



TO: Planning Commission Chair and Members

FROM: Peter Imhof, Planning and Environmental Review Director

CONTACT: Chris Noddings, Assistant Planner
Mary Chang, Supervising Senior Planner

SUBJECT: Proposed General Plan Amendment and Ordinance Amendment for 5631 Calle Real; APNs 069-160-057, -058; Case Nos. 20-0002-GPA; 20-0002-ORD

RECOMMENDATION

It is recommended that the Planning Commission:

1. Open a public hearing to take verbal and written testimony; and
2. After considering the evidence presented during the public hearing, adopt Resolution No. 20-__ entitled "A Resolution of the Planning Commission of the City of Goleta, California, recommending that the City Council 1) Approve a General Plan Amendment from Public/Quasi-Public (P-QP) to Community Commercial (C-C); and 2) Approve an Ordinance Amendment from Public/Quasi-Public (P-QP) to Community Commercial (C-C) on a 4,355-square foot (0.1-acre) site located at 5631 Calle Real, APNs 069-160-057, -058; Case Nos. 20-0002-GPA, 20-0002-ORD" (Attachment 1).

AGENT

Sarah Bronstad, Vanguard Planning Inc.
735 State Street, Suite 204
Santa Barbara, CA 93101

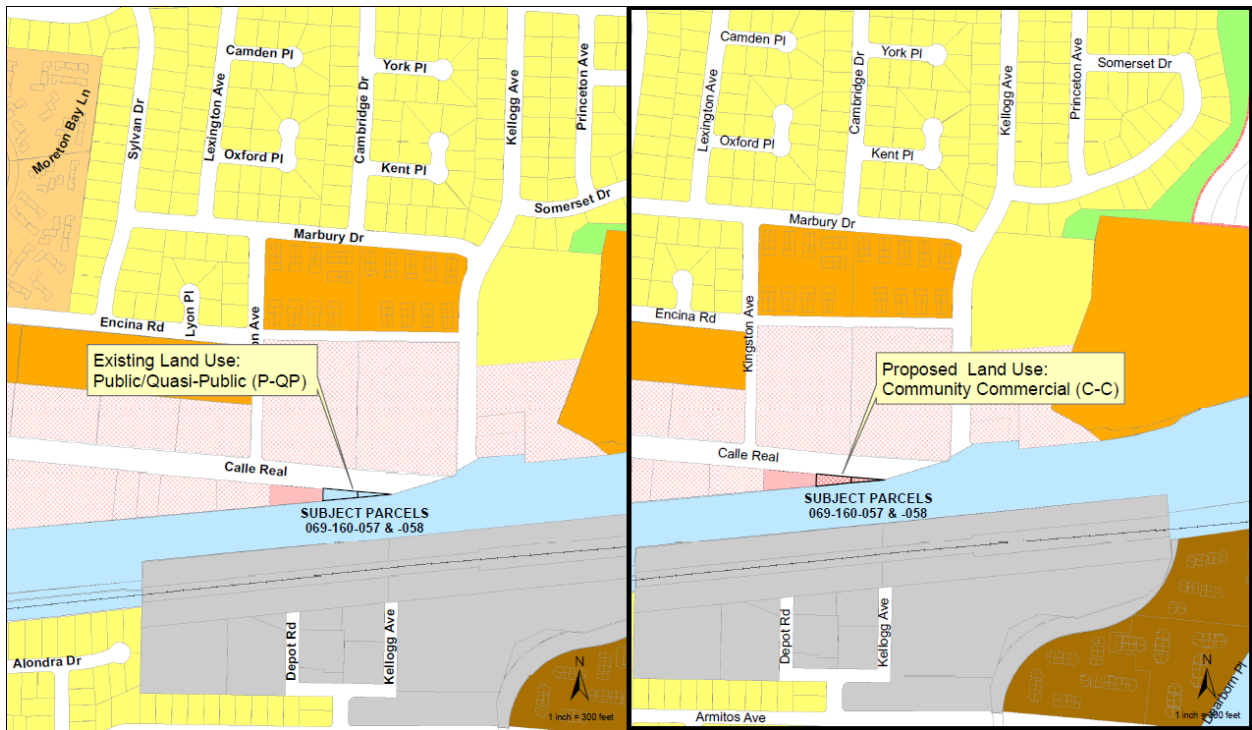
APPLICANT/PROPERTY OWNERS

The Sun Group, LLC
5631 Calle Real
Goleta, CA 93117

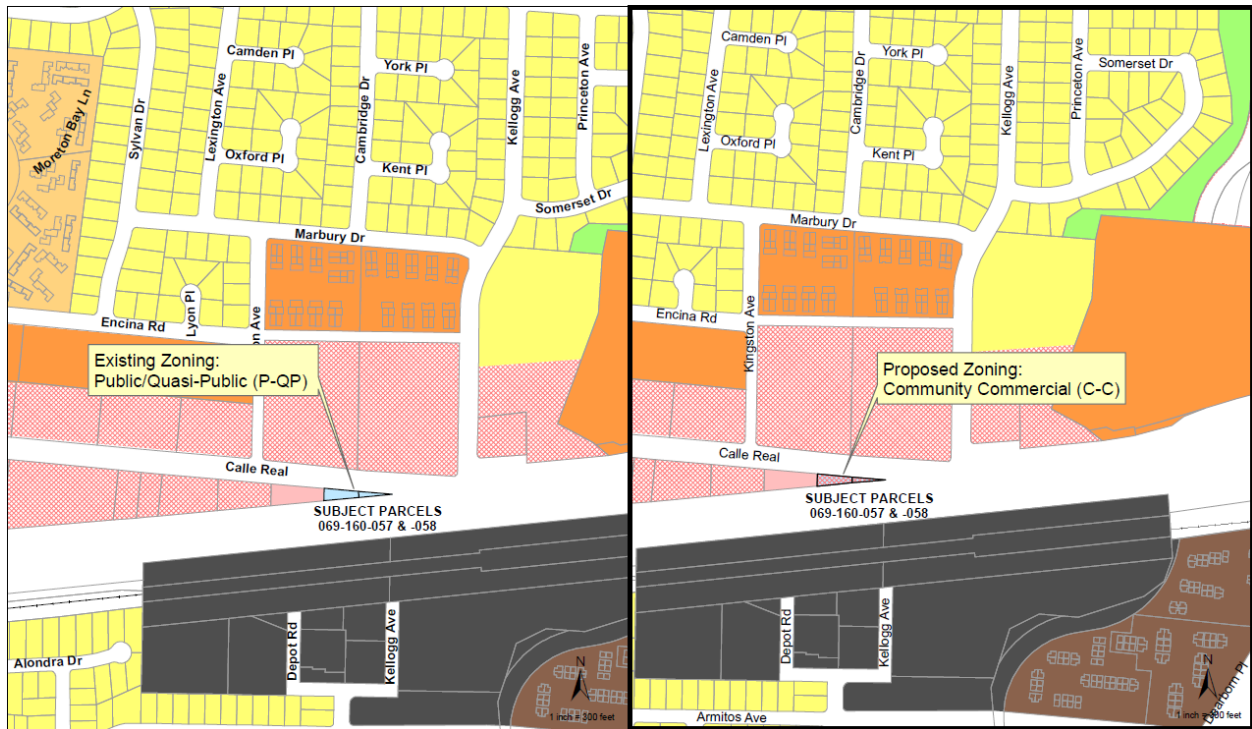
APPLICANT'S REQUEST / PROJECT DESCRIPTION

On March 31, 2020, The Sun Group, LLC ("Applicant") filed an application to change the subject property's General Plan land use and zoning designations. The applicant requests a General Plan Amendment to change the General Plan/Coastal Land Use Plan (GP/CLUP) Land Use Element Figure 2-1, the Land Use Plan Map, from Public/Quasi-Public (P-QP) to Community Commercial (C-C). Also requested is an Ordinance Amendment to change the zoning designation (from P-QP to C-C), consistent with the proposed General Plan Amendment. These changes are shown on Figure 1 below. No

physical development is proposed and no modifications to the existing building are requested.



