

-----Original Message-----

From: Ken Alker <ken@alker.net>

Sent: Tuesday, November 21, 2023 10:18 AM

To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>

Subject: RE: City of Goleta - quick question before 5pm

Hi Paul,

I have asked City of Goleta city council to go back to the 284 units that was originally voted on in a straw vote for Kenwood Village rezoning, rather than having the 190 unit cap that they landed upon. A council member asked me if this would slow down the Housing Element approval process since it would introduce a change from what staff submitted to HCD and what was "blessed" by HCD recently. My assumption is that changing from 190 units to 284 would be a good thing in HCD's eyes and would not slow things down, but staff told Planning Commission that any changes, even if they seem on the surface to be something HCD would approve, are risky as staff doesn't know how HCD will view the change.

I don't think City Council will vote to change back to 284 units (eliminate the 190 unit cap) if they feel there is any chance HCD would then reject their submittal. Is there any way to find out if eliminating the 190 unit cap on Kenwood Village would be approved by HCD so that when City Council votes at the beginning of December, they could be informed if this would cause HCD to kick back the Housing Element or if this change would be considered OK?

Thank you!

If you available for a phone call, I am at 805/685-2030.

Ken Alker

--On Thursday, November 16, 2023 9:48 AM -0800 Ken Alker <ken@alker.net> wrote:

> Hi,

>

> Hoping you got the below. I am still hoping to chat with you about my
> project. Are you available this week?

>

> Thank you,

> Ken Alker

>

> --On Monday, November 13, 2023 11:12 AM -0800 Ken Alker

> <ken@alker.net>

> wrote:

>

>> The City of Goleta is having a Planning Commission (PC) meeting tonight.

>> In the last letter I wrote, I pointed out that the proposed limit of

>> 190 units on my 9.85 acres would create a conflict with the minimum

>> of 20 units/acre since 9.85 acres x 20 units/acre >190 units. Staff

>> is now recommending that PC limit developable acreage from 9.85 to

>> 6.63. They backed into the 6.63 acres this by dividing 190 units by 30units/acre.
>> This means I'll not only be limited in number of units, but massing
>> will have to increase to fit the units into the 6.63 acres instead of
>> 9.85 acres. There is also the possibility that this will force me to
>> build less than the maximum number of units (massing/neighborhood issues/cost).
>> I'm glad the city is finally rezoning, but I am frustrated by this
>> arbitrary maximum and now reducing buildable area to make the min/max
>> math work (not a good reason to reduce the buildable area). I know
>> they are very concerned about changing the maximum since getting the
>> straw votes and going through all the public comment and HCD
>> processes, but limiting developable area is now going to affect the
>> neighborhood in a negative way just to make the numbers work. There
>> must be other ways this could be accomplished if the City won't go
>> back to the 284 maximum that was originally proposed by staff.

>> Is there anything the HCD could do to help?

>> Are you available for a phone call? I am at 805/685-2030.

>> Thank you.

>> Sincerely,

>> Ken Alker

>> --On Tuesday, October 10, 2023 12:27 AM +0000 "McDougall, Paul@HCD"

>> <Paul.McDougall@hcd.ca.gov> wrote:

>>> Yes and I am sure I can make sense of it; thanks Ken.

>>> -----Original Message-----

>>> From: Ken Alker <ken@alker.net>

>>> Sent: Monday, October 9, 2023 5:26 PM

>>> To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>

>>> Subject: RE: City of Goleta - quick question before 5pm

>>> Thanks for the quick response, Paul!

>>> I wish I'd had more time to write my letter to the City, but I ran
>>> out of time so it isn't the quality I usually try to produce; very
>>> wordy and not concise. I'm attaching it for you so you can see what
>>> I'm up against. There is a 16-year history behind this project.
>>> When I bought the land, the City asked if I could handle waiting
>>> through a 2-year process to get my permits, and here we are at year
>>> 16. It feels like nearly every council has done everything in their
>>> power to prevent me from building. My goal has been to build homes
>>> for my employees. I'm an electrical engineer and own a company in
>>> town. I'm NOT a developer and have never done this before.

>>> Are you the one reviewing the Housing Element that the City of
>>> Goleta keeps trying to get approved?

>>> I'm hoping the letter makes sense to you. Would you be willing to
>>> discuss over the phone?

>>> Thanks!

>>> Ken

>>> (805) 685-2030

>>>

>>> --On Monday, October 9, 2023 10:29 PM +0000 "McDougall, Paul@HCD"
>>> <Paul.McDougall@hcd.ca.gov> wrote:
>>>
>>>> Just generally; if there is a rezone for a shortfall of lower
>>>> income RHNA, a by right requirement is triggered that includes a
>>>> minimum density of 16 or 20 units per acre. For Goleta, it is 20
>>>> units per acre. We generally see where a minimum is the same as the
>>>> maximum as a constraint because, among other things, it provides a
>>>> narrow/precise range that does not allow flexibility for proposals.
>>>> We generally would still see that density bonus law still applies
>>>> too regardless of the cap. I have to look about intersections with
>>>> SB 330 related to caps.
>>>>
>>>> -----Original Message-----
>>>> From: Ken Alker <ken@alker.net>
>>>> Sent: Monday, October 9, 2023 1:54 PM
>>>> To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>
>>>> Subject: City of Goleta - quick question before 5pm
>>>>
>>>> Hi Paul,
>>>>
>>>> I am trying to get a letter to the City of Goleta by 5pm; sorry for
>>>> the urgency.
>>>>
>>>> I am Ken Alker. I own 10 vacant acres of infill in Goleta that
>>>> I've had slated for development for nearly SIXTEEN years now. In
>>>> July, the City did a unanimous straw vote to change zoning on my
>>>> property to RH
>>>> (20-30
>>>> units/acre) or almost 300 units (284 to be exact) after 16 years of
>>>> trying to get it built (only because they are being "forced by the
>>>> state"). After the neighbors came out and complained, the City
>>>> chose to place an arbitrary cap of 190 units on the project so they
>>>> could still meet the RHNA but limit the project to the minimum
>>>> number of units under their RH zoning (20/acre). Mine is the ONLY
>>>> parcel with this cap that is be rezoned. Now I'm stuck with 190
>>>> units (no more, no less, and no flexibility). Does the HCD see
>>>> this is reasonable, or disingenuous?
>>>>
>>>> If you can call to chat, I'd greatly appreciate your time. I'm at
>>>> (805)
>>>> 685-2030 or (805) 968-1000.
>>>>
>>>> Thank you!
>>>> Sincerely,
>>>> Ken Alker
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From: Sue Woodill <suewoodill@gmail.com>
Sent: Thursday, November 23, 2023 2:52 PM
To: Andy Newkirk <anewkirk@cityofgoleta.org>
Subject: Rezoning of Kenwood Village

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have lived in the Brandon neighborhood since 1970. Calle Real has been a dangerous street all that time. During the Eagle Canyon fire in 1979 evacuation from the neighborhood was severely impacted by traffic backups on Calle Real. I quit riding my bike to work at UCSB because of the danger of riding on Calle Real. In the event of a need to evacuate the neighborhood the increased density will severely impact Calle Real. Now that the funds for the new overpass have been committed elsewhere the impact will be even more severe. If any kind of senior housing is built here it will be almost impossible to get vehicles in to evacuate anyone while everyone is trying to get out. We don't need another Santa Rosa disaster.

In the event of an earthquake it is entirely possible the overpasses will be unusable leaving the only emergency services to come from Los Carneros. Response times will be totally unacceptable.

In the event that proposed housing is built on Glen Annie golf course as well as the Kenwood Village property the entire neighborhood will be severely impacted in any emergency situation. The use of Cathedral Oaks can not be assured because once again the funding to fix the crib wall has been redirected elsewhere.

The new fire station proposed at Hollister and 101 will also be overpass dependent. Where will emergency services come from?

Development without corresponding expansion of emergency services in such an earthquake and fire prone area is unconscionable. All development requires developed infrastructure to support it. Goleta had already ignored critical maintenance on its infrastructure in this neighborhood.

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 1:39 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Jennifer Fullerton <jfullerton@cityofgoleta.org>; kmaynard@cityofgoleta.org; Anne Miller <amiller@cityofgoleta.org>; Jason Chapman <jchapman@cityofgoleta.org>; aprilreid@live.com

Subject: Goleta, CA- Kenwood Village and misstatements by property owner

PART 1

I WILL NEED TO SEND THIS E-MAIL IN PARTS SINCE IT IS TOO LONG FOR MY COMPUTER TO SEND IN ONE E-MAIL AND I CAN ALSO ONLY SEND A FEW ATTACHMENTS AT A TIME. I WILL SEND THE ATTACHMENTS AFTER THE ENTIRE E-MAIL SO THEY ARE KEPT IN ORDER.

Dear City Council and Planning Commission:

This e-mail is written in response to the inaccuracies in the November 16, 2023 letter from Fred Tan, Deputy Fire Marshal, as well as the misstatements/inaccuracies in both the written statements made by Ken Alder, the owner of Kenwood Village, in his letter dated November 9, 2023 and his verbal statements during the November 17, 2023 Planning Commission meeting.

