edits to subsections 17.52.100(B)(1)(a)(i-iii) as follows:  a. <i>Development Thresholds</i> to read as follows: i. The change will not result in an increase of 1,000 square feet or more than ten percent, <u>whichever is less</u> , of building coverage of new structures over <u>the total previous Permit or Plan allowed in the original approval</u> , <del>whichever is less</del> . ii. The change will not result in an overall height, which is greater than ten percent above the <del>previous Permit or Plan approval</del> <u>originally approved</u> height. iii. The change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area (50 cubic yards in the Coastal Zone) and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for the project; mitigation measures were imposed to mitigate said impacts and the <del>proposal would change will</del> not compromise the mitigation measures imposed.
<b>Clean-Up</b>	17.52.100(B)(2)(a)	Edit to §17.52.100(B)(2)(a) as follows:  The findings required for the original approval <del>must be re-made</del> <u>can still be made</u> .
<b>Minor</b>	17.52.100(B)(2)(d)	Edits to §17.52.100(B)(2)(d) as follows:  Any <del>revisions</del> <u>changes</u> to the original project <del>have received</del> are consistent with <u>any prior</u> Design Review <del>Board</del> approval or conditions of approval for landscaping and structures, <del>if necessary</del> .
<b>Minor</b>	17.52.120(D)(1)	Edits to §17.52.120(D)(1) as follows:  <b>Proceedings Stayed by Appeal.</b> The timely filing of an appeal <u>within the 10-day appeal period</u> shall <del>stay</del> <u>stays</u> all proceedings <del>in for the matter</del> <u>permit or action</u> being appealed.
<b>Minor</b>	17.53.020(V)	Edit to §17.53.020(V) as follows:  The temporary use of generators in the event of a power outage or for <u>other</u> emergency use. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations, Section 93115, as may be amended. <del>For purposes of this subsection, the limit on use of a generator in an emergency is 90 days per emergency.</del>

**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

<b>Clean-Up</b>	17.54.020(B)(3)	Grammatical edit to §17.54.020(B)(3) as follows:  Design Review Board Approvals for individual Signs not associated with an Overall Sign Plan and actions to grant Design Review approval for a project where the Design Review Board is the Review Authority.
<b>Minor</b>	17.54.040	Edits to §17.54.040 as follows: <b>17.54.040 Required Findings</b> <u>A. Entitlement Permit. In addition to Other than those findings required pursuant to Section 17.52.070, Common Procedures – Findings for Approval, the following findings must be made: no additional permit-specific findings are required for the issuance of an Entitlement Zoning Permit.</u> <u>B. Effectuating Permit. Prior to the issuance of an Effectuating Zoning Clearance, the following findings must be made:</u> 2. <del>Any</del> All necessary, prior approvals have been obtained. 3. Any “Prior to Issuance of Zoning Clearance” conditions from the Discretionary Approval have been met.
<b>Required</b>	17.58.020(A)(6) [NEW]	Add new subsection §17.58.020(A)(6) to acknowledge State law as follows:  <u>Projects requiring only ministerial review under State law.</u>
<b>Clean-Up</b>	17.58.040(B)(1)(c)	Grammatical and text edits to §17.58.040(B)(1)(c) as follows:  Any project where Design Review Board review is specified by action of the City Council, <del>or</del> Planning Commission, <del>or the Director of Planning and Environmental Review;</del>
<b>Minor</b>	17.67.030 [NEW]	Add new subsection §17.67.030(D) to read as follows:  <b><u>Expiration.</u></b> <u>If a request to initiate a General Plan Amendment is approved by City Council, a General Plan Amendment application must be submitted within two years from the date of initiation, pursuant to Chapter 17.52, Common Procedures. If no application for a General Plan Amendment is submitted within this time period, the approved initiation shall expire, become null and void, and shall not be subject to subsection 17.52.090(D), Time Extensions, of this Title.</u>
<b>Required</b>	17.69.050	Edit to Section 17.69.050, Remedies, to better align with State law, as follows:  <del>An alleged violator who is served with notice of violation subject to a civil penalty will not be subject to a criminal prosecution for the same factual situation. However, all other</del> All remedies provided for herein will be cumulative and not exclusive. The conviction and punishment of any person hereunder will not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction, or removal thereof. In addition to the other remedies provided in this Title, the City Council, the City Attorney, or any adjacent or neighboring property owner who would be especially damaged by the violation of any provision of this Title, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement, or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