General Plan Land Use Designation – Existing and Proposed



Zoning Designation – Existing and Proposed

Figure 1: Existing and Proposed General Plan Land Use and Zoning Designations

Below is a summary of the relevant dates for this project. City Council Resolution 20-11, initiating the GPA process, is provided as Attachment 2.

<i>GPA-Initiation Application Filed:</i>	<i>December 17, 2019</i>
<i>City Council General Plan Amendment Initiation:</i>	<i>March 3, 2020</i>
<i>GPA and ORD Application Filed (Initial Submittal):</i>	<i>March 31, 2020</i>
<i>Zoning on the Site Changed with Effective date of Title 17 zoning provisions:</i>	<i>April 3, 2020</i>
<i>GPA and ORD Application Deemed Complete:</i>	<i>June 26, 2020</i>
<i>Native American Consultation Request:</i>	<i>September 4, 2020</i>
<i>Native American Consultation Period Ends (Estimated):</i>	<i>December 7, 2020</i>
<i>DRB Review:</i>	<i>Not Applicable as no changes to existing building /site proposed</i>

JURISDICTION

Final action on the General Plan Amendment and Ordinance Amendment requests is the responsibility of the City Council (Subsection 17.50.030(A)). However, Chapters 17.66 (Changes to Zoning Maps) and 17.67 (Changes to the General Plan) require the Planning Commission to review any proposed GPA and Zoning Map changes at a noticed public hearing and provide a recommendation to the City Council.

BACKGROUND

Project Site: Location, Existing Uses, and Adjacent Land Use and Zoning

The 4,355-square-foot subject site is located on the south side of Calle Real, between Kingston Avenue and North Kellogg Avenue (Figure 2, below). Surrounding uses, land use designations, and zoning and are provided in Table 1 and a site plan is provided in Figure 3, below, as well as Attachment 3.

Existing uses of the project site include real estate services (Suncoast Realty) on the first floor and personal services (New Life Day Spa) on the second floor. Both uses are considered non-conforming with respect to the current land use and zoning designation (P-QP) but were consistent with the site's land use (General Commercial) and zoning (C-2) designations at the time of approval by the County of Santa Barbara.

Table 1: Adjacent Land Use and Zoning Designations and Uses		
Direction	Current Land Use and Zoning Designation	Current Use
North	Community Commercial (C-C)	The Goodland Hotel and the South Coast Best Western Hotel
East	Public/Quasi-Public (P-QP)	Highway 101/Calle Real
South	Public/Quasi-Public (P-QP)	Highway 101
West	Intersection Commercial (C I)	Valero gas station



Land Use Designation Legend:

- Purple: Public/Quasi-Public (P-QP)
- Orange: Community Commercial (C-C)
- Gray: Intersection Commercial (C I)
- Yellow: Medium-Density Residential (R-MD)

Figure 2: 5631 Calle Real and Surrounding Land Use Designations (Existing)

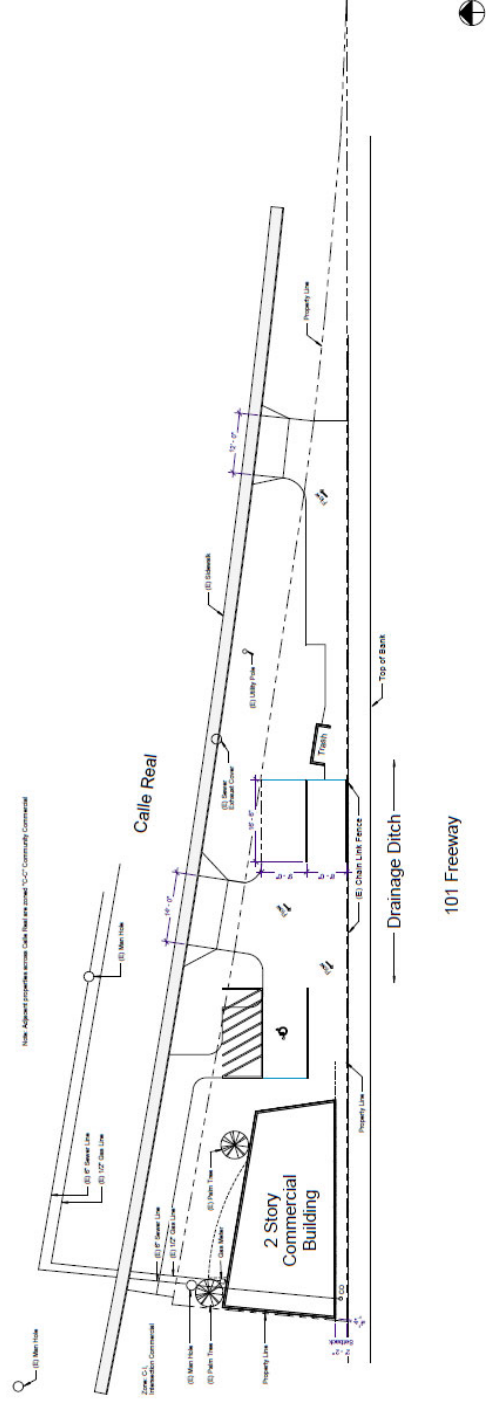


Figure 3: 5631 Calle Real Site Plan (Existing)

Prior County Approvals

The subject site was developed with an approximately 1,500 SF, two-story retail commercial space and office space under Permit Number 95-LUS-392 issued by the County of Santa Barbara on September 15, 1998. The first floor was permitted for retail commercial use and the second floor was permitted for office use. At the time, the property was zoned C-2 and its land use designation was “General Commercial.” Commercial designations were also applicable to all adjacent commercial businesses and hotels.

By 2000, the building and site improvements were constructed in keeping with the Permit Number 95-LUS-392. Subsequently, on April 21, 2000, the County of Santa Barbara issued a Zoning Exemption to convert the first floor to office space. At the time of City incorporation, the County zoning for the site was C-2 and the County Land Use designation was General Commercial. The General Commercial General Plan designation remained in place until the City adopted its General Plan in 2006 and the zoning on the site changed on April 3, 2020 as discussed below.

