



Agenda Item B.4
CONSENT CALENDAR
Meeting Date: August 16, 2022

TO: Mayor and Councilmembers

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

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

SUBJECT: Title 17 (Zoning) Ordinance Amendments for Electronic Changeable Copy Signs: Second Reading (Case No. 22-0001-ORD)

RECOMMENDATION:

Conduct second reading (by title only, waiving further reading) and adopt Ordinance No. 22-___, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Amendments to Title 17 of the Goleta Municipal Code for Electronic Changeable Copy Signs”

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. A second set of amendments was adopted on September 21, 2021 via Ordinance No. 21-07. Since that time, staff has continued to track implementation of Title 17 and 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. A third set of amendments was adopted on May 17, 2022, via Ordinance No. 22-06, addressing those changes. The proposed Ordinance, which is the subject of this staff report, will close the loop on the one outstanding issue remaining from the City’s third round of amendments.

The City Council directed staff to return at a later date with additional data relating to electronic changeable copy (ECC) signage for further discussion. At issue is the question of whether the City should change the permit path for existing manual changeable copy signage for upgrading to electronic changeable copy (ECC). Consistent with City

Council's direction, staff compiled the requested information, which is presented below along with a summary of the recommended text amendments to the relevant development standards of Title 17. The final version of the amendments is included as Attachment 1 to this staff report and includes all of the edits and direction provided to staff at the July 19, 2022 public hearing.

DISCUSSION:

On July 19, 2022, the City Council reviewed staff's recommended revisions to existing development standards for electronic changeable copy signs in response to Council's direction at the May 3, 2022 adoption hearing. The City Council reviewed the amended text and approved the amendments at the July 19, 2022 hearing but must conduct a second reading of the Ordinance prior to the Ordinance going into effect. City Council has the final text of the Ordinance Amendments and should conduct the second reading and adopt the Ordinance, which would then be effective on the thirty-first day after adoption.

FISCAL IMPACTS:

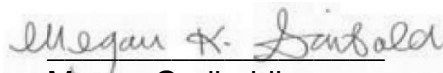
There is no direct fiscal impact from adoption of the Ordinance. Funding for Planning and Environmental Review staff time to prepare the Ordinance was included in the adopted FY 2021-22 and 2022-23 Budget under Program 4300 of the Advance Planning Division.


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Michelle Greene
City Manager

ATTACHMENT:

1. Ordinance No. 22-__, entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting Amendments to Title 17 of the Goleta Municipal Code for Electronic Changeable Copy Signs"

Attachment 1

Ordinance No. 22-__, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Amendments to Title 17 of the Goleta Municipal Code for Electronic Changeable Copy Signs”

ORDINANCE NO. 22-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 17 OF THE GOLETA MUNICIPAL CODE FOR ELECTRONIC CHANGEABLE COPY SIGNS

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 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 May 3, 2022, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, at the May 3, 2022 hearing, City Councilmembers directed staff to conduct additional research on electronic changeable copy signage and to return to the City Council at a future public hearing to continue the discussion of the topic; and

WHEREAS, by a majority vote on July 19, 2022, the City Council adopted Ordinance No. 22-__, which amends various development standards and permit path of Title 17 of the GMC as they relate to electronic changeable copy signs;

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. The textual amendments relate to minor revisions to development standards and the permit path for signs using electronic changeable copy and do not alter the previous finding of Title 17 consistency with the General Plan, as presented in Ordinance No. 20-03, which codified the New Zoning Ordinance as Title 17 of the Goleta Municipal Code.

Specifically, the Ordinance maintains consistency with General Plan policies relating to the protection of public views and amends the associated sections of Title 17 to better align the City's desire to have fair, responsible, and defensible zoning regulations. Amendments to development standards for electronic changeable copy signs now allow the City more flexibility to condition and mitigate such development.

Finally, an amendment to the City's Design Review procedures in subsection 17.58.040(B) to add the Design Review Board as the Review Authority for electronic changeable copy signs.

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 to change the permit process for certain electronic changeable copy signage 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. Any future development that constitutes

physical changes in the environment will have subsequent CEQA review for those projects.

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.

SECTION 4 **Title 17 (Zoning) Ordinance Amendments**

Title 17 of the Goleta Municipal Code is hereby amended as specified below.

A. The entirety of Subsection 17.40.060(I) is amended to read as follows:

Changeable Copy. The use of changeable copy on signage is subject to Design Review and may only be permitted in accordance with the following regulations.

1. ***Electronic Copy.*** Electronic changeable copy is only allowed in non-residential districts and as follows:
 - a. ***Zoning Clearance Required.*** Electronic copy may be used for the following with Design Review Board approval and issuance of a Zoning Clearance.
 - i. Replacement of existing manual changeable copy with electronic copy on conforming signs and those subject to Section 17.40.100.
 - b. ***Major Conditional Use Permit Required.*** Electronic copy may be used for the following with approval of a Major Conditional Use Permit.
 - i. New signage to display fuel prices at gas station service sites.
 - ii. New signage for indoor theaters to display current and future showings.
 - iii. New signage for Public/Quasi-Public uses on land with at least 400 feet of continuous street frontage.
 - c. ***Development Standards.*** The following development standards apply to signs using electronic copy.
 - i. **Maximum Number.** One per legal lot or permitted use.
 - ii. **Maximum Height.** 10 feet.
 - iii. **Maximum Area.** Electronic copy can represent no more than 50 percent of the maximum allowable sign area.

- iv. Display Duration. Changes to copy are limited to a maximum of twice per day.
- v. Light Color. Light color shall be static and must not give the appearance of animation. No change in light color is permitted without review and approval by the Design Review Board.
- vi. Light Intensity. The intensity of the sign lighting may not exceed 0.3 foot-candles over ambient lighting conditions when measured at the nearest property line. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle limitation.

B. Section 17.40.100 is amended to add a new subsection (E) to read as follows:

Electronic Changeable Copy. Any and all existing, legally permitted, nonconforming signage structure(s) using manually changeable copy may replace the existing copy with electronic changeable copy only if no structural alterations are made to the existing signage structure(s).

C. Subsection 17.58.040(B)(1) is amended to add a new subsection (g) to read as follows:

All signage using electronic changeable copy, including both new signs and existing signage structures replacing manual copy with electronic.

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 31st 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

MEGAN GARIBALDI
CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 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