Please be advised that I was not able to write down everything Mr. Alder stated at the meeting, so please do not take the fact that I may have missed responding to some of his inaccurate statements as a sign that I agree with his comments, which I do not. Further, since this e-mail is getting long and I am still waiting for additional documentation, I will address some of the issues in my next e-mail. I am sorry it took so long to respond, but I was waiting for documentation and clarification from other people before I responded.

In the past, I have taken care to only refer to Mr. Alder as the "property owner" when making my truthful statements about him, his misstatements and his conduct. However, Mr. Alder

recently had an article published in the Independent which states, "I'm writing to correct multiple false statements made about my project in a letter from my neighbor, Ms. April Reid." Since he has defamed me and he used my actual name in public, I no longer feel the need to use the term "property owner". I will now use Ken Alker's full name in both verbal and written statements, including any articles published in the newspaper.

Further, Mr. Alker pretends that we are "neighbors." We are NOT neighbors as far as I know. I live on Baker Lane next to the monstrosity he wants to build on Kenwood Village, which he named after himself. Mr. Alker lives a safe way away in Winchester Canyon, so he will not have to suffer the effects of what he is trying to force upon the actual people who live next to Kenwood Village.

In Mr. Alker's July 20, 2023 e-mail, he states, "I'm very excited and appreciative that my land was selected for rezone to help Goleta meet its housing numbers set by the state and I'm just as ready today to get a project off the ground as I was 16 years ago." I have repeatedly asked the staff to tell me who selected this property for rezoning and when it was selected for rezoning? It was clearly "chosen" and agreed to by Mr. Alker BEFORE the rezoning/upzoning was announced to the public on July 14, 2023 without any input from the public until after things were settled/resolved with the Mr. Alker. Councilmember Kasdin stated regarding any agreements with the property owners, "As for an agreement, all staff can do is encourage the landowners to seek a project that is 20-30 units per acre. They needed to get letters from the landowner indicating that the landowner wanted the project." I previously submitted a copy of Councilmember Kasdin's e-mail. I did a FOIA request a long time ago for the letters/e-mails/communications that the City Council claims the HCD required of the property owners before the HCD would approve each property. To date, I have not received anything. Mr. Alker claims he never signed a "letter". On November 16, 2023, I asked Councilmember Kasdin to clarify whether there were letters signed by the property owners. Councilmember Kasdin responded, "The quick answer is that I don't know. My understanding is that HCD insisted on an expression of the willingness of property owners to develop the properties proposed for rezoning included in the housing element. However, I don't know if a verbal expression was deemed adequate or if a written notice was needed. I don't believe that there was anything formally signed, so any e-mail, for example, from a landowner would probably suffice for HCD." I am submitting this e-mail from Councilmember Kasdin. I have again e-mailed the staff asking if there is anything signed by Mr. Alker reflecting his willingness/agreement to build 20-30 units per acre on the property. I still have not received a response. So, what is it, if anything, that HCD required from the property owners that the staff conveyed to the property owners and the property owners agreed to before the rezoning was announced to the public?

If Mr. Alker is allowed to build, at this point, he can only build on about 6 plus acres at this point anyway according to the City Council. If Mr. Alker really wants to be a good neighbor, as

he pretends, he could plan to build his monstrosity up against Calle Real and the apartments on the other side of the Creek. He could have the decency to leave the people living peacefully on Baker Lane in suburban single family housing alone!! But, I do not see him looking out for the neighbors he pretends to be concerned about.

Also, regarding the article that was published under my name in The Independent on November 15, 2023, I do stand by my statements! However, the article that was published was sent by me to the Independent as bullet points so the Independent could investigate and write a second article about Kenwood Village with additional information. I felt the first article left written by the reporter left out a lot of information that the public should know.

However, The Independent cut out my explanation of the bullet points I wrote and made it into an article with my name on it and then published it. If I had known they would do that, I would have written the article more clearly and I would have used examples and quotes, especially since the general public is not necessarily familiar with the issue. Also, regarding the article written by The Independent, there was a misquote. Originally, the article indicated I took pictures of the Monarch butterflies and found a Great Egret in my yard. However, it was my neighbor who took the pictures and found the Great Egret. When I brought this error to the attention of The Independent, they corrected the article. I do not want to take credit for someone else's work.

PRIOR TO MR. ALKER PURCHASING THE PROPERTY

The previous owners of the property were wonderful and they looked out for our neighborhood. My house's back yard is right next to the property that is now called Kenwood Village. I was born into my house 55 years ago. Please keep in mind that there were only three houses in the entire field at the time; one was my parents' house and one was my great-grandmother's house. Baker Lane, Daffodil and Violet did not exist back then. Ever since I can remember, the property owners voluntarily mowed the ENTIRE property without the need to have to check up on when the field needed to be cut, or what the Fire Department's mowing patterns were for that year or how much of the field needed to be cut, as Mr. Alker claims he needs to do. The previous owners simply did the right thing and looked out for our neighborhood by cutting the entire field at least once a year without any complaints that I or my family ever heard. I do not recall the field ever having tall weeds in it, even on the interior of the property as I have almost constantly seen since Mr. Alker bought it.

The property has been zoned part single family housing and part agricultural. The property owner stated in a ridiculously inaccurate article in The Independent dated November 17, 2023 that, "[Z]oning on the majority of the parcel was residential with a strip of commercial along Calle Real since the 1950s." He went on to say that, "in 2020, the strip along Calle Real was rezoned to Agriculture, although this area is not suitable for farming." In fact, the City of Goleta's Draft Environmental Impact Report of April 2016 states, "A GPA is requested to

change the land use designations of the main project parcel from Single Family Residential and AGRICULTURE to Planned Residential.” (I am attaching the relevant section of the Draft Environmental Impact Report for Kenwood Village.) Further, In Mr. Alker’s e-mail of July 20, 2023, he admits regarding the previous owner, “John Lane told me that he farmed the property for about ten years but ceased operations October of 2004. So, clearly, the property was zoned and used for agricultural since long before 2020. I remember the land being used for farming when I was a child.

Also, Mr. Alker claims this area is “not suitable for farming.” In fact, there have been pumpkins and tomatoes successfully grown on the property. I have personally tasted them and they were very good.

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 1:45 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Anne Miller <amiller@cityofgoleta.org>; Jason Chapman <jchapman@cityofgoleta.org>; kmaynard@cityofgoleta.org; Jennifer Fullerton <jfullerton@cityofgoleta.org>; april reid <aprilreid@live.com>

Subject: Goleta, CA- Kenwood Village and misstatements from the property owner

PART 2

GENERAL CONDITION OF THE PROPERTY AFTER MR. ALKER PURCHASED IT

After Mr. Alker purchased the property, the ENTIRE field was hardly ever mowed. Please keep in mind that my many letters and verbal statements regarding this issue have stated that Mr. Alker hardly ever mowed the ENTIRE field/field. I NEVER said he did not, on occasion, mow just the perimeter, though sometimes he did not. Regarding Mr. Alker's occasional mowing of just the perimeter, he admits that, unlike the previous owners, he has to constantly check with the fire department so he does not have to take care of the neighborhood by simply mowing the entire field. Mr. Alker states, "[I]t is important to understand that if and when the field is cut is based upon what the fire department calls the 'condition of the fuel'. In a very wet year that rains into the later months, as happens this year, it may be unnecessary to cut vegetation that is still green and thriving. The mowing pattern will not always be identical year to year and the time of mowing may not be the same." He also stated, "I mow the grasses on the property annually when required. I correspond with the fire department when I have questions about weed abatement requirements and programs they have from time to time since it does change." So, he only mows the field when he is required to do so and not when the field is overgrown with weeds that could easily burn down the neighbors houses. Mr. Alker would not have to deal with the fire department if he chose to mow the ENTIRE field,

especially since he claims he mows the field himself, so he would not have to pay someone else to do it. The fact that he does not mow the entire field so the weeds do not grown tall and potentially cause a fire hazard, especially after two fires on his property, shows his lack of concern for the community!! As previously stated, I am not the only person who is concerned about the tall weeds causing/accelerating a fire, whether or not there is a perimeter.

Further, what Mr. Alker does not tell you is that, in many years, he had to be told/asked to mow the field before he actually did it, as will be discussed by relevant years below. I will be generally discussing various issues for years 2009, 2013, 2016, 2019 and 2023. I will say now that, according to the Fire Marshal, Rob Hazard, Mr. Alker received a violation in 2019, which I will discuss later. Mr Alker also had to be told by the Fire Department following a complaint from a neighbor of mine to mow the field this very year before he actually mowed it. I do not know who the neighbor was who complained and the Fire Department will not tell me. I was expressly told by Captain Dusty McKibben that the Fire Department had to ask Mr. Alker to mow the field in 2023. Also, in a November 16, 2023 e-mail to Deputy Fire Marshall Fred Tan, I asked him to "[p]lease confirm that your office had to ask Mr. Alker to mow the field this very year after a complaint." Deputy Fire Marshall Tan responded, "[W]e have not had to ask Mr. Alker to mow his field every year." This indicates the Fire Department has had to ask Mr. Alker to mow the property some years. In fact, Mr. Alker even admits in his November 17, 2023 article in The Independent that, "Deputy Fire Marshall Fred Tan stated that they have called to remind me to mow and that I have always cleared the field if they called." So, clearly there were years Mr. Alker did not mow the field of his own volition, like in 2023. Contrary to Mr. Alker's false assertions that I claimed he received a violation in 2023, I did NOT claim he received a violation in 2023. For the record, I NEVER said Mr. Alker got a violation in 2023, as Mr. Alker falsely claims. The only violation I am aware of was in 2019 according to Fire Marshall Rob Hazard.