Subsequent City Land Use and Zoning Designation Changes

City of Goleta General Plan Adoption (2006)

The General Plan land use designation for the subject property was changed to P-QP at the time of adoption of the City’s General Plan/Coastal Land Use Plan (GP/CLUP) on October 2, 2006, as denoted in Figure 2-1 of the GP/CLUP. Staff has reviewed the relevant documents to determine the rationale for change but has not been able to identify one. In reviewing the General Plan Final Environmental Impact Report (FEIR), for example, staff noted that Figure 3.10-1 of the FEIR (Existing Land Uses) identified the existing use of the subject site as “Office” and that Figure 3.10-4 of the FEIR (Proposed Land Use Map) shows the designation of the site as P-QP.

It is not clear why the land use designation was changed as (1) neither the General Plan, nor the EIR for the General Plan, explicitly address the change; (2) the City has never had written plans to use the site for public or quasi-public uses; (3) all other properties designated for P-QP uses under the General Plan are either owned by a public entity or a utility that is regulated by the California Public Utilities Commission or are in public ownership (e.g., City property or Goleta Unified or Santa Barbara Unified School Districts); (4) the surrounding/adjacent commercial uses retained commercial designations similar to those that existed at the time of incorporation; and (5) the property owner did not request the change.

City of Goleta New Zoning Ordinance (Title 17) Adoption (2020)

The City’s New Zoning Ordinance (Title 17 of the City of Goleta Municipal Code) became effective on April 3, 2020. At this time, zoning designations throughout the City were changed to be consistent with each property’s GP/CLUP Land Use designation; in the case of the subject property, the zoning designation changed from C-2 to P-QP. This zoning designation change made the property’s existing uses (real estate services and

personal services) inconsistent and non-conforming with the new zoning designation of Public/Quasi Public (P-QP).

As mentioned above, all past and present uses on the site conformed with the site's original land use and zoning designations in place when the County of Santa Barbara approved the existing development. At the time the existing development was approved, three parking spaces (which includes one ADA-accessible space) were required and provided. With the adoption of Title 17 zoning provisions, several development standards have changed that may make existing site improvements nonconforming, such as the number of parking spaces and setbacks. However, this issue is not material to the requested GPA/ORD and would only become relevant if/when changes are proposed to the uses or site development.

DISCUSSION

General

The proposed request changes the mapped designations on the property; no physical changes are proposed. As stated above, the site was developed with an approximately 1,500 sq. ft. building that has been consistently occupied and used for commercial uses for more than 20 years and the site was re-designated as P-QP in 2006 (General Plan) and 2020 (zoning), even though the nature of the use of the site has not changed since construction.

Public facilities and uses allowed under the existing GP/CLUP P-QP land use designation include, but are not limited to, community centers, governmental administration, governmental operations, libraries, and public schools. Quasi-public facilities and uses allowed under the existing GP/CLUP P-QP land use designation include, but are not limited to, private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. Land within the rights-of-way for US-101 and SR-217 are also designated within this use category. Public and quasi-public uses are also permitted in various other land use categories in order to provide maximum flexibility in determining locations for future public facilities. The Public and Quasi-Public use category does not include public and private parks, recreation, or open space, which are accommodated in a separate use category.

The subject property has never been used for the public or quasi-public uses mentioned above. Furthermore, the City does not have written plans to use the site for public or quasi-public uses and, given its small narrow configuration, it is not likely to be a viable site for uses mentioned above.

The proposed GP/CLUP C-C land use designation would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood. Further, re-designating the property for Community Commercial uses would be consistent with the designations of the nearby commercial uses (except the gas station) and would not be out of character of the commercial corridor of this portion of Calle Real. In addition, changing the designation back to something similar to what it was at the time of incorporation would be

reflective of the approved use of the site and the on-going commercial activities that have occurred on the site for more than 20 years.

Findings

Based on the analysis provided in the attached Resolution (Attachment 1), staff believes that the findings to recommend that the City Council approve the requested General Plan Amendment and Ordinance Amendment can be made. In general:

- The requested GPA is:
 - Consistent with the General Plan's Land Use Element Guiding Principles and Goals 4, 6, and 10.
 - Deemed to be in the public interest, as it is more reflective of the development on the site and the ownership of the property, resolves existing issues related to non-conforming uses, and could expand employment opportunities by reducing barriers to re-development and allowing a greater variety of uses.
- The requested ORD is:
 - Consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code, as it would (1) align the site's zoning with its proposed General Plan designation, (2) resolve the existing non-conforming use status of the property, and (3) change the zoning for the site to one that is more appropriate (C-C) than the existing zoning (P-QP).
 - In the interests of the general community welfare for all the aforementioned reasons and because it would reflect the existing, and previously approved, development and use on the subject property.
 - Consistent with good zoning practices as it would align the property's zoning designation with its best use (given its size, history, and adjacent uses) and it would rectify the existing non-conforming status with respect to the property's existing and previously approved use.

As described in the attached Resolution, rectifying the existing non-conforming status with respect to the property's existing (and previously approved) use can be critical to the economic success of a property. For example, when a property has a non-conforming use status, many aspects of property- or business-ownership can become difficult or impossible to pursue. This includes, and is not necessarily limited to, (1) modifying or redeveloping the site; (2) rebuilding following a catastrophic loss of one or more structures on the site; and (3) obtaining financing such as a business loan to support new or ongoing business operations. The requested GPA-ORD would resolve this situation.

Traffic and Parking

While traffic and on-site parking issues are not primary considerations for the requested change, the City Council asked staff to review these issues at the time of GPA Initiation. Regarding traffic, the requested GP/CLUP and zoning changes would have little impact on traffic for several reasons. First, the Level of Service (LOS) at the Calle Real/Kellogg Ave. intersection is rated “A” in Table 7-1 of the GP/CLUP under all scenarios analyzed: the base year (2005) and under the planned land use buildout (2030) both with and without the planned transportation improvements. Second, traffic associated with the existing uses (real estate services and personal services) existed in 2005 and is therefore already considered in the analysis provided in the GP/CLUP. Third, the real estate service and personal services uses have continued for the past 20 years. In addition, the use of the parcel as commercial has been reflected in the applicable Traffic Analysis Zone of the Goleta Traffic Model since 2004.

Lastly, parking requirements are based on the uses allowed on the site and square footage of the building. Retail and personal services uses require 1 space for every 500 sq. ft. and office uses require 1 space per every 300 sq. ft. If the uses in the building were changed in the future, staff would rely upon the provisions of Subsection 17.55.020(A) (Change of Use) to determine if additional parking could be required. If it was determined that additional parking was needed, the property owner/applicant would need to provide the additional parking on site in an acceptable manner or secure approval of a Modification (Chapter 17.62) or secure approval of the use of off-site parking (Subsection 17.38.070(C)). These Code sections are provided as Attachment 4. However as stated above, the adequacy of the existing on-site parking spaces is not material to the requested GPA and Zoning request.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.; “CEQA”) and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.). Specifically, the project is categorically exempt from environmental review pursuant to the following CEQA Guidelines:

- No possibility of significant effect [Section 15061(b)(3)]
- Not a project [Section 15378]

In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report.

