



TO: Mayor and Councilmembers

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

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

SUBJECT: Title 17 (Zoning) Amendments Ordinance (Case No. 21-0001-ORD)

RECOMMENDATION:

Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 21-__, entitled “An Ordinance 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. The City conducted an initial round 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. These amendments were adopted on October 6, 2020, and became effective on November 6, 2020. Since that time, staff has continued to track implementation of Title 17 and identified additional amendments needed to better clarify the intent in Title 17, address potential inconsistencies with existing City policies and State law, and flag potential improvements in Title 17 based on issues raised during review of development applications. Based on these identified potential amendments, a draft Ordinance was prepared by staff.

On June 14, 2021, the Planning Commission conducted a public hearing to consider the proposed Ordinance and adopted Resolution 21-06 to recommend to City Council adoption of the proposed Ordinance with one minor revision. This revision regards streamlining of certain processes, including development associated with solar energy systems, and is discussed below. The proposed Ordinance, provided as Attachment 1, reflects the recommended revision supported by the Planning Commission.

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. A summary of each proposed amendment is included below.

General Plan and State Law Consistency

Below is a summary of proposed amendments needed to better align Title 17 with the City's General Plan and to ensure development processing is consistent with the requirements of State law.

Electrical Vehicle Charging Stations

The installation of electrical vehicle (EV) charging stations is considered development under Title 17. Currently, there are no specific standards associated with this type of development in Title 17. However, 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. Pursuant to Section 15.20.070, the Building Official must approve EV charging stations unless the Building Official finds that the EV charging station could have a specific adverse impact upon the public health or safety. If the Building Official makes such a finding, subsection 15.20.070(B) allows the City to require a use permit for the development. Title 17 does not currently identify the use permit required in such a circumstance.

Staff has prepared new procedures for the processing of EV charging stations, as Section 17.24.220, to provide clarity regarding such a situation. In this new Section, the required permit proposed when the Building Official makes the finding described above is a Zoning Clearance. Section 17.24.220 also includes a single required finding required for an EV charging station Zoning Clearance: The proposed EV charging station installation would not have a specific, adverse impact upon the public health or safety. This single finding reflects the full scope of review that is allowed under State law. No additional findings, such as consistency with other development standards of Title 17, or other processing (like Design Review) are allowed. These procedures and limitations are included in the new proposed 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. (See Sections 4(J), 4(DD), and 4(HH) of the proposed Ordinance.)

Required Parking for Single-Unit Dwellings

Table 17.38.040(A) establishes parking requirements for each use in Title 17 and currently requires that Single-Unit Dwellings provide "2 *covered* spaces per dwelling unit" (emphasis added) so that parking could be in structures like carports. This standard was included in Title 17, as opposed to requiring parking to be in garages that are fully enclosed, so that it would be easier to replace required parking if a homeowner wanted to convert their existing garage to living space and to provide greater design flexibility for

new single-unit dwellings. However, General Plan Transportation Element subpolicy TE 9.3 requires that “[o]ff-street parking for proposed new single-family dwellings in all residential use categories shall be provided in enclosed *garages*” (emphasis added). To better align Title 17 with subpolicy TE 9.3, the proposed Ordinance includes a revision to the Single-Unit Dwelling required parking standard so that the required parking be in a garage and not merely “covered.” (See Section 4(M) of the proposed Ordinance.)

Accessory Dwelling Units

State law limits the standards the City may impose upon a detached Accessory Dwelling Units (ADU) on a multi-family dwelling lot to only four-foot side and rear setbacks and a height of 16 feet, as outlined in California Government Code Section 65852.2(e)(1)(D). However, Title 17 currently incorrectly includes a maximum floor area standard of 800 square feet for these ADUs and omits the 16-foot height standard. To remedy this inconsistency, the proposed Ordinance amends subsection 17.41.030(D)(1)(d)(ii) to delete the floor area standard for these ADUs (State law does not provide for a maximum floor area for ADUs in multi-family dwelling lots) and include the requirement that the ADUs not exceed 16-foot height limit, consistent with scope of local authority under State law. (See Section 4(P) of the proposed Ordinance.)

Noticing

Title 17 requires mailed notice for all public hearings and certain permit approvals, as detailed in subsection 17.52.050(C)(1). The City’s requirements for mailed notice (property owners and tenants within 500 feet of the project site) expand upon State law requirements which require mailed notice to property owners within 300 feet of a project site when there is a public hearing.

State law also provides an exception to mailed notice where the required mailed notice to property owners within 300 feet of the project site would exceed 1,000 recipients, detailed in California Government Code Section 65091(a)(4). In these instances, notice in a newspaper of general circulation can replace the required mailed notice. Title 17 includes a similar provision to that in State law to allow for newspaper notice in lieu of mailed notice, in subsection 17.52.050(C)(1)(c). However, this provision in Title 17 currently allows for newspaper notice in lieu of mailed notice if the mailing to property owners and tenants within 500 feet would exceed 1,000. As such, Title 17 could allow in-lieu newspaper notices even if the mailing would otherwise be sent to less than 1,000 property owners within 300 feet of the project site, inconsistent with State law.

The proposed Ordinance includes an amendment to subsection 17.52.050(C)(1)(c) to remove reference to tenants and limit those property owners counted towards the 1,000-recipient threshold to property within 300 feet of the project site, so that in-lieu newspaper notice is only triggered where allowed pursuant to State law. (See Section 4(Z) of the proposed Ordinance.)

The net effect of Section (Z) of the proposed Ordinance is that more mailed notice will be required. In no instance would someone (property owner or tenant), who would receive

mailed notice under the currently adopted Title 17, not receive mailed notice based on this proposed amendment.

Other Staff Proposed Revisions

Below is a discussion of substantive revisions staff identified as warranted based on early application of Title 17 to development applications and inquiries.

Director Determinations

Title 17 includes a provision for formalized and appealable Director Determinations regarding the interpretation of Title 17, as detailed in subsection 17.01.040(D). However, in practice, staff has identified the need to state the scope of these appealable Determinations more clearly and clarify what constitutes a formal interpretation subject to these rules. Staff proposes clarifications within subsection 17.01.040(D) to specify the requirement for these formal Determinations in three instances: (1) when there are directly conflicting provisions in Title 17; (2) when there is a need to determine whether a specific unlisted use may be permitted in one or more zone districts; and (3) when there is a dispute regarding zoning boundaries. Other determinations not requiring a formal Director Determination would also be documented by Planning and Environmental Review staff. Both formal Director Determinations and other determinations documented by staff will be compiled and, where appropriate, proposed as amendments to Title 17 to be presented to Planning Commission and City Council periodically (such as those that are presented in this proposed Ordinance). (See Section 4(A) of the proposed Ordinance.)

ADU Design and Historic Resources

Under State law, the City may impose objective design standards to ADUs that are not permit exempt under State law. These standards are included in subsection 17.41.030(F)(8).

For non-exempt ADUs, pursuant to subsection 17.41.030(F)(8)(a), “attached” ADUs must match the exterior appearance and architectural style of the principal dwelling on the lot. However, no such requirement currently exists for “detached” ADUs. The City previously required new “ground-up” construction of detached ADUs to reflect the exterior appearance and architectural style of the principal dwelling and to use similar materials (as provided in the City’s 2018 ADU Ordinance, Ordinance No. 18-01). This requirement was inadvertently removed during the ADU Ordinance update in early 2020 that was included in Title 17. Staff suggests broadening the requirement for similar exterior appearance and architectural style in Title 17 to apply to all ADUs, both “attached” and “detached,” consistent with the 2018 ADU Ordinance. This revision would ensure some design consistency on the all sites with an ADU where the City has authority to regulate design under State ADU law. Title 17 would still include a provision, subsection 17.41.030(I), that would allow the applicant to deviate from this design standard in subsection 17.41.030(F)(8)(a), if the applicant voluntarily subjects the ADU application to

Design Review by the Design Review Board. (See Section 4(Q) of the proposed Ordinance).

An exception to the similar design style requirement described above is currently provided for manufactured or modular homes proposed as a detached ADU (see subsection 17.41.030(F)(8)(a)(i)). This exemption is included in Title 17 to allow flexibility for a potentially cheaper option for an ADU that will not necessarily meet the design style of the principal dwelling. Staff proposes an exception to this design exception where a designated historic resource (as defined in and designated pursuant to the pending Historic Preservation Ordinance) is located on the subject lot. This would mean that where there is a historic resource on the site, a non-exempt manufactured or modular ADU would need to be of a similar architectural and design style as the principal dwelling on the site. This would provide some balance between support for affordable ADUs and the protection of historic sites. Note that the City cannot outright prohibit ADUs on historic sites. (See Section 4(Q) of the proposed Ordinance.)

Telecommunication Facilities

Section 17.42.020 provides permit requirements for various telecommunications facilities. As currently adopted, this section includes two instances where different permit procedures overlap. In subsection 17.42.020(A)(5), antenna and equipment cabinets or rooms completely located inside of permitted structures are exempt from permitting. However, antenna and support equipment completely hidden from public view within a structure requires a Zoning Clearance pursuant to subsection 17.42.020(B)(2)(c)(i). In addition, if a facility does not meet the qualification for an exemption, Zoning Clearance, or Land Use Permit/Coastal Development Permit, a Minor Conditional Use Permit is required pursuant to subsection 17.42.020(D)(1). However, that same project may require a Modification to address district height exceedances pursuant to subsection 17.42.020(E), which would be redundant with the Minor Conditional Use Permit. Note that exceptions to district standards, including height, may be granted with a Conditional Use Permit.

The proposed Ordinance includes amendments to Section 17.42.020 to address these process inconsistencies. Amendments are proposed so that all antennas and equipment cabinets or rooms, and other telecommunications facilities, where the antenna and support equipment are completely hidden from public view within a permitted structure or fully concealed by a permitted architectural feature on the exterior of a structure are exempt from permitting (and thus eliminating the Zoning Clearance requirement). The proposed Ordinance also includes a repeal of subsection 17.42.020(E) so that all issues regarding height requirements are addressed through the Minor Conditional Use Permit requirement in subsection 17.42.020(D). (See Sections 4(T), 4(U), and 4(V) of the proposed Ordinance.)

Application Fee Refunds

Currently, Title 17 does not allow for refunds of fixed-fee application payments, pursuant to subsection 17.52.020(D)(3). However, staff has identified a situation in which an

exception to this rule may be appropriate. In some instances, an application may be submitted for a fixed-fee approval (such as a Land Use Permit) but, during processing of the application, staff determines that the appropriate application should have been for an approval with a deposit-based fee (such as a Development Plan). If this happens, the Land Use Permit application would be withdrawn, and the applicant would resubmit for the appropriate deposit-based approval. In those instances, it may be fair to allow the unspent balance from the fixed-fee application to be transferred to the deposit case. To address these types of situations, staff proposes a new clause in subsection 17.52.020(D)(3) to allow the Director to authorize the transfer of a fixed fee, or portion thereof, to a deposit application. (See Section 4(Y) of the proposed Ordinance.)