Throughout the years that Mr. Alker has owned the property, I have had neighbors occasionally express frustration to me that Mr. Alker did not mow the field and the weeds were very tall. This includes my next door neighbor, Ed McGready, who is a retired either Captain or Chief of the Santa Barbara Fire Department. As such, he is an expert on the weed abatement laws. I will say that I am NOT the only person who complains/is frustrated about the tall weeds on the field throughout the years that Mr. Alker has owned the property, both when the field is not mowed at all and when there is only a perimeter mowed and the rest of the field still has tall weeds which are tall than my 5' 7 1/4 inch tall fence. I have submitted several pictures taken from my backyard showing the tall weeds throughout the years that Mr. Alker has owned the property.

Mr. Alker is also disingenuous when he states, "[A]s I have done in the past, I would encourage Ms. Reid or anyone with concerns about anything unsafe on the property to call me. Going directly to the one responsible may be more satisfying and faster than lodging complaints with

the Fire Marshall. I can't solve a problem if it is not brought to my attention until a public forum several years later." In fact, I sent two e-mails to Mr. Alker about mowing the weeds and cleaning up the garbage on the property to the e-mail address Mr. Alker gave me. I sent one e-mail on 6/20/16 and one e-mail on 8/20/16. My 8/20/16 e-mail stated, "[P]lease get back to me re: the property line, and, if you assert the property is yours, please let me know if you are going to clean it up." I have already submitted the two e-mails sent to Mr. Alker. I will submit them again. Only AFTER Mr. Alker did not respond did I contact the Fire Department years later. The idea that Mr. Alker is claiming he is willing to listen to people's complaints is written just to make himself sound good to the City Council and the Planning Commission. I have submitted the e-mails I wrote previously, but I will submit them again with this e-mail.

Regarding the CAUSE of the two fires on the property, there can be more than one cause for a fire. As I have repeatedly stated, Mr. Alker CAUSED the fires by failing/refusing to mow the property/entire property, thereby allowing the fires to ignite more fully and turn into brush fires. As will be discussed below, Deputy Fire Marshal Tan indicates he does not know if the perimeter was mowed at the time of the 2013 fire. To be clear, I NEVER said the tall weeds technically STARTED the fires. The fires will be discussed more in depth below.

Further, Mr. Alker absurdly states regarding the rezoning of his project, "[S]o, by popular demand, I applied to make the entire property residential zoned like it was for the first 43 years." The property owner ridiculously claims in his October 9, 2023 letter he "was respectful of the community (with none of their input) and I feel I can do this again under a design that allows for the 284 units." The idea that the monstrosity Mr. Alker intends to build is being done by popular demand is a joke. The property owner has no intention of getting any input from the neighbors, so why would he think his monstrosity is popular? He arrogantly thinks he knows better than the neighbors surrounding Kenwood Village what is the best for the area that he does NOT live in. The people who actually have to live near the proposed monstrosity are generally against it. I know this because I talk to my neighbors. The people who support the project are generally Mr. Alker's friends and developers who do not have to suffer from the results of the monstrosity! Mr. Alker is clearly out to make money, not build affordable housing for his employees he claims to be looking out for. The idea he would try to pretend he is altruistically trying to do what is best for the neighbors when he admits he made plans without the input of any of the neighbors is insulting!! Mr. Alker previously complained that the number of units for Kenwood Village was reduced from 284 to 190 because the neighbors "complained". Obviously, there would not be so many neighbors complaining if the project was "popular" in the community!!! He can't have it both ways.

2009

In 2009, my mom went to the City Council meeting in about June. My mom's handwritten

notes state, “[I]t is past the deadline for weed abatement and this property hasn’t been cleared as the Bishop ranch has even. As we all know about the fires I don’t want this area to burn.” It is my understanding she intended to meet Ed McGready at the meeting. A few years ago, Mr. McGready stated to me he went to a City Council meeting with my mom. I believe this is possibly the one he was referring to. According to my mom’s notes, she discussed the issue of the weeds on Kenwood Village being too tall. I have submitted my mom’s notes previously, but I will submit them again. I am sure there is a video of the City Council meeting that can be accessed.

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 1:49 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Anne Miller <amiller@cityofgoleta.org>; Jason Chapman <jchapman@cityofgoleta.org>; kmaynard@cityofgoleta.org; Jennifer Fullerton <jfullerton@cityofgoleta.org>; april reid <aprilreid@live.com>

Subject: Goleta, CA-Kenwood Village and misstatements of the property owner

PART 3

2013

On or about November 14, 2013, there was a fire on Kenwood Village near my rental property at 17 Baker Lane, Goleta, CA. 93117. I was working from home for an attorney in Northern California at the time. I heard a commotion outside, so I went out to see what was going on. I saw fire trucks and firefighters. I walked up to the fire fighter who was standing on the sidewalk in front of my house and I asked him what was going on. He said there was a fire in the field behind the houses and he pointed to my rental house. He stated that kids hide in the weeds and smoke M.J. I told him that I owned the house next door to my home that he was pointing at and I asked him if he was going to be able to save my house. He said he did not know. He then expressly told me I had to leave. When I started to go back into my house to get some belongings, the firefighter told me I could not go back in my house. I then told the firefighter I was going to get my keys so I could leave. I walked back into my house and got my keys, my shoes and my purse. I then got in my car and left. I went to Jack In The Box and drove around for awhile. When I returned over an hour later, I did not see any fire fighters or fire trucks, so I went home and started working again.

Mr. Alker, who was not present at the fire as far as I know, has the arrogance to claim I was

not evacuated. In fact, the KCOY article entitled, "Pot Smoker May Have Started Goleta Fire" expressly stated that "some homes along Baker and Tuolumne were evacuated as a precaution." I already submitted a copy of the article. I will submit it again. Further, in a recent e-mail dated November 25, 2023, Deputy Fire Marshall Tan stated regarding the evacuation, "I recall telling you in conversation I did not recall a fire with an evacuation in that area. Apparently adjacent neighbors were given an evacuation warning. I never told Mr. Alker people were not 'evicted'". I will submit a copy of Deputy Fire Marshal Tan's e-mail to me of November 25, 2023. Further, I will be happy to send you copies of the date and times of my e-mails to my employer which show a gap in them which coincides with the fire, as well as my credit card statement showing I went to Jack in The Box. Also, I have a copy of the Fire Department report with the names of the firefighters who were present at the fire. I do not want to waste their valuable time by having to call all of them and ask them if they were the fire fighter I spoke to and what the conversation was. This is such a minor issue that it is not really worth wasting everyone's time on it. But, if Mr. Alker persists in falsely claiming I was not told to leave, I will have no choice but to contact all 18 or so members of the fire department who were present at the fire to see if they remember talking to me 10 years ago and, if possible, if they remember the conversation. Hopefully, it will not come to that, but I will take the time to do it if Mr. Alker persists and it becomes necessary to clear my name. I will submit a copy of the 2013 Fire Department report.

In the same KCOY article mentioned above dated November 14, 2013, the article states in part, "[I]nvestigators believe someone smoking marijuana in an open field may have started a brush fire in Goleta Thursday afternoon. Santa Barbara County firefighters were able to quickly contain the blaze behind homes along Tuolumne Drive and Baker Lane near Calle Real. . . One acre burned. A power pole was damaged. . . Five engines were called to the scene." The picture in the newspaper that goes with the article clearly shows the weeds to be taller than the firefighters.

The Fire Department report states, "[V]egetation fire, reported as Calle Real and Baker Ln. Smoke seen from Station 11. . . Fire was in a flat, open field of light grass with sparse medium brush. Fire was located behind several residences being impacted by smoke moving to the north. Very little wind, fire backing outward from area of origin. Powerpole at end of Puerto slightly burned at base of pole. . . PV541 investigated fire, determined cause as smoking materials left at scene along side of walking trail from Puerto. A potato cored for use to smoke marijuana found. Odor of marijuana noted on potato by PV541. Total acreage determined to be .75 acres." Further, the Incident Type is listed as "Brush or brush and grass." The fuel model at Origins listed as "[A]nnual grasses." So, clearly, the brush on the property caused the fire to spread throughout .75 acres and caused a telephone pole to burn.

In a November 15, 2023 e-mail, Deputy Fire Marshal Tan made several inaccurate statements that he later clarified. He also later clarified some of the language he used in his November

15, 2023 e-mail. For example, Deputy Fire Marshal Tan stated in his November 15, 2023 e-mail, “[T]here have been two small fires on that lot. One very small fire in 2016 and one that was about an acre in 2013. We are looking into our records for the 2013 fire. As the fires were in light fuels, the intensity and BTUs released by the fire did not pose significant threats of ignition for the nearby structures. Light fuels do create significant smoke impacts; impacts to traffic and commerce, and creates a stressful situation for urban areas, but Mr. Alker’s activities to reduce ladder fuels and create a perimeter around his parcel are positive in terms of fire impacts to the surrounding homes.”