Categorical Exemption

Regarding the categorical exemptions listed above, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale

for which has not been identified) during the 2006 City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) adoption process, there would be no need for the current project. The property owner has no intention to change the uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines, § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines, section 15378 and thus is not subject to CEQA review.

Previous Analysis in a Certified Environmental Impact Report

In the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report. The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162).

PUBLIC NOTICE

In accordance with Subsection 17.52.050(C) of the Goleta Municipal Code, public notice for this hearing was provided in the following manner:

- Posted on the subject site on August 28, 2020; and
- Published in the Santa Barbara Independent and sent by First Class mail to property owners and tenants within 500 feet on September 3, 2020.

In addition, although not required by Subsection 17.52.050(C) of the Goleta Municipal Code, public notice for this hearing was also:

- Sent (via electronic and/or or First-Class mail) to all public speakers during the City Council's General Plan Amendment Initiation hearing on March 3, 2020;
- Posted on the City's website; and
- Sent via email to 2,679 interested parties that had requested updates related to the Planning and Environmental Review Department and/or Planning Commission meetings.

CONCLUSION & STAFF RECOMMENDATION

The proposed General Plan Amendment and Ordinance Amendment would make the subject property's land use and zoning designations consistent with the site's current use, historic use, adjacent uses, and prior land use and zoning designations. As discussed above, no new significant impacts would result from approving the requested General Plan and Ordinance amendments.

For the reasons outlined in this staff report and the attached Resolution, staff recommends that the Planning Commission recommend that the City Council approve the requested General Plan and Ordinance amendments.

APPEALS PROCEDURE

The City Council is the decision-maker on this project. The Planning Commission action is advisory to the City Council. As such, and consistent with Section 17.52.120 of the Goleta Municipal Code, the Planning Commission's recommendation cannot be appealed.

STAFF REVIEW

Legal Review By:

Approved By:



Winnie Cai
Assistant City Attorney



Peter Imhof
Planning Director

ATTACHMENTS

1. Planning Commission Resolution No. 20-____
 - Exhibit 1: Existing and Proposed Land Use Designations
 - Exhibit 2: Existing and Proposed Zoning Designations
 - Exhibit 3: CEQA Notice of Exemption/Notice of Determination
2. City Council Resolution 20-11
3. Existing Site Plan
4. Excerpts from Title 17
 - Subsection 17.55.020(A), Change of Use
 - Subsection 17.38.070(C), Off-Site Parking
 - Chapter 17.62, Modifications

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Attachment 1

RESOLUTION NO. 20-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL 1) APPROVE A GENERAL PLAN AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C); AND 2) APPROVE AN ORDINANCE AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C) ON A 4,355-SQUARE FOOT (0.1-ACRE) SITE LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NOS. 20-0002-GPA, 20-0002-ORD.

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RESOLUTION NO. 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL 1) APPROVE A GENERAL PLAN AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C); AND 2) APPROVE AN ORDINANCE AMENDMENT FROM PUBLIC/QUASI-PUBLIC (P-QP) TO COMMUNITY COMMERCIAL (C-C) ON A 4,355-SQUARE FOOT (0.1-ACRE) SITE LOCATED AT 5631 CALLE REAL, APNS 069-160-057, -058; CASE NOS. 20-0002-GPA, 20-0002-ORD.

The Planning Commission of the City of Goleta does resolve as follows:

SECTION 1: *Recitals:* The Planning Commission finds and declares that:

- A. On October 2, 2006, the City Council of Goleta adopted the General Plan Coastal Land Use Plan (GP/CLUP). Figure 2-1 (Land Use) designated the privately owned site as Public/Quasi-Public;
- B. On December 17, 2019, The Sun Group, LLC (“Applicant”) submitted an application for a General Plan Amendment Initiation to change the land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C);
- C. On March 3, 2020, the City Council of the City of Goleta granted the Applicant’s request to initiate the General Plan Amendment process as outlined in City Council Resolution No. 20-11;
- D. On March, 3, 2020, the City Council of the City of Goleta adopted, on second reading, Ordinance 20-03, thereby adding Title 17 (Zoning Regulations) to the Goleta Municipal Code and adopted a new zoning map to bring all of zoning designations into alignment with the General Plan and base zoning districts contained in Title 17;
- E. On March 31, 2020, Applicant filed an application to amend the subject property’s General Plan land use designation from Public/Quasi-Public (P-QP) to Community Commercial (C-C). The requested approvals do not include physical changes or development.
- F. On April 3, 2020, Ordinance No. 20-03 became effective and the subject property’s zoning designation officially changed from Retail Commercial (C-2) to Public and Quasi- Public (P-QP). The Applicant subsequently revised the application to include an ordinance amendment to change the property’s zoning designation from P-QP to C-C;
- G. On June 26, 2020, the City of Goleta deemed the application request complete.

- H. The proposed General Plan Amendment and Zoning Ordinance Amendments (land use and zoning designation changes) are attached as Exhibits 1 and Exhibit 2 to this Resolution, respectively;
- I. On September 4, 2020, requests for consultation with local Native American groups were mailed.;
- J. On September 14, 2020, the Planning Commission conducted a duly noticed public hearing at which all interested parties were heard. Further, the Planning Commission considered the entire administrative record including, without limitation, staff reports, and evidence submitted during the public hearing.

SECTION 2 *Factual Findings and Conclusions*: The Planning Commission finds as follows:

- A. The Project site is developed with a two-story, approximately 1,500-SF commercial building consistent with existing entitlements on two lots with a combined 4,355 square feet (approximately 0.1 acre; Assessor's Parcel Nos. 069-160-057, -058) in accordance with 95-LUS-392 approved by the County of Santa Barbara on September 15, 1998. At the time of approval, the property was zoned C-2 and its land use designation was "General Commercial."
- B. The Project site currently has a General Plan land use designation, and a zoning designation, of Public/Quasi-Public (P-QP). The Applicant is seeking a General Plan amendment and a Zoning Ordinance Amendment to change these designations to Community Commercial (C-C). No physical changes on the property are proposed or requested;
- C. The Project site includes a total of three parking spaces (including one ADA-accessible space);
- D. No adjustments to development standards are requested;
- E. The Project site is a generally level, triangular-shaped property on two Assessor Parcels;
- F. The Project site has adequate ingress and egress that also meets Fire Department requirements; and
- G. The factual findings and conclusions in this Section are based upon substantial evidence found within the entirety of the administrative record.

SECTION 3: *Environmental Assessment for the Project*. The Planning Commission makes the following environmental findings:

- A. The proposed project is exempt from environmental review pursuant to the common sense exemption (State CEQA Guidelines § 15061(b)(3).) Specifically, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process, there would be no need for the current project. The property owner has no intention to change the uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review;

- B. In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the Planning Commission hereby finds that the Project was analyzed for its potential environmental impacts in a certified environmental impact report.

The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-

QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162.);

- C. There is substantial evidence in the record showing that the land use changes proposed are not an activity subject to CEQA;
- D. In the alternative, if the land use changes were determined to be an activity subject to CEQA, there is substantial evidence in the record demonstrating that the land use changes do not trigger further environmental review under Public Resources Code section 21166 and State CEQA Guidelines section 15162;
- E. A Notice of Exemption/Determination is attached as Exhibit 3 and was prepared in full compliance with CEQA.

