



Agenda Item A.9
CONSENT CALENDAR
Meeting Date: September 21, 2021

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 Second Reading (Case No. 21-0001-ORD)

RECOMMENDATION:

Conduct second reading (by title only, waiving further reading) and 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."

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 the Title 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 regarded streamlining of certain development associated with solar energy systems.

DISCUSSION:

On September 7, 2021, the City Council reviewed the Planning Commission recommendation and unanimously introduced and conducted the first reading of the proposed Ordinance, provided as Attachment 1.

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

FISCAL IMPACTS:

There is no direct fiscal impact from adoption of the Ordinance. Funding for Planning and Environmental Review staff time to prepare the Ordinance was included in the adopted FY 2020–21 and 2021-22 Budgets under Program 4300 of the Advance Planning Division.

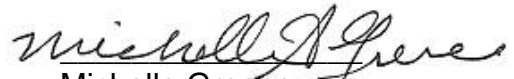
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENT:

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"

Attachment 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”

ORDINANCE NO. 21-__

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

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

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

WHEREAS the Planning Commission conducted a duly noticed public hearing on 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 September 7, 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:

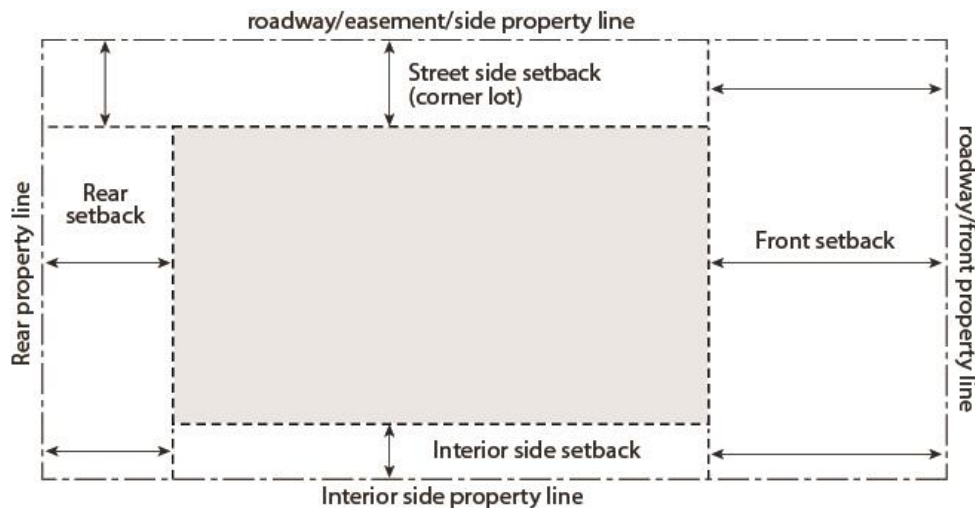
- a. Determination which of two or more conflicting provisions apply generally or to a specific case;

- 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:

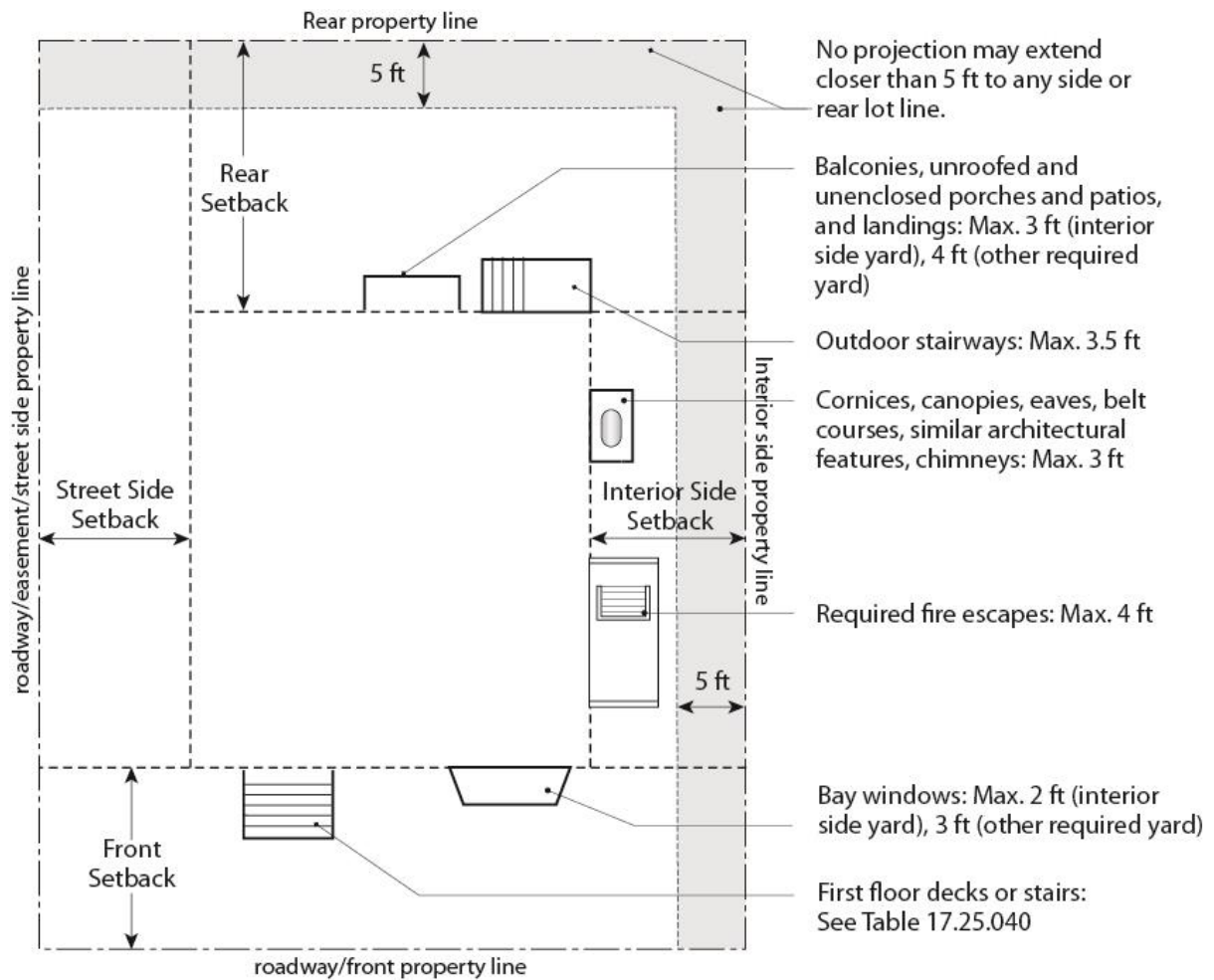
Landscaping and Paving. All required front and street-side setbacks, except walkways and driveways, must be landscaped consistent with Chapter 17.34, Landscaping. The maximum amount of impervious paving and other hardscape (inclusive of driveways and parking areas) in front and street side setbacks is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