Deputy Fire Marshal Tan explained in his November 22, 2023 e-mail to me, “Light fuels are generally grasses, they can be fairly tall in the coastal foothills. Grasses generally grow back each year. Light fuels can be receptive to fire when they are green or after rains. Grasses are not unique to this property . . . Ladder fuels are when light fuels transition to brush which can transition to taller trees.” Further, according to Google, a brush fire is a fire in vegetation that is less than 6 feet tall, such as grasses, grains, brush and saplings.

Deputy Fire Marshall Tan also clarified, “I do not have record of a perimeter clearing in 2013.” Obviously, MJ with a potato cored may have STARTED the fire, but it can not expand to .75 acres without an accelerant. In this case, the accelerant was the brush and grasses on the property, at least some of which was taller than the firefighters, as evidenced by the picture attached to the newspaper article. As such, Mr. Alker’s failure to mow the entire property/property was a cause the .75 acre fire that reached and burned a telephone pole.

2016

On or about May 1, 2016, there was a second fire on Kenwood Village. The incident type states, “Brush or brush and grass mixture fire.” The remarks state, ME11 responded for a vegetation fire in the proximity of structures. . . Fire cause unknown. Fire size 15 feet x 20ft.” The Wildland Fire Cause has a checkmark next to “undetermined”, but the same box shows there is NO checkmark next to “equipment” as Mr. Alker claims was the cause of the fire. Whatever the original cause of the fire, there would still need to be an accelerant such as brush or brushing grass, which the fire department report states were involved in this fire, to cause the fire to expand, even if it was a smaller fire. I will submit a copy of the Fire Department report for the 2016 fire.

I spoke to Mr. McGready on the day of one of the City Council meetings in 2016, which I believe took place in June, but I am not sure of the exact date. We agreed he and I would meet at the City Council meeting, but I did not know what he intended to talk about. When Mr. McGready spoke at the meeting, he passionately stated the the property owner did NOT take care of the field. The property owner, Mr. Alker, was present for Mr. McGready’s comments. I am sure the City Council has video of the meeting they can look at if necessary.

Around that time, I took pictures of the field from my back yard. The pictures showed the weeds were taller than my 5' 7 1/4' fence. I previously submitted a picture of the field with the tall weeds I took in 2016. I will send the picture again.

Later that very year, I sent the two e-mails mentioned above, one on 6/20/16 and one on 8/20/16, to the e-mail address Mr. Alker gave me regarding complaints about the tall weeds and the garbage on the property. My 8/20/16 e-mail stated, "[P]lease get back to me re: the property line, and, if you assert the property is yours, please let me know if you are going to clean it up." As previously stated, Mr. Alker failed/refused to respond, even if it was just to say he did not agree with me about having to mow the field.

My 6/20/2016 e-mail states, "[F]urther, you can't even bother to take care of the property as it is. When there was a fire on your property at the back of 17 Baker Lane in November 2013, and my rental house almost burnt down, the news took pictures of the site of the fire. The pictures showed that the weeds were over a feet taller than the firemen. Then, a few days ago, one of my neighbors had to complain about the weeds again just so you would mow part of the property. If you can't take care of the property before anything is built, why should anyone believe you would take care of the property when you are building on it?"

PLEASE NOTICE THAT I SAID THE PROPERTY OWNER MOWED PART OF THE PROPERTY, I.E. HE JUST MOWED SOME OF THE PERIMETER. HE DID NOT MOW THE ENTIRE PROPERTY, INCLUDING THE SECTION BETWEEN MY RENTAL PROPERTY'S BACK FENCE AND THE ACTUAL SO-CALLED PERIMETER THE PROPERTY OWNER DID MOW, WHEREIN THE WEEDS WERE STILL TALL. As a result, there were still tall weeds near the back fence of my rental property, even after Mr. Alker mowed the perimeter farther away from my fence than the tall weeds. The 8/29/16 e-mail I wrote states, "[H]owever, there is a lot of weeds, trash and garbage gathering up. One of the neighbors even mentioned it. If you own it, please clean it . . . I am talking about the property between the fence on 17 Baker Lane after the property slopes down, where the property becomes level with the rest of your field." I then concluded the e-mail by saying, "[P]lease get back to me re: the property line, and, if you assert the property is yours, please let me know if you are going to clean it up. The neighbor I was referring to in both e-mails is Mr. McGready. I have already submitted the two e-mails. I will submit them again.

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 1:53 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Anne Miller <amiller@cityofgoleta.org>; Jason Chapman <jchapman@cityofgoleta.org>; kmaynard@cityofgoleta.org; Jennifer Fullerton <jfullerton@cityofgoleta.org>; april reid <aprilreid@live.com>

Subject: Goleta, CA. Kenwood Village and misstatements from the property owner

PART 4

2019

In an e-mail dated October 19, 2023, Fire Marshal Rob Hazard stated, "The last inspection of the lot was in 2019, and it was marked as a violation." I have previously submitted this e-mail, but I am submitting it again. Deputy Fire Marshal Tan claims Mr. Alker never got a violation.

He states, "[F]ire has been in contact with Mr. Alker regularly over the years, but we never issued him a violation notice." Regardless, Mr. Alker even admits he receives phone calls from the Fire Department to get him to mow the field, which is not done for every one who owns property. Mr. Alker states in his November 17, 2023 newspaper article, "Deputy Fire Marshal Fred Tan stated that they have called to remind me to mow and that I have always cleared the field if they called." Further, Deputy Fire Marshal Tran stated in his November 25, 2023 e-mail to me, "[W]e have not had to ask Mr. Alker to mow the field every year." This implies that there are some years, like 2023, wherein they had to ask him to mow the property.

Also in 2019, Mr. McGready again brought up the tall weeds in the Kenwood Village property, as he had on occasion in the past. Since he was a retired Chief or Captain, I knew he had expertise in the area of weed abatement. Since Mr. McGready believed the weeds were too tall, and Mr. Alker, the property owner, did not respond to my previous e-mails regarding the

tall weeds, I had no choice but to contact the Fire Department directly for help. If anyone has an issue with Mr. McGready's comments, they are free to contact him. He was a former high ranking official at the Santa Barbara Fire Department. He also lives next door to me. I am sure the City Council or the Planning Commission can get his contact information if they feel it is necessary.

Following Mr. McGready's comments, I contacted the Fire Department and I ended up talking to Deputy Fire Marshal Fred Tan. I complained about the tall weeds. I also told Deputy Fire Marshal Fred Tan that there had been a fire in 2013 on the Kenwood Village property. Unfortunately, Deputy Fire Marshal Tan told me he was not familiar with any fires on the property in 2013 and he liked to keep up with all fires in the area. He also told me he was not working in the Deputy Fire Marshal position in 2013. In addition, he told me that Mr. Alker had come in to his office. Deputy Fire Marshal Tan said he liked Mr. Alker very much. I hung up the telephone with the impression that Deputy Fire Marshall Tan would not follow up with my Complaint. It was only a few weeks ago that I learned Deputy Fire Marshal Tan did actually follow up with my Complaint from 2019.

In Deputy Fire Marshal's November 25, 2023 e-mail to me, he now stated, "I have never met Mr. Alker in person. We have spoken twice. Once around 2016 or 2017 where he asked me if I had additional guidance for clearance and once yesterday. On the 2016 or 2017 phone call, I advised him to maintain the 20 foot clearance and manage ladder fuels on the parcel. I also advised him any additional clearance would be beneficial reduce (sic) the potential for ignitions and damage to structures. Yesterday, I expressed support for his 80 foot clearance and to address ladder fuels." As stated above, even if Deputy Fire Marshal Tan did not have to ask Mr. Alker to mow the field every year, he clearly indicates the Fire Department had to ask Mr. Alker to mow his field some years, like in 2023, as the Fire Department report of my 2023 Complaint clearly indicates and Captain McKibben told me.

At the time I called Deputy Fire Marshal Tan in 2019, there were weeds on the property near my house that were taller than my 5' 7 1/4" fence. Further, the picture in the Fire Department report I just received shows there are large sections of green that appear to be weeds. If the picture on the 2019 report is accurate and it was taken on December 20, 2019, the picture shows there were sections of weeds around the Kenwood Village property, as I had indicated to Deputy Fire Marshal Tan. The report states, "[W]e have only required a 20 foot swath around the perimeter of the parcel to reduce ignition potential and mitigate damage to neighboring fences in the case of a grass fire." This further indicates that there were tall weeds on parts of the property. I am attaching the 2019 Fire Department Report regarding my 2019 Complaint. Further, for some reason, the Fire Department felt the need to produced a report for 6/24/22. I am also submitting that report.

In about August 2023, I again took pictures of the property from my back yard to show the weeds to be taller than my 5' 7 1/4 " long fence. I already submitted a picture from 2023 showing the weeds were once again taller than my fence. I will submit the picture again.

On or about October 18, 2023, I had a discussion with former Councilmember Roger Aceves and a private person. Councilmember Aceves stated that he looked at the Kenwood Village property and he believed I should contact the Fire Department because the weeds were too tall. I told former Councilmember Aceves that I had contacted the fire department some years ago and I spoke to Deputy Fire Marshal Fred Tan. I then stated that Deputy Fire Marshal Tan did not do anything when I complained previously, which is what I thought at the time.

Former Councilmember Aceves then stated I should call the Fire Marshall. Since former Councilmember Aceves is much more informed about weed abatement laws then I am, I said I would try again to contact the fire department.