Zoning Exemptions for ADA Improvements

Currently, Title 17 includes an exemption from a zoning permit for improvements required by law, such as the Americans with Disabilities Act (ADA), in subsection 17.53.020(D). However, if there is an underlying approval on the subject lot, such as a Development Plan, other provisions of Title 17 may require a Substantial Conformity Determination, Amendment, or Revision to the Development Plan for such improvements.

The proposed Ordinance includes an amendment to state that a project proposing improvements to meet requirements of law, such as the ADA, are exempt from zoning permits, even if there is an underlying approval such as a Development Plan. This would help streamline such projects through the planning process by not requiring a Substantial Conformity Determination, Amendment, or Revision to the Development Plan. It should be noted that, even if a project is exempt from zoning permits, the development must still meet the standards included in Title 17, like height and setback standards. Additionally, the exemption in Section 17.53.020(D) does not exempt the project from Design Review. (See Section 4(BB) of the proposed Ordinance.)

Permitting of Carports, Gazebos, Canopies, and Pergolas Associated with Solar Energy Systems

Solar energy systems, including structural design features of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating are exempt from zoning permits, pursuant to subsection 17.24.180(A). However, when a structure, such as a carport, is built along with a solar energy system, the carport does not fall within the permitting exemption.

A recent project for carports with associated solar energy systems was processed on a site with an underlying Development Plan. As a result, two approvals were needed for the project, one to address changes to the Development Plan and one to approve Design Review. Requiring multiple approvals added time, cost, and uncertainty to a project seeking to improve the renewable energy production at the project site. Because of the policy considerations supporting renewable energy in the City, staff is proposing a more streamlined review process for such projects for carports, canopies, gazebos, and pergolas that support solar energy systems. Under the proposed Ordinance, these

projects would require a Zoning Clearance regardless of any underlying approvals, like a Development Plan, on the subject site. The Zoning Clearance would replace a Substantial Conformity Determination, Amendment, or Revision to the Development Plan. The Zoning Clearance would not require separate notice and would not be appealable and would therefore simplify the planning review process. It is important to note the even under this more streamlined approach, the carport/gazebo/ pergola would still be subject to the development standards of Title 17 and requirements for Design Review. (See Section 4(E) of the proposed Ordinance.)

Note that the inclusion of canopies in this proposed amendment was proposed and recommended to City Council by the Planning Commission.

Processing of Applications in the Coastal Zone

Chapter 17.61 provides procedures for permitting of development in the Coastal Zone through the issuance of Coastal Development Permits (CDPs). As stated in Section 17.61.010, Chapter 17.61 was adopted with the intent of serving as procedures for when the City Local Coastal Program (LCP) is certified by the California Coastal Commission (Coastal Commission). The City is currently working on the development of the LCP but does not currently have a certified LCP. Because the City currently does not have a certified LCP, permitting authority within the Coastal Zone of the City rests with the California Coastal Commission. As such, and until LCP certification, the City reviews development in the Coastal Zone “in-concept” but then refers the applicant to the Coastal Commission for a CDP.

In order to provide clarity to the public and potential applicants regarding this process, staff proposes amending subsection 17.61.060(D) to clarify the responsibilities of the City and the Coastal Commission for CDP issuance while the City does not yet have a certified LCP delegating it permit jurisdiction in the Coastal Zone. Additional amendments are proposed to subsection 17.54.020(B) to add that the City will issue a Zoning Clearance to effectuate an approval by the Coastal Commission for projects within its permit jurisdiction and to Section 17.73 to add a definition for “Coastal Commission Original Permit Jurisdiction” to make clear where Coastal Commission will retain permit jurisdiction even after City LCP certification. (See Sections 4(FF) and 4(LL) and subsections 4(NN)(2) and 4(OO)(5) of the proposed Ordinance.)

Additional Definitions

In addition to the inclusion of a definition for “Coastal Commission Original Permit Jurisdiction” explained above, staff is also proposing a new definition for “Agricultural Operations.”

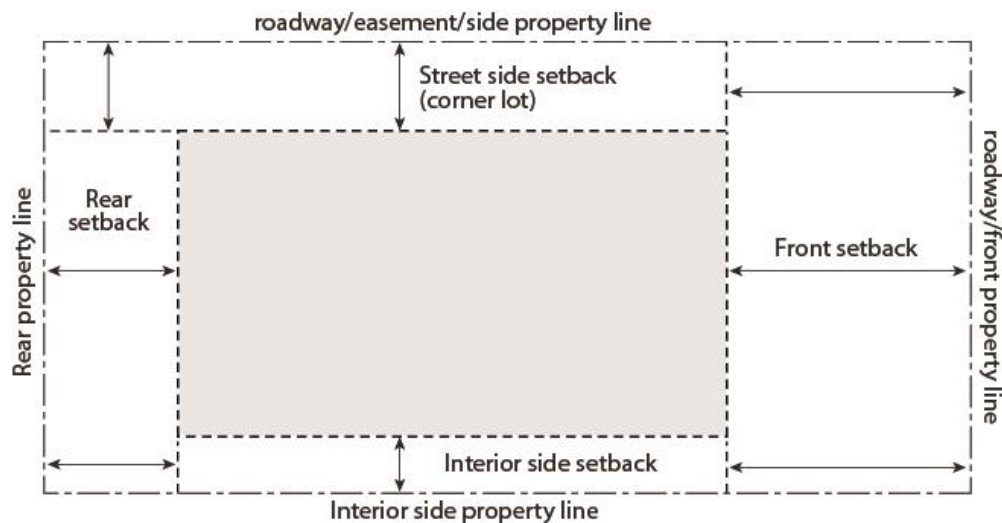
The term “Agricultural Operations” is used in five provisions within Title 17, including as an activity that is allowed in Streamside Protection Areas pursuant to subsection 17.30.070(E). In order to provide clarity as to the scope of “Agricultural Operations,” the proposed Ordinance includes a definition for “Agricultural Operations” as the agricultural uses included in Section 17.72.060 that are operated on a commercial or non-profit basis.

Agricultural uses defined in Section 17.72.060 are only allowed in the Agricultural (AG) Zone District. By defining “Agricultural Operations” in this manner, the proposed Ordinance would provide clear limitations on the applicability of this term. (See subsections 4(NN)(1) and 4(OO)(1) of the proposed Ordinance.)

Revised Definitions of Setbacks

Title 17 currently defines front, street side, interior side, and rear setbacks as extending the full distance across the lot, so that on rectangular lots, the setbacks overlap. The corners of the lot are technically in two different setbacks. This can lead to confusion, particularly as it applies to allowed development in rear setbacks that is not allowed in side setbacks. For instance, certain accessory structures in residential zone districts are allowed in rear setbacks but not in side setbacks (see subsection 17.24.020(D)(1)).

In order to address this issue, staff is proposing revisions to the setback definitions so that the setbacks do not overlap. Essentially, these amendments create a hierarchy whereby the front setback controls over the street side setback, the street side setback controls over the rear setback, and the rear setback controls over the interior side setback. Below is a figure (the new proposed Figure 17.03.140: SETBACKS) illustrating the application of the proposed setback hierarchy.



This proposed updated hierarchy conforms to the historical application of setbacks within the City under the County’s zoning ordinances prior to adoption of Title 17 and helps ensure that previously approved development is not considered nonconforming under Title 17. In addition to updates to the setback definitions, Figures 17.03.140 and 17.24.040 have been updated in the proposed Ordinance to reflect the changes in setback definitions. (See Sections 4(B) and 4(G) and subsection 4(OO)(10) of the proposed Ordinance.)

Other Clarifying Revisions

The proposed Ordinance also includes several clarifying amendments to clear up ambiguities and improve formatting. Below is a quick summary of these changes:

- Update Figure 17.03.140 to better reflect the text and reflect the proposed revisions to setback definitions as proposed in this Ordinance. (See Section 4(B) of the proposed Ordinance.)
- Change “walks” to “walkways” in subsection 17.07.030(B) to better reflect common terminology. (See Section 4(C) of the proposed Ordinance.)
- Remove “not otherwise counted towards floor area” from subsection 17.07.040(A) to make clear that garages count towards the maximum floor area in the RS District. (See Section 4(D) of the proposed Ordinance.)
- Delete “OR RP” from the title of Figure 17.07.050(A) to match the standards in subsection 17.07.050(A). (See Section 4(E) of the proposed Ordinance.)
- Add “Distance into...” at the beginning of the headers to columns 2-4 of Table 17.24.040 to make clear that the distances in the table are the distances projections are allowed “into” the setback and are not a reflection of the final required setback. (See Section 4(F) of the proposed Ordinance.)
- Update Figure 17.24.040 to better reflect existing requirements in Section 17.24.040 and reflect the proposed revisions to setback definitions as proposed in this Ordinance. (See Section 4(G) of the proposed Ordinance.)
- Add Figures 17.24.210(A)(1) and 17.24.210(A)(2) to illustrate vision clearance standards provided in Section 17.24.210(A) for better ease of implementation and communication with the public. (See Sections 4(H) and 4(I) of the proposed Ordinance.)
- Delete “, Cultural, oak tree CRZ, etc.” from subsection 17.29.020(B)(1). As currently written, this subsection suggests that Title 17 includes buffers for cultural resources and oak tree critical root zones. Title 17 does not contain such buffers. (See Section 4(K) of the proposed Ordinance.)
- Add “where applicable” to subsection 17.34.060(A) to clarify that the referenced Water Efficient Landscape Ordinance (WELO) elements are not required for all Landscape Plans. WELO applicability is provided in Chapter 15.21 of the GMC. (See Section 4(L) of the proposed Ordinance.)
- Clarify that off-site parking allowed pursuant to subsection 17.38.070(C) must still adhere to the setback standards for on-site parking provided in subsections 17.38.070(A) and (B). This ensures that the adopted parking setbacks are applied universally, not just when parking is provided on site. (See Section 4(N) of the proposed Ordinance.)
- Make clear in subsection 17.38.090(C) that the requirement for bicycle charging applies to both short- and long-term bike parking and only to required bicycle parking and not voluntary bike parking proposed as an additional site amenity (so

as to not provide a barrier for a developer wishing to go beyond the City's bicycle parking requirements). (See Section 4(O) of the proposed Ordinance.)