SECTION 4: General Plan Amendment Findings. The Planning Commission makes the following Findings pursuant to Subsection 17.67.040(C) of the Goleta Municipal Code:

- A. *The amendment is consistent with the guiding principles and goals of the General Plan.*

The proposed General Plan Amendment conforms to Land Use Element Guiding Principles and Goals 4, to “Maintain economic prosperity with a sustainable economy that is not based on growth” as the proposed land use designation change would resolve the existing non-conforming status of current uses of the site, while also allowing the site to be used for a greater variety of appropriate land uses, without the need for physical change or development of the property.

The proposed amendment also conforms to Land Use Element Guiding Principles and Goals 6, to “Maintain a balanced community, with an appropriate mix of residences, workplaces, and services,” as well as Land Use Element Guiding Principles and Goals 10, to “Ensure that all new development and changes to existing development are compatible with the character, scale, and design of the neighborhood” for the following reasons:

- The site’s original land use designation was “Commercial;”
- All surrounding uses are commercial;
- The site was originally developed for commercial use;
- Community Commercial (C-C) uses are already occurring on the site;

- C-C uses are generally more appropriate than P-QP uses given existing development on the Site that consists of a two-story, approximately 1,500-square-foot building; and
- No physical changes to the already-developed property are currently proposed.

B. The amendment is deemed to be in the public interest.

Amending Figure 2-1 of the Land Use Element, Land Use Map, to change the land use designation of the property from Public/Quasi-Public (P/QP) to Community Commercial (C-C) is in the public interest as this designation is more reflective of the development on the site and the ownership of the property. Typically, the P/QP designation has only been applied to sites that are in public or quasi-public ownership such as Caltrans, City of Goleta, Goleta Unified and Santa Barbara School Districts, or Southern California Edison. Further, the change in the General Plan land use designation will restore the land use designation on the site in question to the equivalent General Plan designation that existed on site at the time it was developed.

Additionally, the proposed Amendment would resolve the non-conforming status of the existing land use on the site. While reducing non-conforming uses within the City is a public benefit in and of itself, in this instance, it may also have a public benefit of expanding employment opportunities. For example, when a property has a non-conforming use status, many aspects of property- or business-ownership can become difficult or impossible to pursue. This includes, and is not necessarily limited to, (1) modifying or redeveloping the site; (2) rebuilding following a catastrophic loss of one or more structures on the site; and (3) obtaining financing such as a business loan to support new or ongoing business operations. Resolving the non-conforming status of the existing land use on the Site would remove these constraints. As another example, resolving the non-conforming status of the existing land use on the Site would also allow a greater variety of commercial uses.

SECTION 5: Ordinance Amendment Findings. The Planning Commission makes the following findings pursuant to Subsection 17.66.040(B) of the Goleta Municipal Code:

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.

If the General Plan Amendment is approved, the proposed Ordinance Amendment will align the zoning designation with the General Plan Land Use Designation for the property. Further, the change would resolve the existing non-conforming use status of the property. Moreover, given the Site's characteristics (history, size, existing development, surrounding uses, and location fronting a five-lane arterial road), C-C uses providing "convenience goods and services to serve the everyday needs of the surrounding residential neighborhoods" are

generally more appropriate for the Site P-QP uses such as “community centers, governmental administration, governmental operations, libraries, and public schools, private schools, religious institutions, lodges, social clubs, day care centers, and similar uses.”

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

The proposed amendment would be in the interest of the general community welfare as the zoning of the site would be match the predominate commercial zoning along this portion of Calle Real. Further, the zone change would reflect the existing, and previously approved, development and use on the Site and eliminate the non-conforming nature of existing site uses. If the site retains the current Public/Quasi-Public designation, then if the existing use were terminated (e.g., the building was destroyed by a natural disaster or not used for 1 year with similar uses), the site could only be developed with uses allowed under P-QP;... Continuation of the existing commercial uses, terminating non-conforming uses, allowing commercial uses on the site to change over time, and ensuring the ability of the site to support commercial uses of the Site (e.g., following a natural disaster), are all public benefits compared to the retention of the P-QP zoning designation.

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

Good zoning planning practice includes aligning a property’s zoning designation with its best use, which is partly dependent on the property’s context such as the surrounding land use designations. The uses to the north are hotels and are zoned C-C; the use to the west is a gas station and is zoned Intersection Commercial (C-I). The uses to the east and south are roads/highway and either have no zoning or are zoned Public/Quasi-Public. The Site was originally designated and developed for commercial use, is sized for commercial use, is in a commercial corridor, and the change would result in the site have the same zoning designation as the uses located across Calle Real. As such, commercial uses represent the site’s best use, and among the commercial designations, the site is best encompassed by the Community Commercial designation.

Another good zoning practice is to rectify non-conforming uses either through changing the land use designations or by eliminating the use over time. Since the surrounding uses are commercial, a C-C zoning designation would convert the existing, non-conforming uses to conforming uses that are well-suited for the Site and are compatible with established uses in the surrounding area.

SECTION 6: Recommendation. The Planning Commission recommends that the City Council take the following actions:

- A. Adopt the General Plan Land Use and Zoning Designation Map Amendments from Public/Quasi-Public (P-QP) to Community Commercial (C-C) as shown in Exhibit 1 and Exhibit 2 to this Resolution, which are incorporated by reference.
- B. Direct staff to file the Notice of Exemption (NOE)/Notice of Determination (NOD) (Exhibit 3) within five (5) business days.

SECTION 7: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The Planning Commission's analysis and evaluation of the Project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the Project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 10: This Resolution will remain effective until superseded by a subsequent Resolution.

SECTION 11: The City Clerk is directed to mail a copy of this Resolution to The Sun Group, LLC and to any other person requesting a copy.

SECTION 12: This Resolution will become effective immediately upon adoption.

SECTION 13: The City Clerk will certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this __ day of _____ 2020.

KATIE MAYNARD
VICE CHAIR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

WINNIE CAI
ASSISTANT 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 Resolution No. 20-__ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the ____ day of _____, 2020 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

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Attachment 1, Exhibit 1

EXISTING AND PROPOSED LAND USE DESIGNATIONS

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Legend

Residential Use Categories

- Single-Family
- Planned Residential
- Medium Density
- High Density
- Mobile Home Park

Commercial Use Categories

- Regional
- Community
- Old Town
- Visitor-serving
- Intersection
- General Commercial

Office and Industrial

- Business Park
- Office and Institutional
- Service/Industrial
- General Industrial

Other Use Categories

- Agriculture
- Open Space / Passive Recreation
- Open Space / Active Recreation
- Public / Quasi-public

Other Features

- Goleta City Boundary
- Coastal Zone Boundary
- Schools
- Maximum Density in Planned Residential Areas (units/acre)

Existing and Proposed Land Use Designations (Inset Map of General Plan Figure 2-1)