The next day, I e-mailed the Fire Marshall, Rob Marshall, regarding the tall weeds, which were the same or taller than they were when I took pictures of them in August 2023. Fire Marshal Hazard replied, "I will have one of my inspectors take a look. In the past we have required the owner of the vacant lot property to mow a 20 to 30 foot strip along the perimeter of the lot. Based on the vegetation type and the size of the lot a perimeter mowing is warranted but it's not required for the entire lot to be cleared. My inspector will reassess the width requirement to make sure your homes have adequate defensible space. The last inspection of the lot was in 2019, and it was marked as a violation. The property owner corrected the violation. In that vegetation type it is required to complete the mowing annually by June 1st. By the way, I am aware of the fire in 2013, I was one of the firefighters that responded." I am submitting the e-mail exchange between myself and Fire Marshall Hazard.

On or about October 23, 2023, Captain Dustin McKibben called me to set up a date and time for him to inspect the Kenwood Village property. Shortly thereafter, Captain McKibben came to my house to inspect the property. Captain McKibben did state that, at the time of the inspection, I found there to be 80" of clearance from her fence line as well as 80' to 100' in surrounding perimeter." However, while there, Captain McKibben told me that earlier in the year, one of my neighbors had contacted the fire department to complain about the tall weeds. As a result, the fire department contacted Mr. Alker and asked him why he had not mowed the perimeter of the property. The report regarding my 2023 complaint states, "Request was made spring of 2023 of the parcel owner to clear 25" around perimeter adjacent to homes." In other words, Mr. Alker did not mow the property of his own volition in 2023, as he pretends. I am submitting the Fire Department's 2023 report regarding my complaint.

Upon reviewing the Fire Department's report of my 2023 complaint, the pictures attached show some tall weeds on the property. I am attaching a copy of the report, including the

pictures of the property. The pictures from the fire department show tall weeds in places.

In an e-mail from Captain McKibben I just received, he confirmed, "[T]he Calle Real subject property owner has been very responsive to doing the REQUESTED weed abatement each year. In spring 2023 upon contacting the owner after a concerned neighbor contacted me, he explained that he was waiting for tractor parts to complete the requested hazard abatement."

Captain McKibben stated they have had to contact Mr. Alker to request that he mow the property in the past, including this very year, as I have stated. So, I am not the only person to complain about the tall weeds! I am submitting a copy of Captain Dustin McKibben's e-mail.

IN FACT, AS I LOOK THROUGH MY WINDOW ON THIS VERY DAY, THE WEEDS ARE SO TALL THAT I CAN NOT EVEN SEE ANY OF THE TWO STORY APARTMENTS THAT WERE BUILT ON THE OTHER SIDE OF THE KENWOOD VILLAGE PROPERTY FROM ME; NOT EVEN THE ROOFTOPS. I AM ONLY ABLE TO SEE THE APARTMENTS ON THE VERY RARE OCCASIONS THAT MR. ALKER ACTUALLY MOWS THE ENTIRE PROPERTY!!

"ROLLED OUT PLANS"

After the third meeting on rezoning/upzoning in July 2023, I spoke with Councilmember Kyriaco. He stated he met with Mr. Alker before the rezoning/upzoning was announced to the public. He stated he was shown "rolled out plans" by Mr. Alker. Recently, Councilmember Kyriaco clarified that the "rolled out plans" he was shown were the old plans for the 60 housing units; not new plans with an increased number of housing units.

Thank you.

April Reid
15 Baker Lane
Goleta, CA. 93117

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 2:06 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Jason Chapman <jchapman@cityofgoleta.org>; Jennifer Fullerton <jfullerton@cityofgoleta.org>; kmaynard@cityofgolta.org; Anne Miller <amiller@cityofgoleta.org>; april reid <aprilreid@live.com>

Subject: Goleta, CA- Kenwood Village and misstatements from the property owner

PART 5

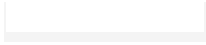
The following are attachments to my e-mail. I will need to send them in parts because my computer will not allow me to send a large amount of documents at the same time. The documents in this submissions are:

1. 2 e-mails from Councilmember Kasdin clarifying whether there may be any written documentation that was signed by property owners to satisfy HCD for rezoning/upzoning.
2. The EIR report for Kenwood Village from 2016 classifying part of the land as agricultural in 2016, long before the property owner claims it was reclassified in 2020.
3. My mom's notes from around 2009 indicating she was complaining about the tall weeds even back then. It is my understanding she even went to a City Council meeting to complain, which the City Council should have video of.

[Stuart2ndlemail.pdf](#)

[2016EIRreport.pdf](#)

[Mom'snotes.pdf](#)



[Planning Commission.jpg](#)



**DRAFT
ENVIRONMENTAL IMPACT REPORT**



Kenwood Village Project
SCH No. 2012081018

April, 2016



**City of Goleta
Planning and Environmental Review Department**

1.0 INTRODUCTION

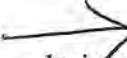
This Environmental Impact Report (EIR) was prepared pursuant to the requirements of the California Environmental Quality Act ("CEQA"; Public Resources Code §§ 21000, *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, *et seq.*). This EIR was prepared as a Project EIR and evaluates the changes in the environment that would result from the development of the Kenwood Village Project.

1.1 PROJECT OVERVIEW

The Kenwood Village Project proposes to develop 60 residential units and other related accessory development on a project site that is approximately 10.1 acres in size and located in western Goleta at 7300 Calle Real, between Baker Lane and Ellwood Station Road (Figure 1.1-1). The project site is vacant and was previously used for agricultural production. El Encanto Creek and residential uses are located adjacent to the west side of the project site. Residential areas are adjacent to the project site to the north and east; and Calle Real, and U.S. Highway 101 are located directly south of the project site. The project site is located approximately 370 feet north of the Union Pacific Railroad line and 145 feet north of the U.S. Highway 101 center median. Additional information regarding the project site and surrounding land uses is provided in EIR Section 4.0, Project Description.

The Project would result in construction of 13 single-family residences, 20 duplexes, and 27 triplexes. Other project-related components include: construction of on-site access roads and drainage facilities; preservation and enhancement of open space areas located on and adjacent to the project site, including habitat associated with El Encanto Creek; development of private recreation facilities; and construction of on-site trails that would be available for use by the public. Proposed trails would be located on the main project site parcel (APN 077-130-006) and two narrow "arm" parcels (077-130-019 and 077-141-049) that extend from the main project parcel to the northwest and northeast. Utility and other services are provided in the project area and are described in EIR Section 4.0, Project Description.

The following discretionary approvals by the City of Goleta are required to implement the Kenwood Village Project:

 **General Plan Amendment (GPA).** A GPA is requested to change the land use designations of the main project parcel from Single Family Residential and Agriculture to Planned Residential 6.2 units per acre, which would facilitate the proposed development of 60 new residential units. A density of 6.2 units per acre is required to implement the project based on a total project site area of approximately 10.1 acres minus an unbuildable area of approximately 0.3 acres that is occupied by riparian habitat, which leaves a buildable project site area of approximately 9.8 acres (9.8 acres x 6.2 units per acre = 60 units). The land use designations of the two "arm" parcels would be changed from Planned Residential 8.0 units per acre and Single Family Residential to Planned Residential 6.2 units per acre. The environmental

1. Its always about the traffic

120 cars here and 20 at Citrus Village
And a proposed hotel on Hollister.
We need another bridge. Its just
too much traffic.

2. On the notice of Conceptual Review
sent out by the city on the 3rd
line it says 60 residential "Rental"
units. We don't need rental units
in this area.

3. ~~Done from the plan.~~
Granny units above the detached
garages looking over my back fence
and into my bedroom and living room.
I don't want to leave my curtains
closed all the time.

4. Lastly. It is past the deadline
for weed abatement and this property
hasn't been cleared as the Bishop
ranch has been. As we all know
~~it~~ about the fires I don't want this area
to burn. THANK YOU

RE: Documents regarding misstatements made regarding Kenwood Village

?

You replied on Thu 11/16/2023 3:01 PM

You replied on Thu 11/16/2023 3:01 PM

Stuart Kasdin <skasdin@cityofgoleta.org>

You

Hi April,

The quick answer is that I don't know. My understanding is that HCD insisted on an expression of the willingness of property owners to develop the properties proposed for rezoning included in the housing element. However, I don't know if a verbal expression was deemed adequate or if a written notice was needed. I don't believe that there was anything formally signed, so any email, for example, from a landowner would probably suffice for HCD.