- Add "Permit" after "Conditional Use" in subsection 17.41.040(B) to accurately describe the discretionary approval type. (See Section 4(R) of the proposed Ordinance.)
- Remove reference to size measurements for Accessory Uses in the introductory sentence in subsection 17.41.040(C). The measurement of Accessory Use sizes is described in subsections 17.41.040(C)(1-4) and reference to the methodology in the introduction to the standards has led to confusion, particularly the inclusion of "lot area" as a means of measurement, which is not used in (C)(1-4). (See Section 4(S) of the proposed Ordinance.)
- Add "Zoning Administrator" to the list of Review Authorities in subsection 17.50.020(B)(2) to better reflect the instances in which the Design Review Board serves in an advisory capacity for Design Review approval. (See Section 4(W) of the proposed Ordinance.)
- Clarify in Section 17.52.010 that City review of a zoning permit or discretionary review application is required for all new development unless specifically exempted. This information is already included in the Land Use Permit Chapter. However, including this requirement in the Common Procedures Chapter provides more prominence to this foundational requirement. (See Section 4(X) of the proposed Ordinance.)
- Correct terminology in subsection 17.52.090(A) for the effective date of Emergency Permits and Zoning Clearances. This subsection currently states that the effective date for these permit types is the date of approval. However, these permits are not "approved," they are "issued." The amendment corrects this. (See Section 4(AA) of the proposed Ordinance.)
- Change the term "Permit" in the last sentence of Section 17.54.010 to "Clearance" and add an "a" before "Discretionary Approval" to better reflect Title 17 terminology and improve sentence structure. (See Section 4(CC) of the proposed Ordinance.)
- Add a new subsection 17.55.030(E) to provide additional clarification that new businesses in the City do not need a Land Use Permit unless that use qualifies as a "Change of Use" as provided for in subsection 17.55.020(A). (See Section 4(GG) of the proposed Ordinance.)
- Clarify the intent of the scope of Design Review in subsection 17.58.030(B) regarding lighting. Revisions clarify that the lighting considered in subsection 17.58.030(B)(8) refers to lighting associated with signage and the lighting in subsection 17.58.030(B)(11) applies to exterior lighting generally. (See Sections 4(II) and 4(JJ) of the proposed Ordinance.)
- Add "Zoning Administrator" to the list of Review Authorities in subsection 17.58.040(C) to better reflect the instances in which the Design Review Board serves in an advisory capacity for Design Review approval. (See Section 4(KK) of the proposed Ordinance.)

- Revise the use classification “Medical, Dental, and Health-Related Services” definition to eliminate an internal inconsistency in the definition. Currently, the use excludes “private medical and dental offices that typically require appointments and are usually smaller scale.” However, these types of uses clearly fall within earlier provisions of the “Medical, Dental, and Health-Related Services” use definition and should not be excluded from the use. (See subsection 4(MM)(1) of the proposed Ordinance.)
- Delete the use “Retail Sales, With Drive Through” from Section 17.72.030 as this use is not used in Title 17. Drive-Through Facilities are regulated separately from the use, utilizing the Drive-Through Facility standards in Section 17.24.070. (See subsection 4(MM)(2) of the proposed Ordinance.)
- Delete the definition of “Critical Root Zone” in Section 17.73.020, as this term is not used in Title 17 at this time. (See subsections 4(NN)(3) and 4(OO)(6) of the proposed Ordinance.)
- Change the definition of “Maintenance and Repair” to “Repair and Maintenance” in Section 17.73.020, as the latter is typically how the term is used in Title 17 and this revision would also help differentiate the term from the use “Maintenance and Repair Services.” (See subsections 4(NN)(4) and 4(OO)(9) of the proposed Ordinance.)
- Revise the definition of “Alteration” in Section 17.73.020 to reflect the change to the term “Maintenance and Repair” described above. (See subsection 4(OO)(2) of the proposed Ordinance.)
- Revise the definition of “Building” to include “shade” in the listed purposes for which a building may be intended to ensure that no argument can be made that because a “building” is intended for shade, it should not be regulated as a “building” under Title 17. (See subsection 4(OO)(3) of the proposed Ordinance.)
- Clarify in the definition of “Carport” that the “enclosed” sides of the Carport do not need to be fully enclosed. (See subsection 4(OO)(4) of the proposed Ordinance.)
- Clarify in the definition of “Deck” that the term includes “roof-top decks” to reduce ambiguity and to further differentiate from balconies. (See subsection 4(OO)(7) of the proposed Ordinance.)
- Update the definition of “Grubbing” to make clear that the vegetation removed does not need to be both “uprooted” and “removed.” One of these actions suffice to meet the definition of grubbing. This edit clarifies that cutting down a tree is included in grubbing, even though the tree may not be uprooted at the same time, or have its stump ground out at a later time. (See subsection 4(OO)(8) 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.

Here, the City of Goleta has an existing, adopted General Plan for which an EIR was certified. The proposed Ordinance 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 proposed Ordinance. Therefore, no additional CEQA review is required. Any subsequent development project processed under Title 17 will be separately examined 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 2020–21 and 2021-22 Budgets under Program 4300 of the Advance Planning Division.

Reviewed By:


Kristine Schmidt
Assistant City Manager

Legal Review By:


Michael Jenkins
City Attorney

Approved By:


Michelle Greene
City Manager

ATTACHMENTS:

1. Ordinance No. 21-__, 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. Draft Notice of Exemption
4. Staff Presentation

Attachment 1

Ordinance No. 21-___, entitled “An Ordinance of the City of Goleta, California, Adopting Various Amendments to Title 17 of the Goleta Municipal Code”

ORDINANCE NO. 21-__

AN ORDINANCE 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 June 14, 2021 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 June 14, 2021; and

WHEREAS the City Council conducted a duly noticed public hearing on _____, 2021 at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council adopted Ordinance No. 21-__, which amends Title 17 of the GMC, on _____, 2021.

**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 amendments are 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.

In addition, the Ordinance maintains consistency with General Plan policies specifically relevant to the amended sections of Title 17. Amendments to Table 17.38.040(A):Required On-Site Parking Space, to require that Single-Unit Dwelling required parking spaces be in a garage ensures consistency with Transportation Element subpolicy TE 9,3 that requires that "[o]ff-street parking for proposed new single-family dwellings in all residential land uses categories shall be provided in enclosed garages."

The Ordinance Amendment will 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, through the addition of Section 17.24.220.

Amendments to the Accessory Dwelling Unit regulations in subsection 17.41.030(D)(1)(d)(ii) ensure Title 17 consistency with California Government Code Section 65852.2(e)(1)(D) regarding the City's limited ability to regulate detached Accessory Dwelling Units on multi-family lots.

Finally, amendments to the City's noticing procedures in subsection 17.52.050(C)(1)(c) ensure consistency with California Government Code Section 65091(a)(4) regarding when newspaper notice may be utilized for a public hearing in-lieu of mailed notice.

B. The amendments are 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 amendments are 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.

In addition, 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 the project will be more severe than described in the General Plan EIR and there are no cumulative or off-site impacts from the proposed project 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 interpretation of any provision of this Title.

1. **Official Determinations.** The Director must issue an official determination, which is subject to appeal, pursuant to Section 17.52.120 of this Title. in the following situations:

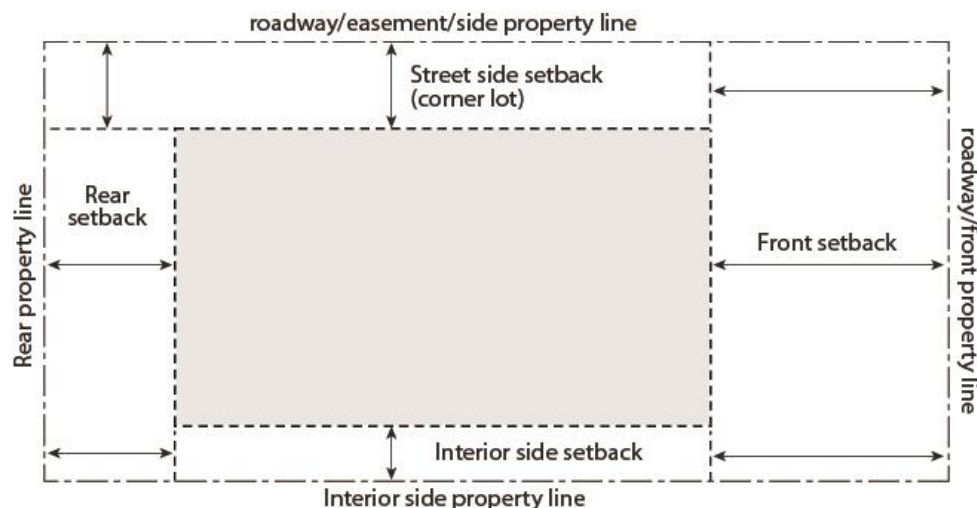
- a. Determination which of two or more conflicting provisions apply generally or to a specific case;

- b. Determination of whether a specific unlisted use may be permitted in one or more zone districts in accordance with Section 17.02.030, Rules and Interpretations; and
- c. Interpretations regarding disputed boundaries of zone districts in accordance with Section 17.01.080, Zoning Map and District Boundaries.

If one of the above situations is not present, but ambiguity in application of a provision of Title 17 exists, resolution of the ambiguity should be documented. However, such resolution does not qualify as requiring a Director Determination.

- 2. **Codification.** Determinations shall be compiled and amendments to Title 17 shall be proposed that align with the Determinations.

B. Replace existing Figure 17.03.140 of the Goleta Municipal Code, entitled “FIGURE 17.03.140: SETBACKS”, with the figure below:



C. Subsection 17.07.030(B) of the Goleta Municipal Code is amended to read as follows:

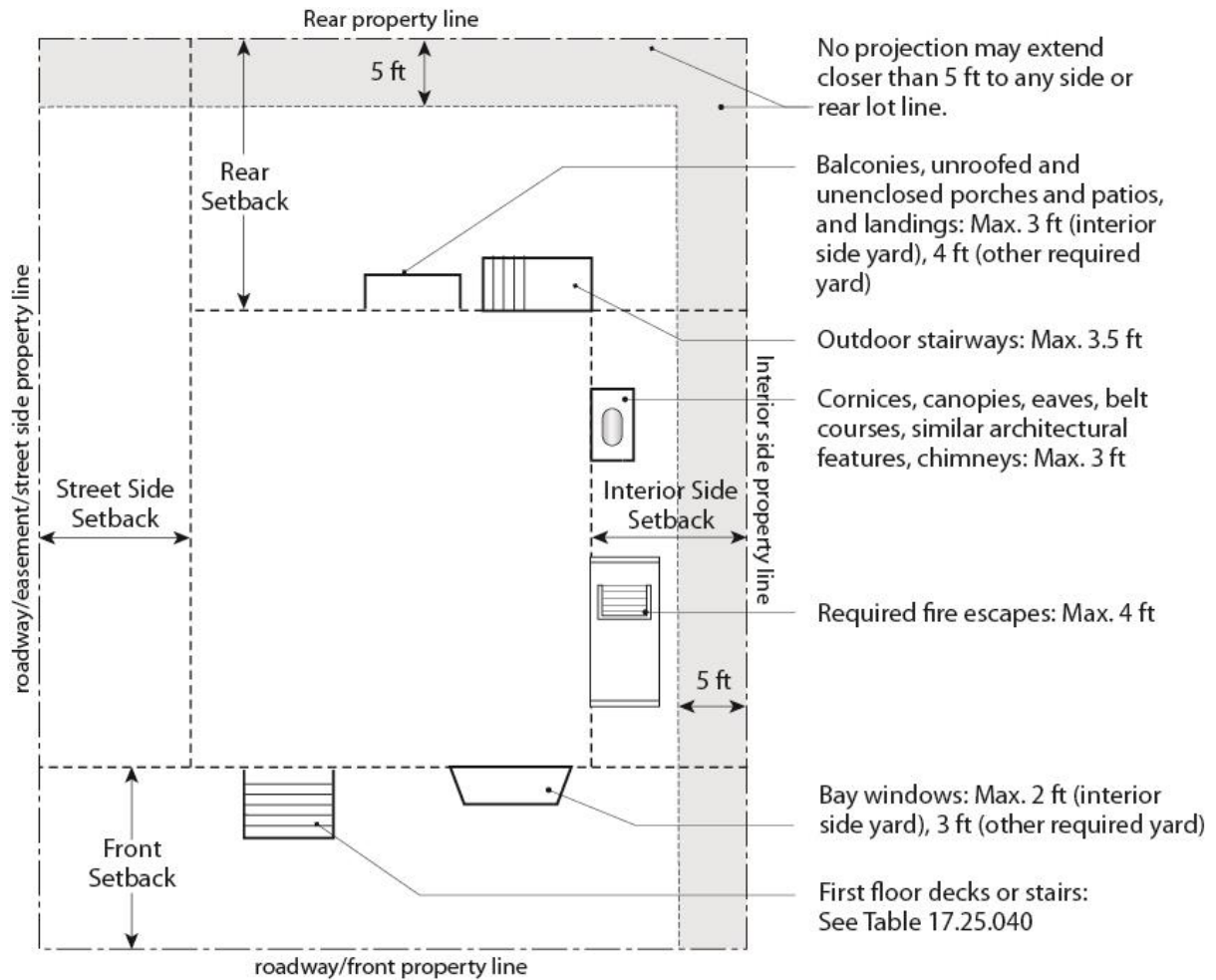
Landscaping and Paving. All required front and street-side setbacks, except walkways and driveways, must be landscaped consistent with Chapter 17.34, Landscaping. The maximum amount of impervious paving and other hardscape (inclusive of driveways and parking areas) in front and street side setbacks is 50 percent of the required setback area.

D. Subsection 17.07.040(A) of the Goleta Municipal Code is amended to read as follows:

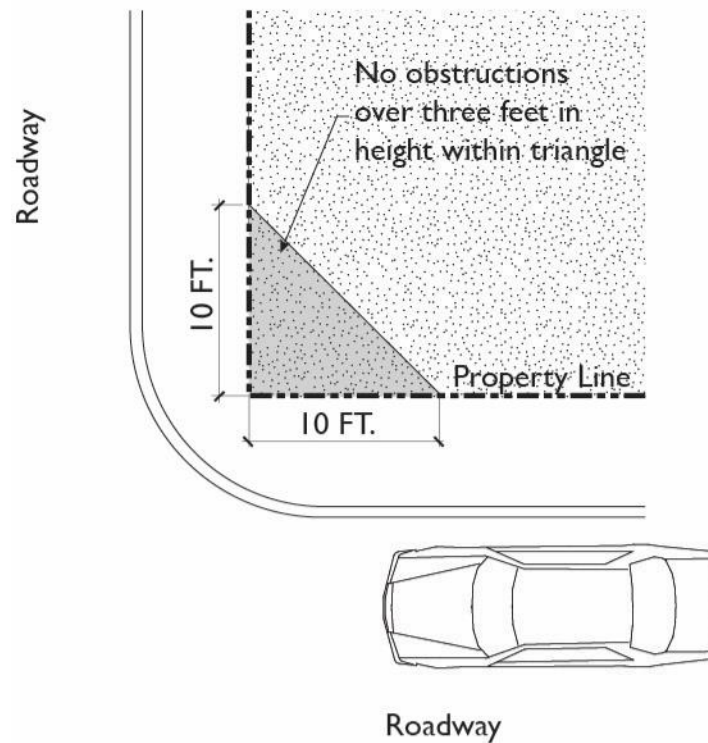
Maximum Floor Area. No single-unit dwelling or accessory structure may be constructed or expanded unless the proposed structure or expansion complies with the following standards for maximum allowable floor area for all structures on the lot,

including garages. Development that exceeds these floor area standards may be approved subject to Design Review approval by the Design Review Board.

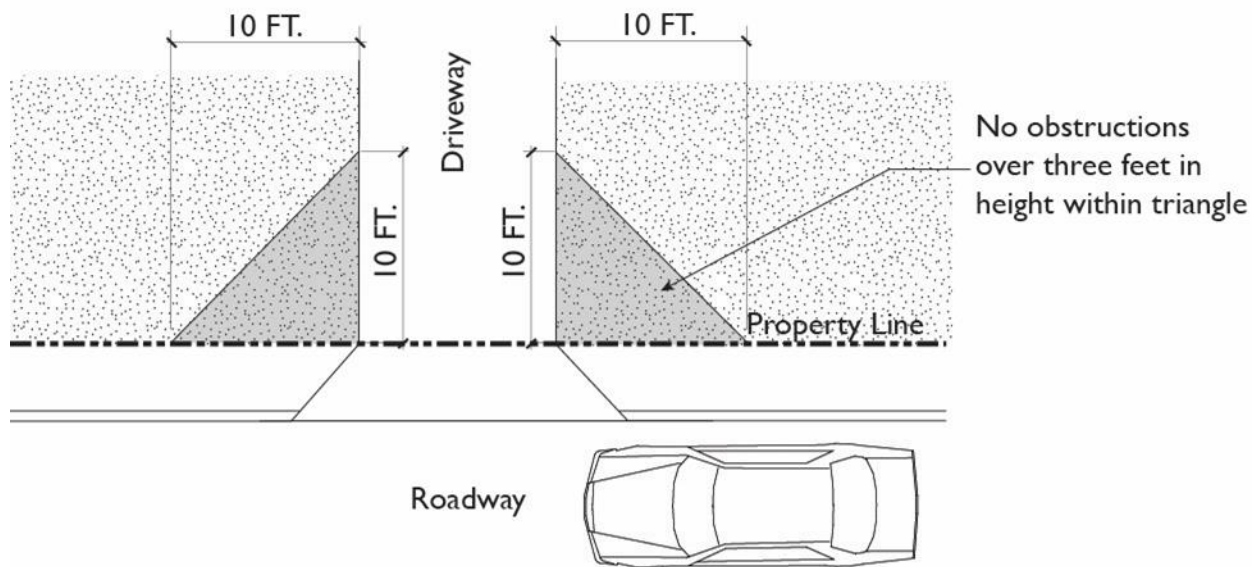
- E. *Figure 17.07.050(A) of the Goleta Municipal Code is amended to read as follows: “TRANSITIONAL STANDARDS – RP, RM, AND RH DISTRICTS ADJACENT TO THE RS DISTRICT.”***
- F. *Table 17.24.040 of the Goleta Municipal Code, entitled “TABLE 17.24.040: ALLOWED ARCHITECTURAL PROJECTIONS INTO SETBACKS”, is amended to rename column headers as follows:***
 - 1. Column 2: *“Distance into Front or Street Side Setback (ft.)”.*
 - 2. Column 3: *“Distance into Interior Side Setback (ft.)”.*
 - 3. Column 4: *“Distance into Rear Setback (ft.)”.*
- G. *Replace the existing Figure 17.24.040 of the Goleta Municipal Code, entitled “FIGURE 17.24.040: ALLOWED BUILDING PROJECTIONS”, with the figure below:***



- H. **Subsection 17.24.210(A)(1) of the Goleta Municipal Code is amended to add “FIGURE 17.24.210(A)(1): CLEARANCE TRIANGLE, CORNER LOTS” as shown below:**



- I. **Subsection 17.24.210(A)(2) of the Goleta Municipal Code is amended to add “FIGURE 17.24.210(A)(2): CLEARANCE TRIANGLE, DRIVEWAYS” as shown below:**



J. Chapter 17.24 of the Goleta Municipal Code is amended to add Section 17.24.220, entitled, “Electric Vehicle Charging Stations” to read as follows:

This Section provides procedures for the review of electric vehicle (EV) charging stations, as they are defined in GMC Section 15.20.030, where the Building Official finds that the EV charging station could have a specific adverse impact upon the public health or safety, consistent with GMC subsection 15.20.070(A).

A. **Exempt.** Where the Building Official does not make the finding in GMC subsection 15.20.070(A), the EV charging station is exempt from all standards and requirements of Title 17.

B. **Permit Required.** Where the Building Official makes the finding in GMC subsection 15.20.070(A) that a proposed EV charging station could have a specific adverse impact upon the public health or safety, issuance of a Zoning Clearance is required.

C. **Finding for Approval.** The Director shall issue a Zoning Clearance for an EV Charging Station only if the following finding can be made:

1. The proposed EV charging station installation would not have a specific, adverse impact upon the public health or safety.

No additional findings are required for an EV Charging Station, notwithstanding any other provisions of this Title.

D. **Finding for Denial.** If the Director denies the project based on the finding in subsection (C)(1) above, the denial shall include a finding that there is no

feasible method to satisfactorily mitigate or avoid the specific, adverse impact and the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

K. Subsection 17.29.020(B)(1) of the Goleta Municipal Code is amended to read as follows:

Zoning Clearance. Any demolition of a structure that is 50 years or more in age and is neither a protected historic resource nor within a buffer of any other protected resource (e.g., ESHA) and structures less than 50 years in the Old Town Heritage Overlay District.

L. Subsection 17.34.060(A) of the Goleta Municipal Code is amended to read as follows:

Applicability. A Landscape Plan must be submitted with the permit application whenever new or rehabilitated landscaping is required, pursuant to Section 17.34.020, Applicability, and where applicable, must contain all required elements of the State and City's Water Efficient Landscape Ordinance (WELO), including a checklist demonstrating preparation and submittal of each of the following required Landscape Documentation Package documents:

1. Applicant signature and date with statement, "I agree to comply with the City's Water Efficient Landscaping requirements and submit a complete Landscape Documentation Package."
2. Water Efficient Landscaping Worksheet, including the following:
 - a. *Hydrozone Information Table*;
 - b. *Water Budget Calculation*.
 - i. Maximum Applied Water Allowance (MAWA),
 - ii. Estimated Total Water Use (ETWU);
3. Soil Management Report;
4. Landscape Design Plan;
5. Irrigation Design Plan; and
6. Grading Design Plan.