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

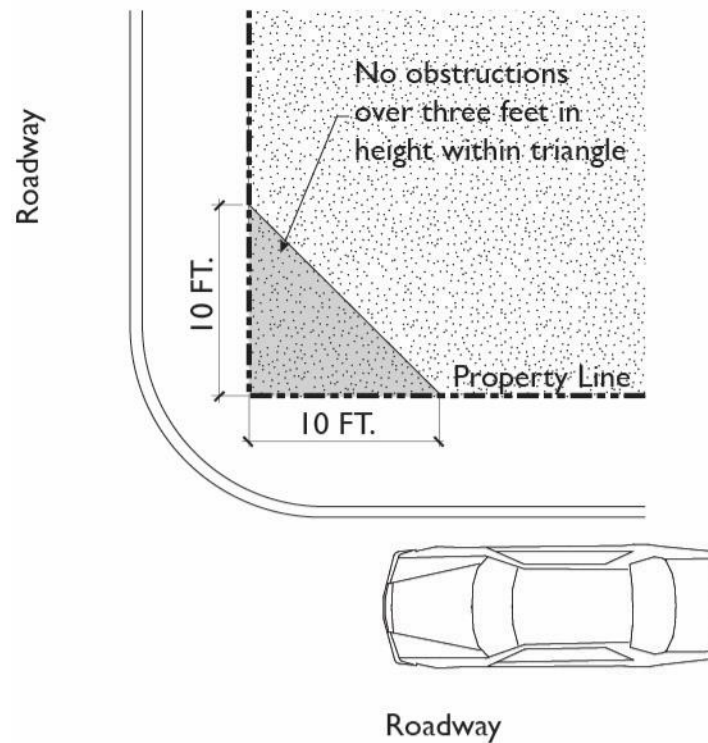
Maximum Floor Area. No single-unit dwelling or accessory structure may be constructed or expanded unless the proposed structure or expansion complies with the following standards for maximum allowable floor area for all structures on the lot,

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

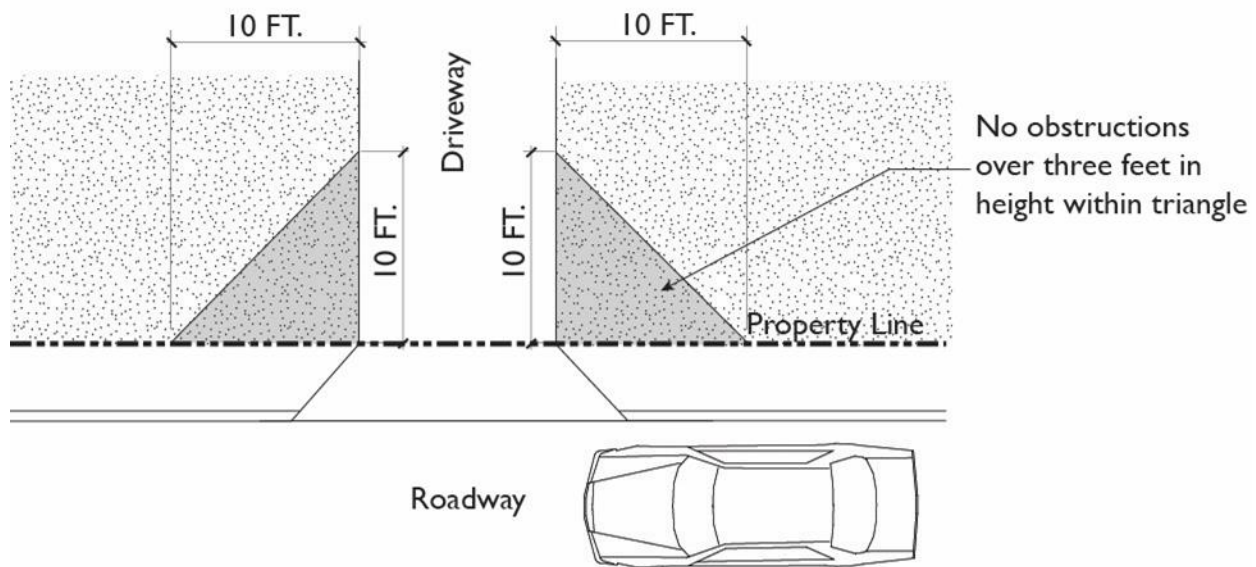
- E. *Figure 17.07.050(A) of the Goleta Municipal Code is amended to read as follows: “TRANSITIONAL STANDARDS – RP, RM, AND RH DISTRICTS ADJACENT TO THE RS DISTRICT.”***
- F. *Table 17.24.040 of the Goleta Municipal Code, entitled “TABLE 17.24.040: ALLOWED ARCHITECTURAL PROJECTIONS INTO SETBACKS”, is 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 7th day of September, 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 September 7, 2021, 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