Stuart

From: april reid <aprilreid@live.com>

Sent: Thursday, November 16, 2023 2:22 PM

To: Jason Chapman <jchapman@cityofgoleta.org>; Deborah Lopez <dlopez@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Anne Miller <amiller@cityofgoleta.org>

Cc: ken@impulse.net; kmaynard@cityofgoleta.org; Jennifer Fullerton <jfullerton@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>

Subject: Re: Documents regarding misstatements made regarding Kenwood Village

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

sk

From: april reid <aprilreid@live.com>
Sent: Thursday, November 16, 2023 1:59 PM
To: Jason Chapman <jchapman@cityofgoleta.org>;
dlopez@cityofgoleta.org <dlopez@cityofgoleta.org>; Andy Newkirk
<anewkirk@cityofgoleta.org>; awells@cityofgoleta.org
<awells@cityofgoleta.org>; amiller@cityofgoleta.org
<amiller@cityofgoleta.org>
Cc: ken@impulse.net <ken@impulse.net>; kmaynard@cityofgolta.org
<kmaynard@cityofgolta.org>; jfullerton@cityofgoleta.org
<jfullerton@cityofgoleta.org>
Subject: Re: Documents regarding misstatements made regarding
Kenwood Village

Mr. Kasdin:

I am sorry to bother you, but I am trying to figure out if there were letters that the property owners had to sign. You previously stated regarding the staff that "[T]hey needed to get letters from the landowner indicating that the landowner wanted the project." Last night, the property owner claimed he never signed a letter. Further, after repeated requests for several weeks, including last night at the Planning Commission, the staff refused/failed to tell me whether there were letters signed by the property owners. Can you please clarify whether or not there were letters the property owners had to sign, including the property owner for Kenwood Village? If there were, who drafted the letters? Also, if there were letters, can someone provide me with a copy of the letter signed by the property owner, if there is one? I had a FOIA type request a long time ago, but the staff did not include any such letter in their response. I have also sent many e-mails requesting any letters if there were any, but the staff has not responded. If there were no letters, can you tell me what documents, if any, you were referring to in your e-mail, which was partially included above. I am confused by what happened during the process. I know you are busy, but if you could respond as soon as possible since time is of the essence and the staff has not responded to my repeated e-mails, I would really appreciate it.

Thank you.

April Reid

From: april reid <aprilreid@live.com>
Sent: Thursday, November 16, 2023 1:59 PM
To: Jason Chapman <jchapman@cityofgoleta.org>;
dlopez@cityofgoleta.org <dlopez@cityofgoleta.org>; Andy Newkirk
<anewkirk@cityofgoleta.org>; awells@cityofgoleta.org
<awells@cityofgoleta.org>; amiller@cityofgoleta.org
<amiller@cityofgoleta.org>
Cc: ken@impulse.net <ken@impulse.net>; kmaynard@cityofgolta.org
<kmaynard@cityofgolta.org>; jfullerton@cityofgoleta.org
<jfullerton@cityofgoleta.org>
Subject: Re: Documents regarding misstatements made regarding
Kenwood Village

Mr. Kasdin:

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Thank you.

April Reid

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 2:30 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Jason Chapman <jchapman@cityofgoleta.org>; Jennifer Fullerton <jfullerton@cityofgoleta.org>; Anne Miller <amiller@cityofgoleta.org>; kmaynard@cityofgolta.org; april reid <aprilreid@live.com>

Subject: Goleta, Ca. and Kenwood Village and the mistatements from the property owner

PART 6

[Stateattachments2.pdf](#) [Tan2023letter.pdf](#)

The following are additional attachments:

- 1, An article about a fatal car crash on Calle Real near Kenwood Village, a picture of a bike with fresh flowers on it from another fatal accident near Kenwood Village and a picture of the curve on Calle Real after Baker Lane, all of which were not mentioned in the e-mail I sent. I just did not want to rescan everything. The attachment also includes a news article of the 2013 fire which shows the weeds were taller than the firefighters; two e-mails I sent to the property owner in 2016 asking him to mow the field wherein the property owner did not respond, so I was forced some years later to contact the Fire Department; and a picture of the tall weeds taken a month or so ago in 2023 which shows the weeds on part of the property are still so tall, I cannot even see the top of the apartment buildings on the other side of the Kenwood Village property.
2. An e-mail from deputy Fire Marshal Tran clarifying some of the inaccuracies in the

comments he sent to the City Council's public comment website previously.

Fred Tan <ftan@countyofsb.org>

11/22/2023 1:31 PM

RE: Fires on Kenwood Village owned by Ken Alker

To April Reid <aprilreid@cox.net> • april reid <aprilreid@live.com>

Ms. Reid,

Happy Thanksgiving, here are replies to your additional questions.

1. *What light fuels are on the property? Are they there permanently? It seems they are a fire hazard? Is this unique to this property? Is it safe to build on the property? What is a ladder fuel?*

Light fuels are generally grasses, they can be fairly tall in the coastal foothills. Grasses generally grow back each year. Light fuels can be receptive to fire when they dry out typically between May and July, but are not as receptive to fire when they are green or after rains. Grasses are not unique to this property.

Building on this parcel would essentially eliminate the vegetation which could pose as a seasonal fire hazard, so in this aspect, yes it would be safe to build on the property. Additionally, any development on the parcel would be subject to all local and state building, fire, electrical, plumbing, and all other applicable codes and ordinances. These codes are intended to provide for the safety of the public.

Ladder fuels are when light fuels transition to brush which can transition to taller trees.

2. *If you contend in 2013 that the property was cleared, then why is there a picture of weeds that are taller than the firefighters? How did the fire spread for an acre, including spreading right next to my rental property? How did the pole next to my house burn? How is it that you suddenly know all about the 2013 fire and what happened when the last time I spoke to you, you insisted there was not a fire. I had to send you a copy of the newspaper article to show you there really was a fire. If you have some documentation regarding the fire, please send it to me as I asked for it in my FOIA request.*

To your point, I do not have record of a perimeter clearing in 2013. Since my first contact with the parcel owner around 2016/2017, I and/or my staff have visually confirmed perimeter clearance. Perimeter clearance does not prevent a fire occurring within the perimeter from spreading within the interior.

From my previous email, "[as] the majority of vegetation fires occur along a driveway, road or highway, the perimeter clearances along a road reduce the potential for ignitions. The clearance adjacent to neighboring parcels provide areas for firefighters to access and extinguish any resulting fires."

My staff, namely Anne Mitcham, appears to have sent you materials related to your PRA request.

3. *My understanding is that a brush fire means the weeds were a certain height, at least. Why would the objective newspaper call it a brush fire if there were no weeds on the property? Are you saying the fire spread to right next to the houses even though there were no weeds, even though you told me that a fire can not spread if the weeds are cut?*

Firefighters in general would consider a brush fire a fire which involves brush, and a grass fire one which involves grass. I cannot comment on the newspaper terminology other than authors of articles may not be subject matter experts and use common terminology that could be slightly out of place.

From my previous answer, I cannot confirm the 2013 perimeter clearing. Chief Hazard, who you have made contact with, recalls the fire to be low intensity and severity, with quick containment. I did not state "a fire can not spread if the weeds are cut." The following is my statement, "[as] the majority of vegetation fires occur along a driveway, road or highway, the perimeter clearances along a road reduce the potential for ignitions. The clearance adjacent to neighboring parcels provide areas for firefighters to access and extinguish any resulting fires."

3. If you contend I was not evacuated, even though you were not there, then why would the article indicate some people were evacuated? Also, I was present at the house when I was evicted. You were not even on the job at the time. How can you tell Mr. Alker I was not evicted? For the record, I was told by a firefighter that I had to leave. When I tried to go back in the house to get my keys and drive away, I was told by the firefighter that I could not go back into the house, though I did. I then drove away. The idea you would tell someone who was not there that I was not evacuated when you were not there is odd, to say the least.

I recall telling you in conversation I did not recall a fire with an evacuation in that area. Apparently adjacent neighbors were given an evacuation warning. I never told Mr. Alker people were not "evicted." When an evacuation order is given by the Sheriff's Department, it has to be followed. There have been fires where the fire is small and low enough in intensity where evacuation orders may not be warranted. As the fuel type was light and has not historically by itself been the cause of a structure fire through direct flame contact, light grass to structure, I indicated I may have chosen to focus on getting crews on scene to aggressively extinguish the fire versus evacuating.

4. Please provide any information you have regarding the 2016 fire? What caused it? How large was it?

Provided in PRA

4. Please confirm that your office had to ask Mr. Alker to mow the field this very year after a complaint.

We have not had to ask Mr. Alker to mow his field every year.

5. No offense, but have you ever in your career actually gone out and fought fires, including a brush fire?

Yes.

6. Also, based on some of your responses and your overly complimentary attitude toward Mr. Alker, I have to ask if you have some sort of friendship, deal, etc. with Mr. Alker? I do not mean to be rude, but all of your answers both times we communicated, including the answers to the questions above, seem absurdly geared in his favor, just like the last time I spoke to you. It is almost like you are his representative making arguments in his favor, like saying there were no weeds on the property near the

houses when the fire burned right next to the house and claiming I was not evacuated when I was. This is the case despite the evidence I presented you and the fact that there are pictures of the tall weeds and I said I was evacuated. All you do is justify Mr. Alker's opinions. It seems odd you would support Mr. Alker in this when you were not even aware of the fire and you insisted it never even occurred until I sent you an article showing you that it did.

Per my last email, "I have never met Mr. Alker in person. We have spoken twice. Once around 2016 or 2017 where he asked me if I had additional guidance for clearance and once yesterday. On the 2016 or 2017 phone call, I advised him to maintain the 20 foot clearance and manage ladder fuels on the parcel. I also advised him any additional clearance would be beneficial reduce the potential for ignitions and damage to structures. Yesterday, I expressed support for his 80 foot clearance and to continue to address ladder fuels."

Additionally, "Mr. Alker has been very proactive in his efforts to ensure his lot meets Fire Department requirements. My staff, including Captain McKibben, who you have spoken to recently, appreciate parcel owners who are proactive. It allows us to address other issues in the County and proceed with projects we are working on."

Regarding my FOIA request, where is the documentation of the two fires? I have not received it yet, though I did receive a few documents.