M. Table 17.38.040(A) parking standard for "Single-Unit Dwelling" of the Goleta Municipal Code is amended to read as follows:

2 garage spaces per dwelling unit.

N. Subsection 17.38.070(C) of the Goleta Municipal Code is amended to read as follows:

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 in addition to applicable setback standards provided in subsections (A) and (B) above.

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.

O. Subsection 17.38.090(C) of the Goleta Municipal Code is amended to read as follows:

For required bicycle parking pursuant to subsections (A) and (B) above, one charging electrical outlet is required for every ten required bicycle parking spaces.

P. Subsection 17.41.030(D)(1)(d)(ii) of the Goleta Municipal Code is amended to read as follows:

The height is 16 feet or less.

Q. Subsection 17.41.030(F)(8)(a) of the Goleta Municipal Code is amended to read as follows:

The exterior appearance, design style and character of an ADU must have the same exterior appearance and architectural style of the principal dwelling and use the same exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.).

i. Exception. Except on a lot with a designated historic resource, a manufactured or modular (HUD-certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot.

ii. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.

R. Subsection 17.41.040(B) of the Goleta Municipal Code is amended to read as follows:

No permit or approval is required for accessory uses beyond what is required for the principal use(s) on the premises. However, the accessory uses must be included on

any submittal for the principal use(s). In cases where the principal use requires a Conditional Use Permit, Accessory Uses may be further limited or even prohibited.

S. Subsection 17.41.040(C) of the Goleta Municipal Code is amended to read as follows:

Size. Unless otherwise allowed in this Title, the aggregate floor area of non-residential accessory uses is limited as follows:

1. Structure or tenant space with floor area of less than 1,000 square feet: Maximum 25 percent of the structure or tenant space.
2. Structure or tenant space with floor area of 1,000 to 3,000 square feet: Maximum 250 square feet or 15 percent of the structure or tenant space, whichever is greater.
3. Structure or tenant space floor area of more than 3,000 square feet: Maximum 600 square feet or 10 percent of the structure or tenant space, whichever is greater.
4. Additional square footage may be allowed pursuant to approval of a Major Conditional Use Permit.

T. Subsection 17.42.020(A)(5) of the Goleta Municipal Code is amended to read as follows:

Antennas and equipment cabinets or rooms, and other telecommunications facilities, where the antenna and support equipment are completely hidden from public view within a permitted structure or fully concealed by a permitted architectural feature on the exterior of a structure.

U. Subsection 17.42.020(B)(2)(c) of the Goleta Municipal Code is repealed in its entirety.

V. Subsection 17.42.020(E) of the Goleta Municipal Code is repealed in its entirety.

W. Subsection 17.50.020(B)(2) of the Goleta Municipal Code is amended to read as follows:

If the City Council, Planning Commission, or Zoning Administrator is the Review Authority for a project that has a companion Design Review application (e.g., Development Plan, Conditional Use Permit, etc.) the Design Review Board must make an advisory recommendation on the design elements of the project after it has determined that the project is ready for Preliminary Review, pursuant to subsection B of Section 17.58.060, Design Review—Design Review Board Levels of Review.

X. Section 17.52.010 of the Goleta Municipal Code is renamed “Purpose and Applicability” and amended to read as follows:

This Chapter establishes procedures that are common to all application submittals for development provided for in this Title. City review of a Zoning Permit or Discretionary Review application is required for all new development, unless exempted by any specific requirement of this Title or superseded by applicable law.

Y. *Subsection 17.52.020(D)(3) of the Goleta Municipal Code is amended to read as follows:*

Refunds. In the case of a denial, expiration, withdrawal, or approval of an application with a deposit with a remaining balance, the City must provide a partial refund based upon the pro-rated costs to-date and the status of the application at the time of denial, expiration, withdrawal, or approval. No refunds are provided for applications with fixed fees except, at the discretion of the Director, a fixed fee or portion thereof may be transferred to a deposit application.

Z. *Subsection 17.52.050(C)(1)(c) of the Goleta Municipal Code is amended to read as follows:*

Method for Large Mailings. If the number of property owners to whom notice would be mailed or delivered that are within 300 feet of the exterior boundaries of the subject parcel(s) is greater than 1,000, the City may instead provide notice to property owners and tenants otherwise receiving mailed notice pursuant to subsection (C)(1)(b)(iii) and (iv) by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days before the date of the public hearing.

AA. *Subsection 17.52.090(A) of the Goleta Municipal Code is amended to read as follows:*

Effective Date. The final decision on an application for proposed development becomes effective after the expiration of the 10-day appeal period following the approval date, unless an appeal is filed, except for Emergency Permits and Zoning Clearances. Emergency Permits and Zoning Clearances become effective on the date of issuance.

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

Improvements required by law, such as ADA accessibility, notwithstanding any underlying zoning permits or approvals on the subject lot.

CC. *Section 17.54.010 of the Goleta Municipal Code is amended to read as follows:*

This chapter establishes procedures for conducting Zoning Clearance review to verify that certain new or expanded uses, activities, or structures that would otherwise not

need a different permit under this Title from the City comply with all of the applicable requirements of this Title. This chapter also establishes procedures for issuing a Zoning Clearance to effectuate a Discretionary Approval.

DD. Subsection 17.54.020(A) of the Goleta Municipal Code is amended to add subsection 17.54.020(A)(7) to read as follows:

Electric Vehicle Charging Stations, subject to Section 17.24.220.

EE. Subsection 17.54.020(A) of the Goleta Municipal Code is amended to add subsection 17.54.020(A)(8) to read as follows:

Carports, gazebos, canopies, and pergolas that are appurtenant to solar energy systems, notwithstanding any underlying zoning permits or approvals on the subject lot.

FF. Subsection 17.54.020(B) of the Goleta Municipal Code is amended to add subsection 17.54.020(B)(5) to read as follows:

Coastal Commission approval of a Coastal Development Permit.

GG. Section 17.55.030 of the Goleta Municipal Code is amended to read as follows:

A Land Use Permit is not required under the following circumstances:

- A. The development requires a Discretionary Approval, other than by the Design Review Board;
- B. Regulations of this Title specifically indicate a Land Use Permit is not required;
- C. Regulations of this Title specifically states that a different type of Zoning Permit is required for the development;
- D. The activity is exempt from the issuance of a Zoning Permit; or
- E. Any new use or business that does not qualify as a Change of Use pursuant to subsection 17.55.020(A).

HH. Subsection 17.58.020(B) of the Goleta Municipal Code is amended to add subsection 17.58.020(B)(6) to read as follows:

Electric Vehicle Charging Stations, as they are defined in GMC Section 15.20.030.

II. Subsection 17.58.030(B)(8) of the Goleta Municipal Code is amended to read as follows:

Sign design and associated exterior lighting.

JJ. Subsection 17.58.030(B)(11) of the Goleta Municipal Code is amended to read as follows:

Exterior lighting, including review for dark sky compliance.

KK. Subsection 17.58.040(C) of the Goleta Municipal Code is amended to read as follows:

Higher Review Authorities. In compliance with Chapter 17.50, Review Authorities, the Zoning Administrator, Planning Commission, or City Council shall conduct Design Review and make decisions to approve, approve with conditions, or deny the following projects:

1. Appeals of the Preliminary Approval of the Design Review Board.
2. Projects requiring both Design Review and Discretionary Review.

LL. Subsection 17.61.020(D) of the Goleta Municipal Code is amended to read as follows:

Responsibilities for Issuance. All development within the Coastal Zone requires a Coastal Development Permit, unless specifically exempted or excluded. The responsibility to issue a Zoning Permit within the Coastal Zone of the City shall be the following:

1. **Coastal Development Permit Issued by the Coastal Commission.** Developments on lands located within the Coastal Commissions permit jurisdiction require a permit issued by the Coastal Commission in accordance with the procedure as specified by the California Coastal Act, as amended.
2. **Coastal Development Permits Issued by the City.**
 - i. *Prior to LCP Certification.* The City's action in approving a Coastal Development Permit and any other approvals shall be "in-concept" only until such a time that the City receives a certified LCP from the Coastal Commission. If the development is subsequently approved by the Coastal Commission, the City shall issue a Zoning Clearance, pursuant to Chapter 17.54.
 - ii. *After LCP Certification.* After certification of the LCP, the City must issue all Coastal Development Permits for development not located on lands retained within the Coastal Commission's original permit jurisdiction.

MM. Section 17.72.030 of the Goleta Municipal Code is amended as follows:

1. Amend to the "Medical, Dental, and Health-Related Services" use to read in its entirety:

Offices providing consultation, counseling, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services. This use also includes clinics, which are State-

licensed facilities providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis.

2. Delete the “Retail Sales With Drive-Through” use.

NN. Section 17.73.010 of the Goleta Municipal Code is amended as follows:

1. Add “Agricultural Operations”.
2. Add ‘Coastal Commission Original Permit Jurisdiction”.
3. Delete “Critical Root Zone”.
4. Change “Maintenance and Repair” to “Repair and Maintenance”.

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

1. Add a definition for “Agricultural Operations” to read as follows:

Agricultural Uses as they are defined in Section 17.72.060 that are operated either by a commercial entity or a nonprofit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code.”

2. Amend the definition of “Alteration” to read as follows:

Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes “Repair and Maintenance.”

3. Amend the definition of “Building” to read as follows:

Any structure having a roof supported by columns or walls and intended for the shade, shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

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

An accessible and usable covered space partially enclosed on not more than three sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

5. Add a definition for “Coastal Commission Original Permit Jurisdiction” to read as follows:

The Coastal Commission’s permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated permit jurisdiction to the City for areas potentially subject to the public trust, but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code, Section 30613. After an LCP has been certified, the Coastal Commission’s coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments.

6. Delete the definition of “Critical Root Zone”.

7. Amend the definition of “Deck” to read as follows:

An uncovered platform, typically made of wood, composite material, or vinyl, which is either freestanding or attached to a building and is supported by pillars or posts. Also includes “roof-top decks.”

8. Amend the definition of “Grubbing” to read as follows:

The act by which vegetation, including trees, timber, shrubbery and plants, is uprooted and/or removed from the surface of the ground.

9. Change the defined term of “Maintenance and Repair” to “Repair and Maintenance”.

10. Amend the definition of “Setback” to read as follows:

The required distance between a property line and the area where a building or structure may be constructed pursuant to this Title. This area is intended to provide emergency access and adequate ventilation between structures on adjacent properties and which is to be kept clear and unobstructed from the ground to the sky, except as otherwise permitted by this Title. The following types of setbacks are used within this Title:

Front Setback. A setback extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front setback is a distance specified by this Title for the Zone District it is located in and measured inward from the front lot line.

Interior Side Setback. A setback extending along an interior side of a lot from the front setback line to the rear setback line, and to a depth specified

by this Title for the Zone District it is located in and measured inward from the interior side lot line.