August 2020

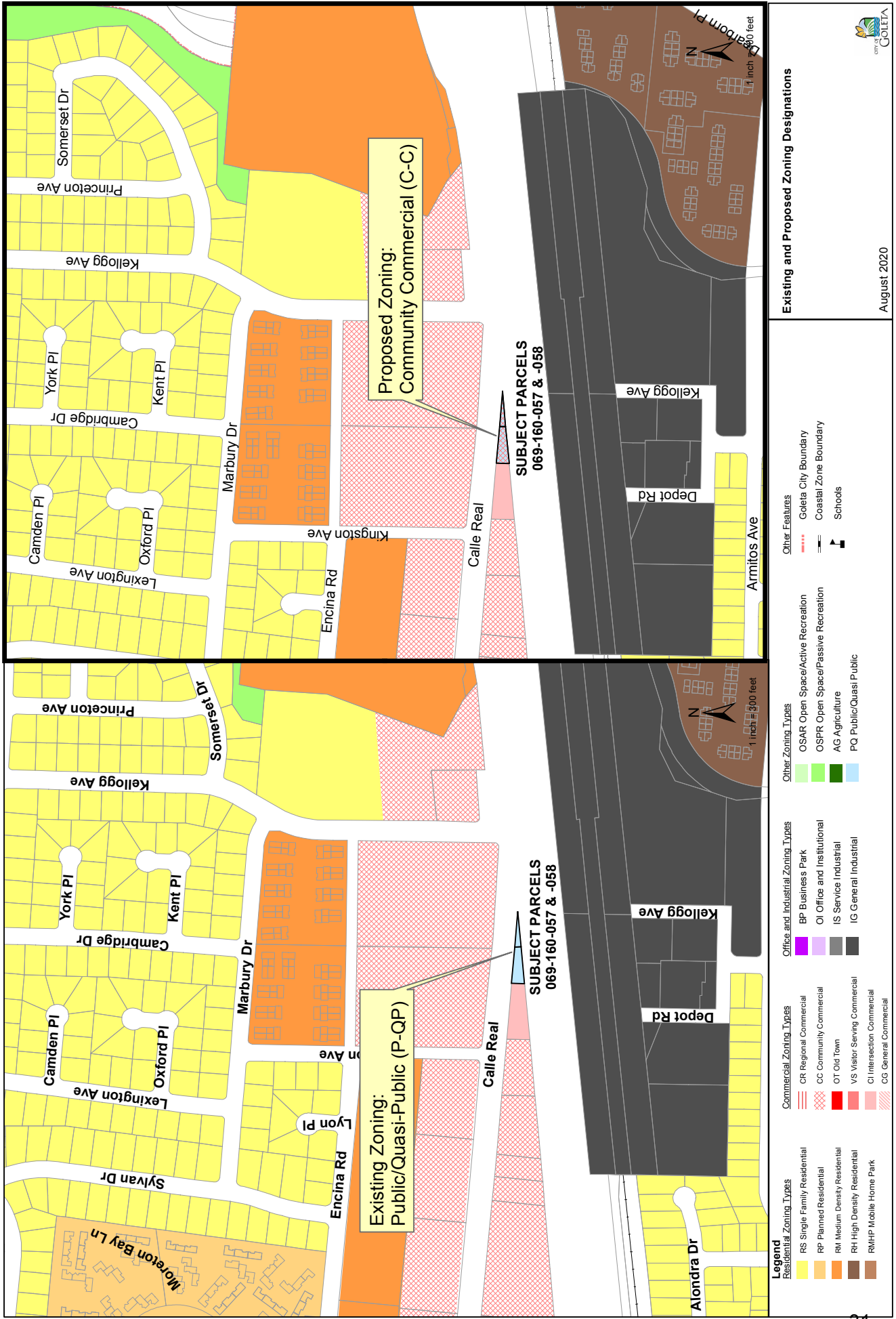
GOLETA

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Attachment 1, Exhibit 2

EXISTING AND PROPOSED ZONING DESIGNATIONS

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Attachment 1, Exhibit 3

**NOTICE OF EXEMPTION (NOE)
NOTICE OF DETERMINATION (NOD)**

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NOTICE OF EXEMPTION (NOE)/NOTICE OF DETERMINATION (NOD)

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

Project Title:

General Plan Amendment and Ordinance Amendment for 5631 Calle Real
Case Nos. 20-0002-GPA; 20-0002-ORD

Project Applicant:

Sarah Bronstad, Agent
The Sun Group, LLC, Property Owner

Project Location (Address and APN):

5631 Calle Real
Goleta, CA 93117
County of Santa Barbara
APNs: 069-160-057, -058

Description of Nature, Purpose and Beneficiaries of Project:

The request is to amend the subject property's General Plan land use and zoning designations from Public/Quasi-Public (P-QP) to Community Commercial (C-C). No physical development is proposed, and no modifications are requested.

The beneficiary of the project is the property owner.

Name of Public Agency Approving the Project:

City of Goleta City Council

Name of Person or Agency Carrying Out the Project:

Sarah Bronstad, Agent; and The Sun Group, LLC, Property Owner

Exempt Status: (check one)

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 15269 (b) (c))
- ☒ Categorical Exemption: § 15061(b)(3) (No possibility of a significant effect) and § 15378 (Not a project).
- ☒ Other: Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162 (The project will not result in new or more significant environmental effects from those that were analyzed in a certified environmental impact report and no further environmental review is required).

NOTICE OF EXEMPTION (NOE)/NOTICE OF DETERMINATION (NOD)

Reason(s) why the project is exempt:

The proposed project is categorically exempt pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.; "CEQA") and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.). Specifically, the project is categorically exempt from environmental review pursuant to CEQA Guidelines § 15061(b)(3) (No possibility of a significant effect) and 15378 (Not a project). In the alternative, and as a separate and stand-alone justification, in the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report.

Specifically, it can be seen with certainty that there is no possibility that the land use modifications would have potential for causing a significant effect on the environment. The site is currently improved with buildings and parking that are used for existing commercial businesses. The site has been historically utilized as commercial property. But for the land use change to the property (the rationale for which has not been identified) during the 2006 City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) adoption process, there would be no need for the current project. The property owner has no intention to change the uses on the site or to make modification to the existing site improvements. For these reasons, there is no possibility that the activity in question can have a significant effect on the environment and thus the activity is not subject to the California Environmental Quality Act ("CEQA"). (State CEQA Guidelines § 15061(b)(3).)

Relatedly, because the land use change would not result in a direct or indirect physical change in the environment, the activity does not satisfy the definition of a project in State CEQA Guidelines Section 15378 and thus is not subject to CEQA review.

In the event that the activity is deemed to be subject to CEQA, the project was analyzed for its potential environmental impacts in a certified environmental impact report. The land use designation for the site was modified (the rationale for which has not been identified) during the 2006 GP/CLUP adoption process. The purpose of the proposed project is to apply a GP/CLUP land use designation to the site that is consistent with the existing development on the site. The change of designation would not result in any new development on the site and would not result in any change of use.