Recently sent by Prevention staff.

Fred Tan

Deputy Fire Marshal
Battalion Chief 17
Santa Barbara County Fire Department
805-705-6431 Cell
805-681-5568 Office



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Victim of fatal crash a 35-year-old local



KEITH CULLOM PHOTOS

Crews from Santa Barbara County Fire Station 11 work to free a man who was trapped in a vehicle that rolled over and landed on its roof, Sunday in Goleta.

The Santa Barbara County Sheriff's Department identified the man killed in a single-vehicle crash late Sunday as Russell Allan Sturges, 35, of south Santa Barbara County.

The cause of the 9 p.m. crash is under investigation. Authorities said Monday that Mr.

Sturges was traveling east on Calle Real near Baker Lane when for an unknown reason the 1999 GMC Yukon went off the right shoulder, hit a tree and rolled onto its roof.

Crews from county Fire Station 11 used the jaws of life to cut Mr. Sturges from the wreckage.

He was pronounced dead at the scene.

A 16-year-old passenger was taken to the hospital for observation and released.

The area near the crash scene has been the site of several fatal incidents, including two people killed in a car

crash.

The scene of Sunday's crash is not far from the location where the body of a teenage girl, who was struck and killed as she tried to cross Highway 101 on foot, was found Sept. 4.

---Scott Steerleton



Nicholas Baker

Bicyclist Identified in Fatal Hit and Run Collision

📰 NEWS REPORT (/NEWS/CATEGORY/NEWS-REPORT) ⌚ MAY 01 2020 07:00 AM 👤 BYJB86 (/ARTICLES/JB86)
58 COMMENTS (HTTPS://WWW.EDHAT.COM/NEWS/BICYCLIST-IDENTIFIED-IN-FATAL-HIT-AND-RUN-
COLLISION#COMMENTS) 📖 READS 32555

Update by edhat staff

May 1, 2020

The identity of the bicyclist who died in a hit and run collision on Sunday has been released.

Katherine Stewert Peden, 59-years-old of Goleta, was pronounced dead at the scene after she was s
by a vehicle on Calle Real near Glen Annie Road.

The driver of the vehicle fled the scene and was tracked down that evening. Nicholas Todd Baker, 20-
years-old of Goleta, was arrested for driving under the influence, involuntary vehicular manslaughter
hit and run causing injury or death.

Update Santa Barbara County Sheriff's Office

April 27, 2020

On Sunday, April 26, 2020 at 9:56 p.m., deputies responded with County Fire and American Medical Response to the area of Calle Real at Violet Lane on a report of a bicyclist that had been hit by a vehicle. The victim and the suspect were both travelling eastbound on Calle Real when the suspect's vehicle struck the victim. The suspect left the area prior to deputies' arrival and did not call for help or render aid to the victim. The victim was confirmed deceased prior to deputies' arrival.

Deputies immediately began tracking the suspect and located his vehicle in the 900-blk of Camino Del Sur in Isla Vista around 10:35 p.m. The suspect, 20-year-old Nicholas Baker of Goleta, was contacted and later arrested for hit and run causing injury or death (felony), involuntary vehicular manslaughter (felony) and driving under the influence causing injury (felony). He was booked at the Main Jail with a bail of \$1,000,000. The identity of the victim is being withheld pending notification to the family.

During the investigation of the hit-and-run, a section of Calle Real was closed to traffic. At 10:24 p.m. a patrol car that was parked at the west end of the scene was struck by another vehicle. The vehicle was unoccupied when it was hit and no deputies were injured. California Highway Patrol was requested and responded to conduct the investigation of this second collision, allowing deputies to continue their investigation of the hit-and-run.

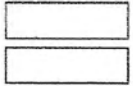
By JB86

April 26, 2020

At approximately 10:00 pm, a female bicyclist was struck and killed in the east-bound lane of Calle Real at Violet Lane. The striking vehicle, later determined to be a 2003 black Chevy Tahoe, fled the scene. Deputies followed a trail of leaking fluids to an address on Camino Del Sur in Isla Vista.

Meanwhile, at the accident scene, a Sheriff's patrol vehicle, blocking the road at Baker Lane was struck by another vehicle, whose driver is suspected of being DUI. Hard closures were then established at Ellwood Station and Calaveras to allow investigation. The suspect driver was located by deputies at 10:46 in Isla Vista.





Search

HOME	NEWS	WILDFIRES	FIRST ALERT WEATHER	SHOWS	LIVING	LIFESTYLE	HEALTH	CC DEBATE	805 PROS	
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Home / News

Pot Smoker May Have Started Goleta Fire

POSTED: 01:18 PM PST Dec 24, 2013
 UPDATED: 12:00 AM PST Nov 14, 2013

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Pot Smoker May Have Started Goleta Fire

GOLETA, Calif. - Investigators believe someone smoking marijuana in an open field may have started a

SEVERE WEATHER ALERTS

4 areas are now under advisories, watches or severe weather warnings.

Los Angeles County	Santa Barbara County
San Luis Obispo County	Ventura County

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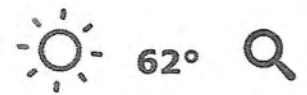
Videos

Sherpa "Sherpa" Fire Timelapse - Marco Farrell [VIDEO]



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News

By **KEYT News Team**

Published November 14, 2013 2:00 am

Pot Smoker May Have Started Goleta Fire

Investigators believe someone smoking marijuana in an open field may have started a brush fire in Goleta Thursday afternoon.

Santa Barbara County firefighters were able to quickly contain the blaze behind homes along Tuolomne Drive and Baker Lane near Calle Real.

The first calls went out at 2:39 p.m. and the fire was declared contained at 3:09 p.m. One acre burned. A power pole was damaged.



Take our news and weather apps with you wherever you go! Don't forget to share!



The fire burned within a few hundred yards of homes but did not cause any structural damage. Some homes along Baker and Tuolumne were evacuated as a precaution.

Residents on the scene told NewsChannel 3 many people pitched in to help fight the fire, including a UPS driver on his delivery route.

Five engines were called to the scene. Low winds aided firefighters in gaining the upper hand more quickly. Higher winds are forecast later Thursday afternoon.

No arrests were made as of Thursday evening.

MORE KEYT NEWS



RE: Kenwood Village

AR

april reid

To:ken@impulse.net

Mon 6/20/2016 3:21 PM

Mr. Alker:

I live at 15 Baker Lane, Goleta, Ca. I inherited this property from my mom, Carole Cordero. She was an influential person in the immediate community, as you clearly seem to have figured out. I also own 17 Baker Lane, Goleta, Ca. which was passed down from my great-grandmother, Elizabeth Baker. This e-mail is written in response to your inaccurate statements about my deceased mom, Carole Cordero, that you have been making just to pitch your monstrosity to our neighbors who valued my mom's opinion.

When I first e-mailed you about the **Kenwood** project after my mom passed away in 2012, I did not know what my mom's wishes were for **Kenwood Village**. When I asked you if you knew what my mother wanted, you falsely told me that you thought my mom supported the project. Unfortunately, at the time, I did not know any different, so I made the mistake of thinking I could work with you in a neighborly way by indicated that I would not have a problem with houses being built on the property, with some changes being made, including the houses in the back of mine being one story, not two. However, that was before I knew who you were and what your real intentions were for the property and the neighborhood. I recently found multiple handwritten notes from my mom indicating she did not support the project for many reasons. Many of my neighbors also told me that my mom would show up at the City Council meetings for the project to express her objections.

Recently, I discovered that you have now taken to attempting to defend your project by falsely telling my neighbors that my mom supported the project. It is bad enough that you made misstatements to me about my mom, but now you have taken to making misstatements to my neighbors about my mom's opinions in an effort to use her good name and reputation in the community to sell your oversized project for money.

The idea that you are concerned about this community is ridiculous.

Your claim you are trying to sell duplexes and triplexes to people so the average young person, (i.e. teacher, firefighter, etc.) can afford to live in Goleta is absurd.

Further, you can't even bother to take care of the property as it is.

When there was a fire on your property at the back of 17 Baker Lane in November 2013, and my rental house almost burnt down, the news took pictures of the site of the fire. The pictures showed that the weeds were over a feet taller than the firemen. Then, a few days ago, one of my neighbors had to complain about the weeds again just so you would mow part of the property. If you can't take care of the property before anything is built, why should anyone believe you would take care of the property when you are building on it?

Every time I talk to you or talk to a neighbor about you, I find out you have told people different things than you tell me about the property.

Do you really think I do not speak to my neighbors? We are a close knit community. We have been since long before you came along and we will be far into the future!

Of course, it is your prerogative to make false statements to people to just to sell your oversized project. It is also my prerogative, and that of my neighbors, to inform others who you really are and not the person who pretend to be, i.e someone who cares about the community.

To be clear, I will NOT allow you to spread false statements about my mom simply to try to influence me and my neighbors to agree to a project that some of us clearly do not believe is good for the neighborhood simply because my mom is deceased and she can not defend herself. If you want to pick on someone, then you can take out your frustrations on me. I am a lawyer and I can deal with it. But, I will not allow you to smear my mom's good name to con our neighbors into thinking she was supportive of your project when she clearly was not.

In fact, since she has been deceased for three years, there is NO reason you should ever bring up my mom's name at all.