**Attachment 2: Title 17 Proposed Ordinance Amendments in Tracked Changes Table (For Reference Purposes Only)**

Clean-Up	17.73.020	Edit to Section 17.73.020, Definitions, under “Accessory Structure,” as follows:  <b><i>Detached.</i></b> An accessory structure that is structurally disconnected from the <del>principle</del> <u>primary</u> structure.
Clean-Up	17.73.020	Edit to Section 17.73.020, Definitions, as follows:  <b><i>Discretionary Review.</i></b> The review of a project that requires the exercise of judgment or deliberation and as distinguished from situations where the City merely has to determine whether there has been conformity with objective standards in applicable statutes, ordinances, or regulations. Discretionary Review includes review by a Review Authority on any of the following: Coastal Development Permits within the Appeals Jurisdiction, Conditional Use Permits, Design Review and Overall Sign Plans reviewed by the Design Review Board, Development Plans, General Plan Amendments, Modifications, Government Code Consistency Determination, Specific Plans, Time Extensions, Variances, Zoning Ordinance Amendments, <del>and</del> Zoning Map Amendments, <u>and changes to previously approved projects, such as Substantial Conformity Determinations, Amendments, and Revisions.</u>
Clean-Up	17.73.020	Edit to Section 17.73.020, Definitions, under “Income Levels” as follows:  <b><i>Above Moderate-Income Household.</i></b> <u>Greater than 120 to 200</u> percent of area median income, adjusted for household size as appropriate for the unit.
Clean-Up	17.73.020	Edits to Section 17.73.020, Definitions, under “Lot Type” as follows:  <b><i>Corner Lot.</i></b> A lot or parcel bounded on two <del>or more</del> sides by street lines that have an angle intersection that is not more than 135 degrees. <b><i>Through Lot.</i></b> A lot having frontage on <u>only two</u> parallel or approximately parallel <u>public</u> streets.
Clean-Up	17.73.020	Edit to Section 17.73.020, Definitions, as follows:  <b><i>Mixed-Use Development.</i></b> A development that combines both residential and non-residential uses <del>on the same lot</del> in an integrated pattern with significant functional interrelationships and a coherent physical design.

**Definitions:**

Clean-Up – Small, typographical error that will be edited by the City Clerk and not require inclusion in Ordinance Amendment.

Minor – To be considered minor, the proposed edit(s) must not change the clearly defined intent or application of the provision and has not been an issue of public debate or controversy. If the edit would create controversy, it will not be included as a minor edit and will rather be included with later substantive edits that will be subject to public workshops and adoption hearings.

Required – Edits that are included due to the City’s requirement to comply with new or revised State or federal law(s).

### **Attachment 3**

#### **Environmental Document: [Draft] Notice of Exemption**

## NOTICE OF EXEMPTION (NOE)

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**To:** ☐ Office of Planning and Research  
P.O. Box 3044, 1400 Tenth St. Rm. 212  
Sacramento, CA 95812-3044

**From:** City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

☒ Clerk of the Board of Supervisors  
County of Santa Barbara  
105 E. Anapamu Street, Room 407  
Santa Barbara, CA 93101



**Subject:** Filing of Notice of Exemption

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**Project Title:** Title 17 (Zoning) Amendments (Case No. 22-0001-ORD)

**Project Applicant:** City of Goleta

**Project Location (Address and APN):** Citywide

**Description of Nature, Purpose and Beneficiaries of Project:**

On March 3, 2020, City Council adopted Title 17 (Zoning) of the Goleta Municipal Code. The proposed ordinance amendments to Title 17 include amendments to the recently adopted Title 17 to address State law and General Plan consistency, remedy issues identified while implementing regulations during application review, and provide clarity to the adopted development standards. The topics for the ordinance amendment includes the following:

- General Plan and State law consistency related to Electrical Vehicle Charging Stations, noise exposure levels, eligible appellants, and projects requiring only ministerial review
- Director roles
- Building separation, allowable height and size for accessory structures
- Retaining walls
- Sign standards
- Changes to previously-approved permits
- Zoning Clearance permits
- Emergency generators
- General Plan Amendment Initiations
- Zoning Enforcement and Remedies
- Revised Definitions
- Other Clarifying Revisions