The 2006 GP/CLUP Final Environmental Impact Report (FEIR) (State Clearing House Number 2005031151) anticipated continued urban use (specifically, P-QP uses) at the subject site (2006 GP/CLUP FEIR Figure 3.10-4, Proposed Land Use Map). The uses under the P-QP land use designation and zone district include community centers, governmental administration, governmental operations, libraries, public and private schools, religious institutions, lodges, social clubs, day care centers, and similar uses. The proposed GP/CLUP C-C land use designation and zone district would allow a wide range of relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the nearby residential neighborhood, including the two existing uses (real estate services and personal services). These types of uses are similar to the existing commercial uses on the site. As such, the intensity of land use under the proposed land use and zoning designation (C-C) would be similar to, or less than, that of the existing land use and zoning designation (P-QP) and would not create impacts not identified in the GP/CLUP FEIR or increase the severity of the impacts identified in the GP/CLUP FEIR.

NOTICE OF EXEMPTION (NOE)/NOTICE OF DETERMINATION (NOD)

Therefore, the General Plan Amendment and Zone Amendment from P-QP to C-C to make the land use designations for the site match with the existing on the ground conditions would not result in new or more significant environmental effects from those that were analyzed in the 2006 GP/CLUP FEIR. For this reason no further environmental review is required (Pub. Resources Code §§ 21000 et seq.; State CEQA Guidelines § 15162).

City of Goleta Contact Person, Telephone Number, and Email:

Chris Noddings, Assistant Planner
805-961-7566
cnoddings@cityofgoleta.org

Signature	Title	Date
-----------	-------	------

If filed by the applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐Yes ☐No

Date received for filing at OPR: _____

Note: Authority cited: Section 21083 and 211110, Public Resources Code
Reference: Sections 21108, 21152.1, Public Resources Code

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Attachment 2

RESOLUTION NO.20-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, INITIATING THE PROCESSING OF AN APPLICANT-REQUESTED GENERAL PLAN AMENDMENT AT 5631 CALLE REAL; APNS 069-160-057, -058

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RESOLUTION NO. 20-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, INITIATING THE PROCESSING OF AN APPLICANT-REQUESTED GENERAL PLAN AMENDMENT AT 5631 CALLE REAL; APNS 069-160-057, -058

WHEREAS the Goleta General Plan / Coastal Land Use Plan ("General Plan") is the City's official policy that guides land use and physical development of the geographic area of the incorporated City limits; and

WHEREAS California Government Code Sections 65350 et seq. authorize cities and counties to prepare, adopt and amend General Plans and their elements; and

WHEREAS California Government Code Section 65358(a) reads, "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment"; and

WHEREAS City Council Resolution No. 12-13 establishes a procedure for the initiation of processing of requests for a General Plan Amendment; and

WHEREAS City Council Resolution No. 12-13 requires the City Council to consider certain factors for the initiation of General Plan amendments, including consistency with the Guiding Principles and Goals of the General Plan, consistency with the surrounding community or General Plan, possible public benefits, availability of or the future study of the availability of public services, or rules or regulations that may drive the need to amend the General Plan; and

WHEREAS, on December 17, 2019, The Sun Group, LLC requested the initiation of a General Plan Amendment to the land use designation to Assessor's Parcel Numbers 069-160-057 and -058 (Site); and

WHEREAS the existing General Plan land use designation for the Site is Public/Quasi-Public (P/QP) and The Sun Group, LLC is seeking the initiation of a General Plan Amendment affecting Figure 2-1 of the Land Use Element to change the land use designation from Public/Quasi-Public (P/QP) to Community Commercial (C-C) to allow the Site to be consistent with (1) the Site's zoning (Retail Commercial [C-2]) before adoption of the New Zoning Ordinance (NZO); (2) nearby land use designations on Calle Real; (3) the Site's original Land Use

Permit (95-LUS-392); and (4) the site's existing uses (real estate services and personal services); and

WHEREAS the City Council conducted a duly noticed public hearing on March 3, 2020, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council considered the entire administrative record, including staff reports, the General Plan, and oral and written testimony from interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1.

The City Council makes the following statements regarding the initiation factor/criteria outlined in City Council Resolution No. 12-13:

(a) The amendment proposed may be consistent with the Guiding Principles and Goals of the General Plan. First, the proposed amendment appears to conform to Land Use Element Guiding Principles and Goals 4, to "Maintain economic prosperity with a sustainable economy that is not based on growth" as the proposed land use designation change would potentially allow the site to be used for a greater variety of appropriate land uses while simultaneously resolving several inconsistencies with existing permits, land use, and zoning without the need for physical change or development of the Site. Second, the proposed amendment appears to conform to Land Use Element Guiding Principles and Goals 6, to "Maintain a balanced community, with an appropriate mix of residences, workplaces, and services" as Community Commercial (C-C) uses are already occurring on the site and are generally more appropriate than P-QP uses on the Site. Third, the proposed amendment appears to conform to Land Use Element Guiding Principles and Goals 10, to "Ensure that all new development and changes to existing development are compatible with the character, scale, and design of the neighborhood" as the Site is already being used with C-C uses, is generally surrounded by C-C uses, and no physical changes to the already-developed property are currently proposed; and

(b) It is anticipated that the proposed amendment to C-C would have no material effect on the community or the General Plan because the Site was originally permitted for small-scale commercial office/retail use, consistent with the proposed C-C land use designation; is zoned for retail commercial prior to adoption of the NZO; is currently used for services allowed in C-C land use designation; and is unlikely to be used for uses allowed in the P-QP land use designation. As a result, the change would

not cause a fundamental change to the overall land use pattern in the City; and

(c) The proposed amendment may provide an additional public benefit to the community as compared to the existing land use designation because uses allowed under the C-C land use designations are potentially more compatible with the Site as well as the adjacent uses. By resolving the legal non-conforming status of the Site, the amendment has the potential to provide a public benefit through expanded employment opportunities in the community; and

(d) The Site is fully developed, served by public facilities, and is adjacent to Calle Real, a main arterial in the City with proximity to public services. In addition, no new development or other physical changes are currently proposed; and

(e) The amendment proposed is not required under other rules or regulations; and

(f) The foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2.

The City Council hereby authorizes staff to initiate processing of the proposed General Plan Amendment to Community Commercial Land Use Designation. The initiation of the General Plan Amendment does not suggest how the City Council may ultimately act on the General Plan Amendment when it is brought forward for City Council consideration. The initiation of the General Plan Amendment shall not influence the City Council's consideration of the General Plan Amendment.

SECTION 3.

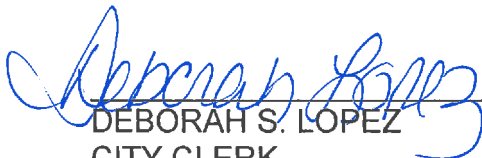
The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 3rd day of March 2020.