Rear Setback. On a normal lot, a setback extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Title for the Zone District it is located in. On a corner lot, the setback extending from the street side setback to the interior side lot line, and to a depth specified by this Title for the Zone District it is located in. If a triangular or other irregularly-shaped lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be used as an “imaginary rear lot line” for the purpose of establishing the minimum rear setback.

Street Side Setback. A setback extending along the street side of a corner lot from the front setback line to the rear lot line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the street side lot line.

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 _____, 2021.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2021.

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. 21-__ 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)

Title 17 Citation	Tracked Changes Amendment
17.01.040(D)	<p>Zoning Code Determinations. The Director has the authority to determine the interpretation of any provision of this Title. Whenever the Director determines that the meaning or applicability of any development standard or requirement is subject to interpretation or clarification, t</p> <ol style="list-style-type: none"> 1. <u>Official Determination. The Director must issue an official determination, which is subject to appeal, pursuant to Section 17.52.120 of this Title in the following situations:</u> <ol style="list-style-type: none"> a. <u>Determination which of two or more conflicting provisions apply generally or to a specific case;</u> b. <u>Determination of whether a specific unlisted use may be permitted in one or more zone districts in accordance with Section 17.02.030, Rules and Interpretations; and</u> c. <u>Interpretations regarding disputed boundaries of zone districts in accordance with Section 17.01.080, Zoning Map and District Boundaries.</u> <p><u>If one of the above situations is not present, but ambiguity in application of a provision of Title 17 exists, resolution of the ambiguity should be documented. However, such resolution does not qualify as requiring a Director Determination.</u></p> 2. <u>Codification. Determinations shall be compiled and amendments to Title 17 shall be proposed that align with the Determinations.</u>
Figure 17.03.140	N/A. Updated figure.
17.07.030(B)	B. Landscaping and Paving. All required front and street-side setbacks, except walks <u>walkways</u> and driveways, [...]
17.07.040(A)	Maximum Floor Area. No single-unit dwelling or accessory structure may be constructed or expanded unless the proposed structure or expansion complies with the following standards for maximum allowable floor area for all structures on the lot, including garages not otherwise counted towards floor area. Development that exceeds these floor area standards may be approved subject to Design Review approval by the Design Review Board.
Figure 17.07.050(A)	FIGURE 17.07.050(A): TRANSITIONAL STANDARDS-RP, RM, AND RH DISTRICTS ADJACENT TO RS OR RP DISTRICT

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

Title 17 Citation	Tracked Changes Amendment
Table 17.24.040	Table 17.24.040, add “ <u>Distance into...</u> ” at beginning of headers for columns 2-4.
Figure 17.24.040	N/A. Updated Figure.
17.24.210	N/A. Figures prepared.
17.24.220	<p><u>Electric Vehicle Charging Stations.</u> <u>This Section provides procedures for the review of electric vehicle (EV) charging stations, as they are defined in GMC Section 15.20.030, where the Building Official finds that the EV charging station could have a specific adverse impact upon the public health or safety, consistent with GMC subsection 15.20.070(A).</u></p> <p>A. <u>Exempt.</u> <u>Where the Building Official does not make the finding in GMC subsection 15.20.070(A), the EV charging station is exempt from all standards and requirements of Title 17.</u></p> <p>B. <u>Permit Required.</u> <u>Where the Building Official makes the finding in GMC subsection 15.20.070(A) that a proposed EV charging station could have a specific adverse impact upon the public health or safety, issuance of a Zoning Clearance is required.</u></p> <p>C. <u>Finding for Approval.</u> <u>The Director shall issue a Zoning Clearance for an EV Charging Station only if the following finding can be made:</u> 1. <u>The proposed EV charging station installation would not have a specific, adverse impact upon the public health or safety.</u></p> <p><u>No additional findings are required for an EV Charging Station, notwithstanding any other provisions of this Title.</u></p> <p>D. <u>Finding for Denial.</u> <u>If the Director denies the project based on the finding in subsection (C)(1) above, the denial shall include a finding that there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact and the basis for the rejection of potential feasible alternatives of preventing the adverse impact.</u></p>

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

Title 17 Citation	Tracked Changes Amendment
17.29.020(B)(1)	Zoning Clearance. Any demolition of a structure that is 50 years or more in age and is neither a protected historic resource nor within a buffer of any other protected resource (e.g., ESHA, Cultural, oak tree CRZ, etc.) and structures less than 50 years in the Old Town Heritage Overlay District.
17.34.060(A)	Applicability. A Landscape Plan must be submitted with the permit application whenever new or rehabilitated landscaping is required, pursuant to Section 17.34.020, Landscaping – Applicability, and <u>where applicable</u> , must contain all required elements of the State and City’s Water Efficient Landscape Ordinance (WELO), including a checklist demonstrating preparation and submittal of each of the following required Landscape Documentation Package documents:
Table 17.38.040(A)	Single-Unit Dwelling: 2 garage <u>covered</u> spaces per dwelling unit.
17.38.070(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 <u>in addition to applicable setback standards provided in subsections (A) and (B) above.</u>
17.38.090(C)	Bicycle Charging. <u>For required bicycle parking pursuant to subsections (A) and (B) above.</u> One charging electrical outlet is required for every ten <u>required</u> bicycle parking spaces.”
17.41.030(D)(1)(d)(ii)	The total floor area is 800 square feet or smaller <u>The height is 16 feet or less.</u>
17.41.030(F)(8)(a)	The exterior appearance, design style and character of an attached -ADU must have the same exterior appearance and architectural style of the principal dwelling and use the same exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.). i. <u>Exception. Except on a lot with a designated historic resource,</u> a -A manufactured or modular (HUD-certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot. ii. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.
17.41.040(B)	Permit Required. No permit or approval is required for accessory uses beyond what is required for the principal use(s) on the premises. However, the accessory uses must be included on any submittal for the principal use(s). In cases where the principal use requires a Conditional Use <u>Permit</u> , Accessory Uses may be further limited or even prohibited.

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

Title 17 Citation	Tracked Changes Amendment
17.41.040(C)	Size. Unless otherwise allowed in this Title, the aggregate floor area of non-residential accessory uses per structure, or tenant space/lot area is limited as follows:
17.42.020(A)(5)	Antennas and equipment cabinets or rooms, and other telecommunications facilities, where the antenna and support equipment are completely hidden from public view within a permitted structure or fully concealed by a permitted architectural feature on the exterior of a structure completely located inside of permitted structures.
17.42.020(B)(2)(c)	<u>All Zone Districts.</u> i. <u>Stealth Facilities.</u> Stealth facilities where the antenna and support equipment are completely hidden from public view within a structure or fully concealed by an architectural feature on the exterior of a structure.
17.42.020(E)	Modification. Any antenna that would otherwise be subject to subsections A through C above, but exceeds the maximum height for the base Zone District must request approval of a height Modification, pursuant to Chapter 17.62, Modifications.
17.50.020(B)(2)	If the City Council, or Planning Commission, <u>or Zoning Administrator</u> is the Review Authority for a project that has a companion Design Review application (e.g., Development Plan, Conditional Use Permit, etc.) the Design Review Board must make an advisory recommendation on the design elements of the project after it has determined that the project is ready for Preliminary Review, pursuant to subsection B of Section 17.58.060, Design Review—Design Review Board Levels of Review.
17.52.010	17.52.010 Purpose and Applicability. This Chapter establishes procedures that are common to all application submittals for development provided for in this Title, unless superseded by any specific requirement of this Title or applicable law. <u>City review of a Zoning Permit or Discretionary Review application is required for all new development, unless exempted superseded by any specific requirement of this Title or superseded by applicable law.</u>

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

Title 17 Citation	Tracked Changes Amendment
17.52.020(D)(3)	In the case of a denial, expiration, withdrawal, or approval of an application with a deposit with a remaining balance, the City must provide a partial refund based upon the pro-rated costs to-date and the status of the application at the time of denial, expiration, withdrawal, or approval. No refunds are provided for applications with fixed fees <u>except, at the discretion of the Director, a fixed fee or portion thereof may be transferred to a deposit application.</u> "
17.52.050(C)(1)(c)	<i>Method for Large Mailings.</i> If the number of property owners/ tenants to whom notice would be mailed or delivered <u>that are within 300 feet of the exterior boundaries of the subject parcel(s)</u> pursuant to this section is greater than 1,000, the City may instead provide notice <u>to property owners and tenants otherwise receiving mailed notice pursuant to subsection (C)(1)(b)(iii) and (iv)</u> by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days before the date of the public hearing.
17.52.090(A)	Effective Date. The final decision on an application for proposed development becomes effective after the expiration of the 10-day appeal period following the approval date, unless an appeal is filed, except for Emergency Permits and Zoning Clearances. Emergency Permits and Zoning Clearances become effective on the date of approval <u>issuance</u> .
17.53.020(D)	Improvements required by law, such as ADA accessibility, <u>notwithstanding any underlying zoning permits or approvals on the subject lot.</u>
17.54.010	This chapter establishes procedures for conducting Zoning Clearance review to verify that certain new or expanded uses, activities, or structures that would otherwise not need a different permit under this Title from the City comply with all of the applicable requirements of this Title. This Chapter also establishes procedures for issuance a Zoning Permit <u>Clearance</u> to effectuate <u>a</u> Discretionary Approval.
17.54.020(A)(7)	<u>7. Electric Vehicle Charging Stations, subject to Section 17.24.220.</u>
17.54.020(A)(8)	<u>8. Carports, gazebos, canopies, and pergolas that are appurtenant to solar energy systems, notwithstanding any underlying zoning permits or approvals on the subject lot.</u>
17.54.020(B)(5)	<u>5. Coastal Commission approval of a Coastal Development Permit.</u>

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

Title 17 Citation	Tracked Changes Amendment
17.55.030	Add 17.55.030(E) that reads “ <u>Any new use or business that does not qualify as a Change of Use pursuant to subsection 17.55.020(A).</u> ”
17.58.020(A)	<u>6. Electric Vehicle Charging Stations, as they are defined in GMC Section 15.20.030.</u>
17.58.030(B)	8. Sign design and <u>associated</u> exterior lighting; 11. Appropriate dark sky compliance <u>Exterior lighting, including review for dark sky compliance.</u>
17.58.040(C)	Higher Review Authorities. In compliance with Chapter 17.50, Review Authorities, the <u>Zoning Administrator, Planning Commission, or City Council</u> shall conduct Design Review and make decisions to approve, approve with conditions, or deny the following projects:

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

Title 17 Citation	Tracked Changes Amendment
17.61.060(D)	<p>Responsibilities for Issuance. After certification of the LCP by the Coastal Commission, the City must issue all Coastal Development Permits for development not located within the Coastal Commission's original permit jurisdiction. The Coastal Commission's original permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated original permit jurisdiction to the City for areas potentially subject to the public trust but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code, Section 30613. Development located in the Coastal Commission's original permit jurisdiction requires approval of a Coastal Development Permit issued by the Coastal Commission in accordance with the procedure specified by the California Coastal Act. <u>All development within the Coastal Zone requires a Coastal Development Permit, unless specifically exempted or excluded. The responsibility to issue a Zoning Permit within the Coastal Zone of the City shall be the following:</u></p> <ol style="list-style-type: none"> 1. <i>Coastal Development Permit Issued by the Coastal Commission.</i> Developments on tidelands, submerged lands, or navigable waterways <u>lands located within the Coastal Commissions permit jurisdiction</u> require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Act, as amended. 2. <i>Coastal Development Permits Issued by the City.</i> <ol style="list-style-type: none"> i. <u><i>Prior to LCP Certification.</i></u> The City's action in approving a Coastal Development Permit and any other approvals shall be "in-concept" only until such a time that the City receives a certified LCP from the Coastal Commission. If the development is subsequently approved by the Coastal Commission, the City shall issue a Zoning Clearance, pursuant to Chapter 17.54. ii. <u><i>After LCP Certification.</i></u> All development requires a Coastal Development Permit, unless specifically exempted or excluded. After certification of the LCP, the City must issue all Coastal Development Permits for development not located on lands retained within the Coastal Commission's original permit jurisdiction.