**Name of Public Agency Approving the Project:** City of Goleta

**Name of Person or Agency Carrying Out the Project:** City of Goleta

**Exempt Status:** *(check one)*

- ☐ Ministerial (§15268)
- ☐ Declared Emergency (§15269 (a))
- ☐ Emergency Project (§15269 (b) (c))
- ☐ Categorical Exemption: (Insert Type(s) and Section Number(s))
- ☒ Statutory Exemption: Public Resources Code, §21083.3; CEQA Guidelines, §15183)
- ☒ Other: CEQA Guidelines, §15060(c)(3); §15378(b)(5); §15061(b)(3)

## NOTICE OF EXEMPTION (NOE)

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### **Reason(s) why the project is exempt:**

This Ordinance is not subject to the California Environmental Quality Act (CEQA) 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(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

The Ordinance is 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.

In addition, Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) exempt from further environmental review certain qualifying projects that are consistent with a community plan or zoning. Under this statutory exemption, projects that are consistent with the development density of existing zoning, community plan or General Plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional CEQA review except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. Specifically, where a prior EIR relied upon by the lead agency was prepared for a General Plan meeting the requirements of State CEQA Guidelines Section 15183, any rezoning action consistent with the General Plan shall be treated as an exempt project pursuant to Section 15183 of the CEQA Guidelines.

Here, the City of Goleta has an existing, adopted General Plan for which an EIR was certified. The Title 17 Ordinance Amendment is consistent with the existing, adopted General Plan and its development densities. No project-specific significant effects would occur that are particular to the adoption of the Title 17 Ordinance Amendment. Therefore, no additional CEQA review is required.

### **City of Goleta Contact Person:**

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Peter Imhof

Director, Planning & Environmental Review

Date



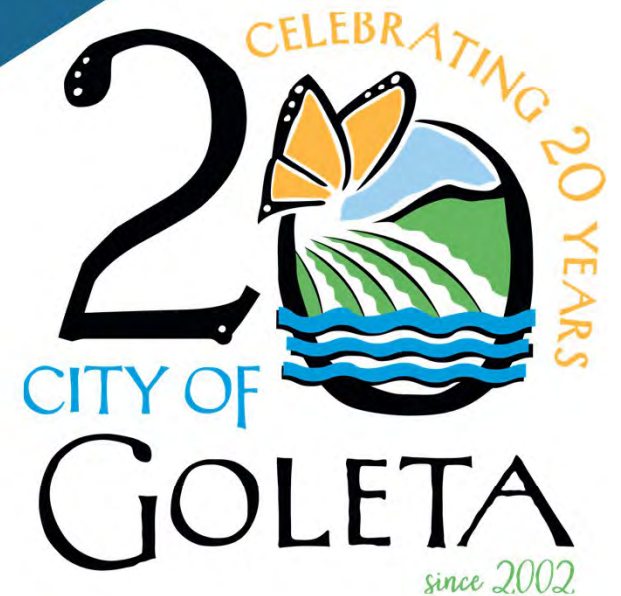
**Attachment 4**  
**Staff Presentation**

# City of Goleta

## Public Hearing: Title 17 Amendments Ordinance City Council Adoption Hearing

*Presentation By:*  
Anne Wells  
J. Ritterbeck  
Andy Newkirk

May 3, 2022



# Title 17 (Zoning) Adoption

<b>April 3, 2020:</b>	Title 17 Effective Date
<b>June 22, 2020:</b>	Round 1 Revisions at PC
<b>October 6, 2020:</b>	Round 1 CC Adoption
<b>June 14, 2021:</b>	Round 2 Revisions at PC
<b>September 21, 2021:</b>	Round 2 CC Adoption
<b>March 28, 2022:</b>	Round 3 Revisions at PC
<b>May 2022:</b>	Round 3 CC Adoption



# Public Hearing Agenda

## ❖ Suggested Format

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- Staff Presentation
  - Councilmember Questions
  - Public Comment
- 
- Council Deliberation
  - Action on Recommendation

# General Plan and State Law Consistency

May 3, 2022

4

# State Law Consistency

- Electrical Vehicle Charging Stations
- Appeals
- Ministerial Review of Specific Housing Projects
- Zoning Enforcement Remedies





# General Plan Consistency

## • Noise Exposure Levels

### Policy NE 1: Noise and Land Use Compatibility Standards [GP]

**Objectives:** To protect Goleta's residents, workers, and visitors from excessive noise by applying noise standards in land use decisions. To ensure compatibility of land uses with noise exposure levels, and to neither introduce new development in areas with unacceptable noise levels nor allow new noise sources that would impact existing development.