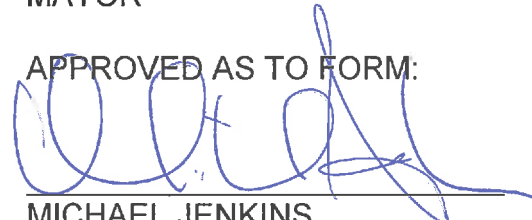
PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MICHAEL JENKINS
CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 20-11 was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 3rd day of
March, 2020 by the following vote of the Council:

AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE RICHARDS,
 COUNCILMEMBERS KASDIN, AND KYRIACO

NOES: COUNCILMEMBER ACEVES

ABSENT: NONE

ABSTAIN: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK

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Attachment 3

SITE PLANS

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1 Site Plan - (Dimensions Not Verified)
1" = 10'-0"

RECEIVED
June 16 2020
City of Goleta
Current Planning Division

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Attachment 4

Excerpts from Title 17

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Goleta Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Part V. Administration and Permits](#)[Chapter 17.55 LAND USE PERMITS](#)**17.55.020 Applicability**

Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, rebuilding, or demolishing of any building, structure, or improvement within the City a Land Use Permit must be issued by the Planning and Environmental Review Department under the provisions of this Title.

A. **Change of Use.** A Change of Use requires a Land Use Permit when, based on a legally permitted use consistent the zoning district of the site, any of the following occur unless a Discretionary Approval is required pursuant to this Title:

1. The change from one Use Classification to another as provided in Chapter [17.72](#) (e.g., a Residential to Commercial, Commercial to Residential, etc.);
2. The new use requires additional parking on the site pursuant to Chapter [17.38](#), Parking and Loading; or
3. The new use includes any additions to existing structures to accommodate the use, unless the additions are solely to provide facilities that are compliant with ADA requirements (e.g., restrooms, walkways, ramps, etc.). (Ord. 20-03 § 6)

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Goleta Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Part IV. Regulations Applying to Multiple Districts](#)[Chapter 17.38 PARKING AND LOADING](#)**17.38.070 Location of Required Parking**

A. Residential Uses.**1. Single-Unit Dwellings.**

a. *Required Parking.* Required parking for single-unit dwellings must be located on the same lot as the dwelling served. Required parking may not be located within required front or side setbacks.

b. *Additional Parking.* Additional parking spaces beyond those that are required as part of the permitted or allowable land use may be located anywhere on the subject lot, including setbacks, and in any configuration.

2. **Other Residential Uses.** Required parking for residential uses other than single-unit dwellings must be on the same lot as the dwelling or use they serve or at an off-site location as provided in subsection C, Off-Site Parking. Required parking may not be located within a required front or street side setback.

B. Non-Residential Uses. Required parking spaces serving non-residential uses must be located on site a minimum of 10 feet from any right-of-way or at an off-site parking location as provided below in subsection C, Off-Site Parking.

C. Off-Site Parking. Parking for uses other than single-unit dwellings may be provided off-site with Review Authority approval of a Conjunctive Parking Agreement, provided the following standards are met.

1. Location.

a. *Residential Uses.* Any off-site parking must be located within 200 feet, measured along a pedestrian route, of the unit served.

b. *Non-Residential Uses.* Any off-site parking must be located within 500 feet, measured along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

2. **Conjunctive Parking Agreement.** A written agreement between the landowner(s) and the City, in a form satisfactory to the City Attorney, must be executed and recorded in the Office of the County Recorder. The agreement must include:

a. A guarantee among the landowner(s) for access to and use of the parking facility; and

b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation. (Ord. 20-03 § 6)

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Goleta Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Part V. Administration and Permits](#)**Chapter 17.62 MODIFICATIONS****17.62.010 Purpose**

The purpose of this chapter is to establish a means of granting a limited amount of relief from the requirements of this Title, when so doing would be consistent with the purposes of this Title. (Ord. 20-03 § 6)

17.62.020 Applicability

The provisions of this chapter apply to specific development proposals. In no case may a Modification be granted to allow a use or activity that is not otherwise permitted in the district in which the property is located, nor shall a Modification be granted which alters the procedural or timing requirements of this Title.

A. **General Modifications.** The Review Authority may grant relief from the development standards specified in this Title, as provided below.

1. **Setbacks.**

- a. The total area of each side, front and/or rear setback area may not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable district.
- b. No setback reduction for structures shall result in:
 - i. A front yard setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 16.5 feet.
 - ii. A side yard setback depth from property lines of less than five feet.
 - iii. A rear yard setback depth from property lines of less than 15 feet.
- c. No unenclosed, attached porch or entryway may result in a front yard setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.

2. **Parking.** A reduction in the required number and/or a modification in the design, loading zone, or location of parking spaces is allowed through a Modification. However, in no case may:

- a. Any required number of bicycle parking spaces be reduced;
- b. Any parking or screening requirement Modification be granted for a vehicle with more than two-axes, a recreational vehicle or bus, a trailer or other non-passenger vehicle; or
- c. Any modification to allow compact spaces may not allow more than 20 percent of all required spaces be compact.

3. **Signs.** The allowable signage may be exceeded through the approval of a Modification for the following:

- a. Maximum area for wall signs in non-residential districts.
- b. Maximum area for menu boards for drive-through restaurants.
- c. Maximum area, maximum number, and maximum height for freestanding signs within shopping centers.

B. **Special Modifications.** The Planning Commission or City Council may grant relief from the dimensional requirements specified in this Title, as provided below.

1. **Height.**

a. **Structures.** The Review Authority may allow an increase in height above the base Zone District height standard as follows:

- i. Residential Districts.

(1) Up to 30 Percent.

- (a) All RS and RMHP Zone Districts; and
- (b) RP, RM, and RH Zone Districts within the Coastal Zone.
- (2) Up to 20 Percent. RP, RM, and RH Zone Districts within the Inland area.

ii. **Non-Residential Districts.** Up to 20 percent.

b. **Antennas.** The Review Authority may increase the allowable height of an antenna based upon the physical requirements and purpose of the facility in order to reasonably accommodate the proposed project.

2. **Lot Coverage.** Up to 50 percent of the maximum lot coverage otherwise allowed.

3. **Required Finding.** The Review Authority for all Special Modifications must make the following good cause finding:

a. The requested Modification is of public or community necessity (e.g., a better site or architectural design that will result in better resource protection, will provide a significant community benefit, and/or does not create an adverse impact to the community character, aesthetics, or public views, etc.).

C. **Limits to Modifications.** In no case may a Modification be granted for a reduction in a required buffer, open space, or other regulation within this Title, except as provided above. (Ord. 20-03 § 6)

17.62.030 Review Authority

A. **Authority and Duties.** Consideration of a Modification requires a public hearing before the Zoning Administrator or higher Review Authority, if the Modification is concurrently processed with an action requiring Planning Commission or City Council review. The Review Authority may approve, conditionally approve, or deny applications for modifications with consideration of the requirements of this chapter.

B. **Concurrent Processing.** If a request for Modification is being submitted in conjunction with an application for another approval, permit, or entitlement under this Title, it must be heard and acted upon at the same time and in the same manner by the same Review Authority.

C. **Design Review.** A project requesting a Modification shall be subject to Design Review. (Ord. 20-03 § 6)

17.62.040 Required Findings

To grant a Modification, the following findings must be made:

A. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. The Modification is minor in nature and will result in a better site or architectural design and/or will result in greater resource protection than the project without such Modification. (Ord. 20-03 § 6)

17.62.050 Time Limit

The approval of a Modification shall be subject to dates and timing of the underlying Zoning Permit as discussed in Section [17.52.090](#), Common Procedures—Dates and Timing. (Ord. 20-03 § 6)

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