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

Title 17 Citation	Tracked Changes Amendment
17.72.030	Medical, Dental, and Health-Related Services. Offices providing consultation, counseling, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services. This use also includes clinics, which are State-licensed facilities providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.
17.72.030	Retail Sales, With Drive-Through. A retail establishment with drive-through facilities.
17.73.010 17.73.020	<u>Agricultural Operations. Agricultural Uses as they are defined in Section 17.72.060 that are operated either by a commercial entity or a nonprofit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code."</u>
17.73.010 17.73.020	<u>Coastal Commission Original Permit Jurisdiction. The Coastal Commission's permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated permit jurisdiction to the City for areas potentially subject to the public trust, but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code, Section 30613. After an LCP has been certified, the Coastal Commission's coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments.</u>
17.73.020	Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes " <u>Repair and Maintenance and Repairs.</u>
17.73.020	Building. Any structure having a roof supported by columns or walls and intended for the <u>shade</u> , shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

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

Title 17 Citation	Tracked Changes Amendment
17.73.020	Carport. An accessible and usable covered space <u>partially</u> enclosed on not more than three sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.
17.73.020	Deck. An uncovered platform, typically made of wood, composite material, or vinyl, which is either freestanding or attached to a building and is supported by pillars or posts. <u>Also includes “roof-top decks.”</u>
17.73.020	Grubbing. The act by which vegetation, including trees, timber, shrubbery and plants, is uprooted and/or removed from the surface of the ground.
17.73.020	<p>Front Setback. A setback extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front setback is a distance specified by this Title for the Zone District it is located in and measured inward from the front lot line.</p> <p>Interior Side Setback. A setback extending along an interior side of a lot from the front setback lot-line to the rear lot-setback line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the interior side lot line.</p> <p>Rear Setback. <u>On a normal lot, a</u> A setback extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Title for the Zone District it is located in. <u>On a corner lot, the setback extending from the street side setback to the interior side lot line, and to a depth specified by this Title for the Zone District it is located in.</u> If a triangular or other irregularly-shaped lot has no rear lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be used as an “imaginary rear lot line” for the purpose of establishing the minimum rear setback.</p> <p>Street Side Setback. A setback extending along the street side of a corner lot from the front setback lot line to the rear lot- line, and to a depth specified by this Title for the Zone District it is located in and measured inward from the street side lot line.</p>
17.73.010; 17.73.020	Critical Root Zone (CRZ). The protected area on the ground around a tree trunk that corresponds to the dripline of the tree canopy, which can be irregularly-shaped in most instances, and is to be avoided during construction activities. Also referred to as “Root Protection Zone.”

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

Title 17 Citation	Tracked Changes Amendment
17.73.010; 17.73.020	Maintenance and Repair and Maintenance . The renovation or replacement of nonbearing walls, roofing, malfunctioning fixtures, wiring, or plumbing that has been weathered or damaged in a manner that restores the function, character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

Attachment 3

Draft Notice of Exemption

NOTICE OF EXEMPTION (NOE)

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: Title 17 (Zoning) Amendments (Case No. 21-0001-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 amendments to Title 17 include amendments to the recently adopted Title 17 to address General Plan and State law consistency, remedy issues identified during early implementation, and provide clarity to the regulations adopted. The topics for these amendments include:

- General Plan and State law consistency related to Electrical Vehicle Charging Stations, Accessory Dwelling Units (ADUs), Required Parking for Single-Unit Dwellings, and Noticing
- Director Determinations
- ADU Design and Historic Resources
- Telecommunication Facilities
- Application Fee Refunds
- Zoning Exemptions for ADA Improvements
- Permitting of Carports, Gazebos, Canopies, and Pergolas Associated with Solar Energy Systems
- Processing of Applications in the Coastal Zone
- Additional Definitions
- Revised Definitions to Setbacks
- 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 (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 15269 (b) (c))
- ☐ Categorical Exemption: (Insert Type(s) and Section Number(s))

NOTICE OF EXEMPTION (NOE)

- Statutory Exemption: Pub. Resources Code, Sec. 21083.3; CEQA Guidelines, Sec.15183)
- Other: CEQA Guidelines, Sec. 15060(c)(3);15378(b)(5); 15061(b)(3)

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:

Peter Imhof

Director, Planning & Environmental Review

Date

Attachment 4

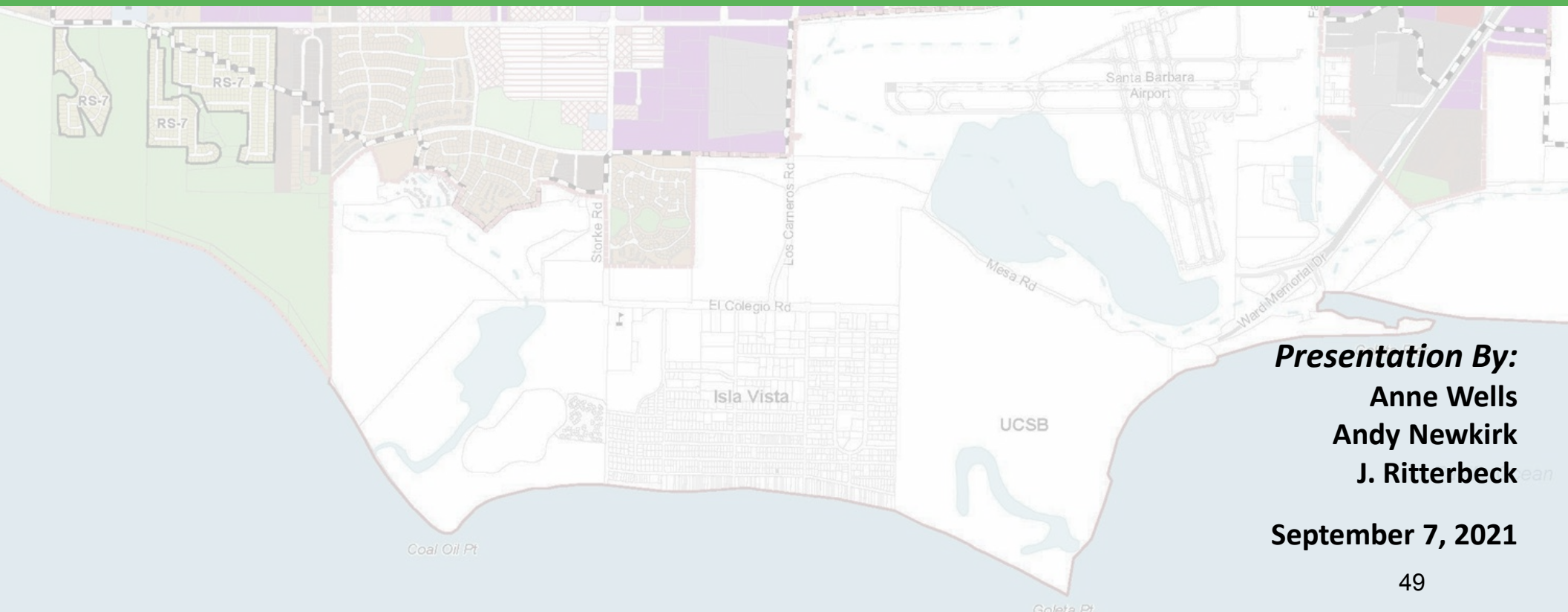
Staff Presentation



City of Goleta

Public Hearing: Title 17 Amendments Ordinance

City Council Adoption Hearing



Presentation By:
Anne Wells
Andy Newkirk
J. Ritterbeck

September 7, 2021

Title 17 (Zoning) Adoption

April 3, 2020:

Title 17 Effective Date

June 22, 2020:

Round 1 Revisions at PC

October 6, 2020:

Round 1 CC Adoption



Public Hearing Agenda

❖ Suggested Format

By Topic Area

- Staff Presentation
- Council Questions
- Public Comment

- Council Deliberation
- Action on Recommendation

General Plan and State Law Consistency

Electrical Vehicle Charging Stations

- Limited Local Review (Government Code §65850.7)
- GMC Chapter 15.20 Guides
- Proposed: New Section 17.24.220 to regulate Electrical Vehicle Charging Stations, consistent with Chapter 15.20



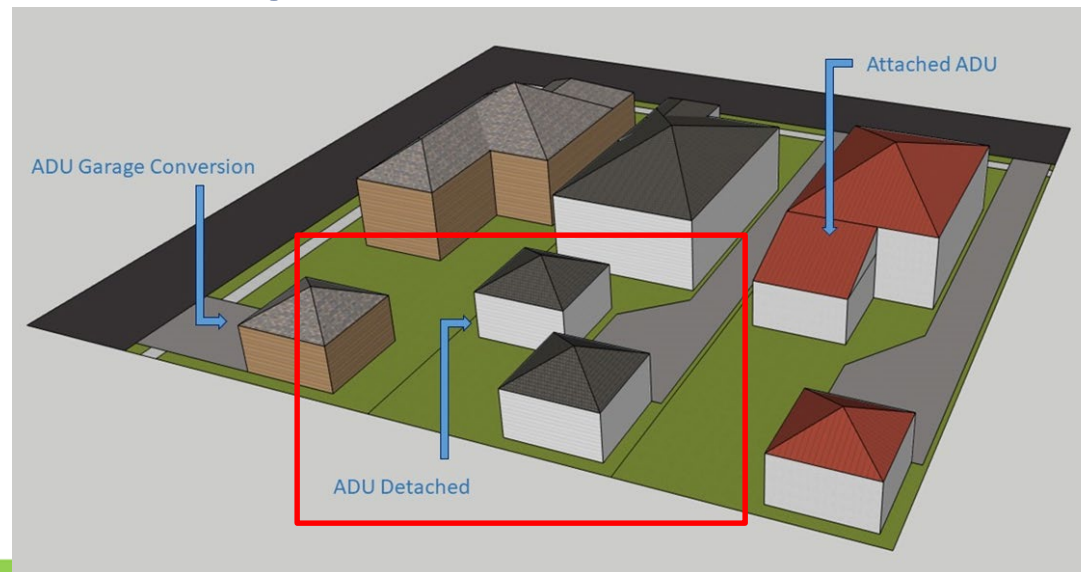
Required Parking for Single-Unit Dwellings