#### NE 1.1

**Land Use Compatibility Standards. [GP]** The City shall use the standards and criteria of Table 9-2 to establish compatibility of land use and noise exposure. The City shall require appropriate mitigation, if feasible, or prohibit development that would subject proposed or existing land uses to noise levels that exceed acceptable standards to be exceeded shall only be approved if the project would provide a substantial benefit to the City (including but not limited to provision of affordable housing units or as part of a redevelopment project), and if adequate mitigation measures are employed to reduce interior noise levels to acceptable levels.

#### NE 1.2

**Location of New Residential Development. [GP]** Where sites, or portions of sites, designated by the land use element for residential use exceed 60 dBA CNEL, the City shall require measures to be incorporated into the design of projects that will mitigate interior noise levels and noise levels for exterior living and play areas to an acceptable level. In the event that a proposed residential or mixed-use project exceeds these standards, the project may be approved only if it would provide a substantial benefit to the City, including, but not limited to, provision of affordable residential units. Mitigation measures shall reduce interior noise levels to 45 dBA CNEL or less, while noise levels at exterior living areas and play areas should in general not exceed 60 dBA CNEL and 65 dBA CNEL, respectively.

TABLE 9-2  
NOISE AND LAND USE COMPATIBILITY CRITERIA

Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential—low density	50-60	60-65	65-75	75-85+
Residential—multiple family	50-60	60-65	65-75	75-85+
Transient lodging—motels and hotels	50-65	65-70	70-80	80-85+
Schools, libraries, churches, hospitals, and nursing homes	50-60	60-65	65-80	80-85+
Auditoriums, concert halls, and amphitheaters	NA	50-65	NA	65-85+
Sports arenas and outdoor spectator sports	NA	50-70	NA	70-85+
Playgrounds and neighborhood parks	50-70	NA	70-75	75-85+
Golf courses, riding stables, water recreation, and cemeteries	50-70	NA	70-80	80-85+
Office buildings, business commercial, and professional	50-67.5	67.5-75	75-85+	NA
Industrial, manufacturing, utilities, and agriculture	50-70	70-75	75-85+	NA

#### Notes:

- Normally Acceptable:** Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- Conditionally Acceptable:** New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.
- Normally Unacceptable:** New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements shall be made and needed noise insulation features shall be included in the design.
- Clearly Unacceptable:** New construction or development should generally not be undertaken.
- NA:** Not applicable.

Source: Modified from U.S. Department of Housing and Urban Development Guidelines and State of California Standards.

# Proposed “Minor” Revisions

May 3, 2022

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# Proposed “Minor” Revisions

- Director Decisions: Types & Noticing
- Additional Development Regulations
- Accessory Structures: Location & Size
- Retaining Walls
- Inclusionary Housing
- Regulations for Specific Sign Types
- Nonconforming Signs
- Electronic Changeable Copy
- Public Notice
- Changes to Approved Permits
- Appeal Period
- Emergency Generators
- Findings: Zoning Clearance
- General Plan Initiations

# Other Proposed Clean-Ups

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# Proposed “Clean-Up” Revisions

- Image for “Buildable Area”
- “Principal” v. “Primary” structures
- “Allowed” vs. “Permitted”
- Mis-citations
- Typographical errors
- “Issued” vs. “Approved”
- Clarify phrasing
- Definitions

# California Environmental Quality Act (CEQA)

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# CEQA

Adoption of the ordinance amending Title 17 is exempt from environmental review:

- CEQA Guidelines §15060(c)(3) and §15378(b)(5) (not a project)
- CEQA Guidelines §15061(b)(3) (no possibility for causing a significant effect on the environment)
- Public Resources Code §21083.3 and CEQA Guidelines §15183 (impacts already analyzed in General Plan EIR)

# Council Deliberation and Action

May 3, 2022

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# Recommendation

Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 22-\_\_\_, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 of the Goleta Municipal Code.”