- General Plan Transportation Element subpolicy TE 9.3 includes requirement for garages for single-unit dwelling parking
- Proposed: Change “Covered” to “Garage” for required parking for Single-Unit Dwellings (Table 17.38.040(A)) to ensure General Plan Consistency



Accessory Dwelling Units

- Government Code §65852.2(e)(1)(D) limits standards applicable to detached Accessory Dwelling Units (ADU) on a multi-family dwelling lot
- Proposed: Update to §17.41.030(D)(1)(d)(ii) to be consistent with Government Code:
 - Remove the floor area standard
 - Add a 16-foot height standard



Noticing

- Newspaper notice allowed in-lieu of large mailings
- California Government Code §65091(a)(4) Trigger: If property owners within 300 feet of the project site would exceed 1,000 recipients
- Current Title 17 Trigger: If property owners and tenants within 500 feet of the project would exceed 1,000 recipients
- Proposed: Update §17.52.050(C)(1) to reconcile inconsistency



Other Staff Proposed Revisions

Director Determinations

- Formalized and appealable Director Determinations regarding the interpretation of Title 17 (§17.01.040(D))
- Clarity needed on when this procedure applies
- Proposed: Applies in three situations:
 1. When there are directly conflicting provisions in Title 17
 2. When there is a need to determine whether a specific unlisted use may be permitted in one or more zone districts
 3. When there is a dispute regarding zoning boundaries

ADU Design and Historic Resources


- Standards for objective design of ADUs in §17.41.030(F)(8)
- Currently limited to *attached* ADUs, no consideration of Historic Resources
- Proposed:
 - Extend design standards to apply to detached ADUs
 - Provide an exception to the design exception for manufactured ADUs where a Historic Resource on site

Telecommunication Facilities

- Procedures for processing overlap in §17.42.020
- Currently, stealth facilities and facilities over district height standards have multiple permit paths
- Proposed:
 - Exemption for stealth facilities
 - Remove Modification requirement for facilities above height standards (covered by Conditional Use Permit)

Application Fee Refunds

- Title 17 prohibits refunds of fixed-fee applications in §17.52.020(D)(3)
- Situation exists that may justify exception to this rule
- Proposed: Allow roll over of funds from fixed-fee application to deposit-based application, at Director's discretion



CITY OF
GOLETA

PLANNING PERMIT APPLICATION

Planning and Environmental Review
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7543 Fax: (805) 961-7551

PART A

FOR STAFF USE ONLY		
CASE NO:	FIXED FEES:	RECEIPT NO:
RECEIVED BY:	DEPOSIT FEES:	DATE:
Ministerial	Discretionary	Legislative
<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/> Appeal	<input type="checkbox"/> Development Agreement
<input type="checkbox"/> Compliance Review	<input type="checkbox"/> Coastal Development Permit within Appeal Jurisdiction	<input type="checkbox"/> General Plan Amendment – Initiation
<input type="checkbox"/> Emergency Permit	<input type="checkbox"/> Conditional Use Permit – Minor (New / AMD / Revision)	<input type="checkbox"/> General Plan Amendment
<input type="checkbox"/> Land Use Permit	<input type="checkbox"/> Conditional Use Permit – Major (New / AMD / Revision)	<input type="checkbox"/> Zoning Ordinance Amendment
<input type="checkbox"/> Minor Change to Zoning Permit	<input type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision: Tract Map / Vesting Tract Map
<input type="checkbox"/> Planner Consultation	<input type="checkbox"/> Development Plan (New / AMD / Revision)	<input type="checkbox"/> Specific Plan / Specific Plan Amendment
<input type="checkbox"/> Substantial Conformity Determination	<input type="checkbox"/> Modification	
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Overall Sign Plan	

Zoning Exemptions for ADA Improvements

- Currently require consideration of underlying approvals, such as Development Plans, on project site
- Proposed: Streamline processing, through existing exemption, regardless of any underlying approvals on the site

Permitting of Carports, Gazebos, Canopies, and Pergolas Associated with Solar Energy Systems

- Currently Title 17 requires consideration of underlying approvals, such as Development Plans, on project site
- Proposed: Streamline processing, through a Zoning Clearance, regardless of any underlying approvals on the site



Processing of Applications in the Coastal Zone

- Title 17 drafted to presume Local Coastal Program certification
- Desired clarity to explain the permitting process prior to LCP certification (because the City cannot actually issue Coastal Development Permits)
- Proposed: Explain the City's review "in concept" process in §17.61.060(D), and other minor edits



CALIFORNIA COASTAL COMMISSION

Additional Definitions

“Coastal Commission Original Permit Jurisdiction”

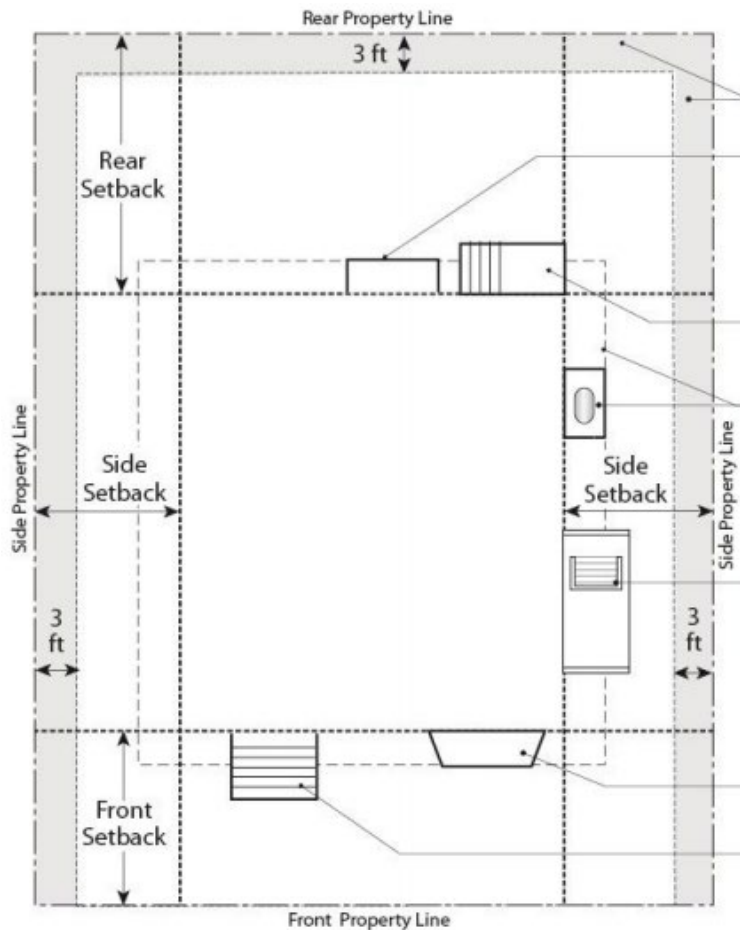
- Proposed: The Coastal Commission’s permit jurisdiction includes all tidelands, submerged lands, or public trust lands whether filled or unfilled, unless the Coastal Commission has delegated permit jurisdiction to the City for areas potentially subject to the public trust, but which are determined by the Coastal Commission to be filled, developed, and committed to urban use pursuant to Public Resources Code, Section 30613. After an LCP has been certified, the Coastal Commission’s coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments.

“Agricultural Operations”

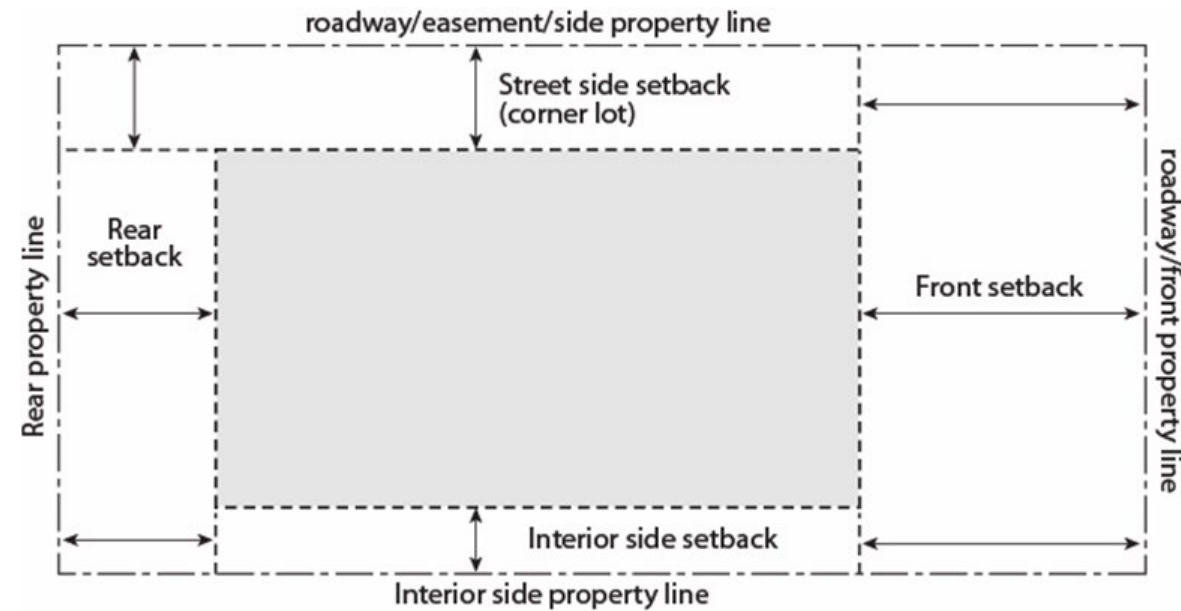
- Proposed: Agricultural Uses as they are defined in Section 17.72.060 that are operated either by a commercial entity or a nonprofit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code..

Definition of Setbacks

Adopted



Proposed



Other Clarifying Revisions

- Clear up ambiguities and improve formatting
- Detailed in the staff report
- Additional details to be provided upon Planning Commission request for any specific proposed amendment

California Environmental Quality Act (CEQA)

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

Recommendation

Adopt Ordinance No. 21-__, entitled “An Ordinance of the City Council of the City of Goleta, California, Adopting Various Amendments to Title 17 of the Goleta Municipal Code.”