Do not bother to responding. After all your misstatements, there is nothing you could say I would want to hear.

April Reid

15 Baker Lane, Goleta, CA. 93117

Complaints of garbage and weeds at Calle Real

AR

april reid

Mon 8/29/2016 11:12 AM

Dear Mr. Alker:

As you are aware, I moved into 15 Baker Lane, Goleta, CA. 93117 in February 2012 after my mother passed away. I also own 17 Baker Lane, Goleta, CA 93117. I am not sure if you or I own the property directly behind on the field side of the fence just behind 17 Baker Lane.

However, there is a lot of weeds, trash and garbage gathering up. One of the neighbors even mentioned it. If you own it, please clean it up. If you are contending that I own it, then please let me know and I will clean it up. I am talking about the property between the fence on 17 Baker Lane after the property slopes down, where the property becomes level the the rest of your field. However, if you are going to say that I own it, and I put forth the money to clean it up, then I do not want to have any arguments in the future about the property line; i.e you claiming you own the sloped section of the field for purposes of developing it. By the way, nothing in this e-mail should be considered a waiver of my right to assert any and all legal claims re: the placement of the property line between 15 Baker Lane, 17 Baker Lane and the Calle Real Field that you own.

Please get back to me re: the property line, and, if you assert the property is yours, please let me know if you are going to clean it up.

April Reid
aprilreid@live.com



From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 2:39 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Jason Chapman <jchapman@cityofgoleta.org>; Jennifer Fullerton <jfullerton@cityofgoleta.org>; Anne Miller <amiller@cityofgoleta.org>; kmaynard@cityofgoleta.org; april reid <aprilreid@live.com>

Subject: Goleta, CA. Kenwood Village and misstatements from the property owner

PART 7

The following are additional attachments;

1. The Fire Department report of the 2013 fire which called the fire a vegetation fire. The fire was started by M.J. and travelled .75 acres due to brush/grasses on the property. The fire travelled and caused damage to a telephone pole. The pictures in the newspaper show the weeds to be taller than the firefighters. Further, Fire Marshal Tan stated in the e-mail he sent to me that he could NOT confirm the perimeter of the property was mowed at the time.

[2013report.pdf](#)

A FDID 42035 State CA Incident Date 11/14/2013 Station 11 Incident Number 13-0013408 Exposure 0000 NFIRS - 8 Wildland Fire

B Alternate Location Specification Enter latitude/longitude or Section/Township/Range/Subsection/Meridian if Section E on the Basic Module is not completed

34.432784 -119.880528 OR

Latitude Longitude

Township North South Range East West

Section Subsection Meridian

C Area Type

1 Rural, Farms > 50 acres

2 Urban (Heavily populated)

3 Rural/urban

4 Urban-wildland interface area

H Weather Information

NFIRS Weather Station ID

Weather Type Wind Direction

Wind Speed MPH Air Temperature F° Check if negative

Relative Humidity Fuel Moisture Fire Danger Rating

J Property Management

Indicate the percent of the total acres burned for each ownership type then check the ONE box to identify the property ownership at the origin of the fire. If the ownership at origin is Federal, enter the Federal Agency Code.

Ownership	% Total Acres Burned
U Undetermined	
Private	
1 Tax paying	
2 Non tax paying	
Public	
3 City, town, village, local	0%
4 County or parish	100%
5 State or province	0%
6 Federal	
Federal Agency Code	
7 Foreign	
8 Military	
0 Other	

D1 Wildland Fire Cause

1 Natural Source 8 Misuse of fire

2 Equipment 0 Other

3 Smoking U Undetermined

4 Open/outdoor fire

5 Debris/vegetation burn

6 Structure (exposure)

7 Incendiary

Human Factors

D2 Contributing To Ignition None

Check as many boxes as are applicable

1 Asleep

2 Possible alcohol or drug impairment

3 Unattended person

4 Possibly mentally disabled

5 Physically disabled

6 Multiple persons involved

7 Age was a factor

I1 Number of Buildings Ignited

None

Number of buildings that were Ignited in Wildland fire

I2 Number of buildings Threatened

10

Number of buildings that were threatened by Wildland fire but were not involved

I3 Total Acres Burned

000.00

K NFIRS Fuel Model at Origin

Enter the code and the descriptor corresponding to the NFIRS Fuel Model at Origin

01 A: Annual Grasses

L1 Person Responsible For Fire

1 Identified person caused fire

2 Unidentified person caused fire

3 Fire not caused by person

If person identified complete the rest of Section L

L2 Gender of Person Involved

1 Male

2 Female

L3 Age or Date of Birth

Age in years Date Of Birth

OR Month Day Year

L4 Activity of Person

Activity of Person Involved

D3 Factors Contributing To Ignition

#1 11 Abandoned #2

D4 Fire Suppression Factors

Enter up to three factors

#1

#2

#3

E Heat Source

43 Hot ember or ash

F Mobile Property Type

NN None

G Equipment Involved In Ignition

NNN None

I4 Primary Crops Burned

Identify up to 3 crops if any crops were burned

Crop 1

Crop 2

Crop 3

M Right of Way

Required if less than 100 feet

Horizontal Distance Type right of way From right of way

N Fire Behavior

These optional descriptors refer to observations made at the point of initial attack

50 Feet

Elevation

0 Valley Bottom

Relative position on slope

0 Flat/None

Aspect

5 Feet

Flame Length

1 Chains per Hour

Rate of spread

NFIRS-8 Revision 02/12/99

A		MM DD YYYY		FDID		State		Incident Date		Station		Incident Number		Exposure		Delete ☐ Change ☒		NFIRS - 9 Apparatus or Resources	
		42035		CA		11 14		2013		11		13-0013408		000					
B		Apparatus or * Resource		Date and Times Check if same as alarm date Month Day Year Hour Min						Sent ☒		Number of * People		Use Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other		Actions Taken			
1		ID BC-512 Type 92	Dispatch ☒ 11 14 2013 14:40 Arrival ☒ 11 14 2013 14:54 Clear ☒ 11 14 2013 16:01						☒		1				[] [] [] []				
2		ID COM537 Type 00	Dispatch ☒ 11 14 2013 14:40 Arrival ☐ [] [] [] [] Clear ☒ 11 14 2013 15:46						☒		1		☒ Suppression ☐ EMS ☐ Other		93 [] [] []				
3		ID DOZ-1 Type 21	Dispatch ☒ 11 14 2013 14:40 Arrival ☐ [] [] [] [] Clear ☒ 11 14 2013 14:41						☒		0		☒ Suppression ☐ EMS ☐ Other		93 [] [] []				
4		ID DOZ-2 Type 21	Dispatch ☒ 11 14 2013 14:40 Arrival ☐ [] [] [] [] Clear ☒ 11 14 2013 14:41						☒		0		☒ Suppression ☐ EMS ☐ Other		93 [] [] []				
5		ID DV-504 Type 92	Dispatch ☒ 11 14 2013 14:40 Arrival ☐ [] [] [] [] Clear ☒ 11 14 2013 15:16						☒		1		☒ Suppression ☐ EMS ☐ Other		93 [] [] []				
6		ID E-11 Type 11	Dispatch ☒ 11 14 2013 14:40 Arrival ☒ 11 14 2013 14:45 Clear ☒ 11 14 2013 15:31						☒		0		☒ Suppression ☐ EMS ☐ Other		[] [] [] []				
7		ID E-12 Type 11	Dispatch ☒ 11 14 2013 14:40 Arrival ☒ 11 14 2013 14:50 Clear ☒ 11 14 2013 16:16						☒		3		☒ Suppression ☐ EMS ☐ Other		[] [] [] []				
8		ID E-14 Type 11	Dispatch ☒ 11 14 2013 14:40 Arrival ☒ 11 14 2013 14:48 Clear ☒ 11 14 2013 15:14						☒		0		☒ Suppression ☐ EMS ☐ Other		[] [] [] []				
9		ID E-17 Type 11	Dispatch ☒ 11 14 2013 14:40 Arrival ☒ 11 14 2013 14:48 Clear ☒ 11 14 2013 15:57						☒		3		☒ Suppression ☐ EMS ☐ Other		[] [] [] []				

A		MM DD YYYY		FDID		State		Incident Date		Station		Incident Number		Exposure		Delete ☐ Change ☒		NFIRS - 9 Apparatus or Resources	
		42035		CA		11 14 2013		11		13-0013408		000							

B Apparatus or Resource	Date and Times					Sent ☒	Number of * People	Use Check ONE box for each apparatus to indicate its main use at the incident.	Actions Taken	
	Check if same as alarm date									
	Month	Day	Year	Hour	Min					

1 ID E-314 Type 16	Dispatch	☒	11	14	2013	14:42	☒	3	☒ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☒	11	14	2013	14:50				
	Clear	☒	11	14	2013	16:05				
2 ID E-318 Type 16	Dispatch	☒	11	14	2013	14:43	☒	0	☒ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☒	11	14	2013	15:09				
	Clear	☒	11	14	2013	15:15				
3 ID H-308 Type 43	Dispatch	☒	11	14	2013	14:47	☒	0	☒ Suppression ☐ EMS ☐ Other	☐ 93 ☐ ☐ ☐
	Arrival	☐								
	Clear	☒	11	14	2013	15:08				
4 ID INFO-1 Type 00	Dispatch	☒	11	14	2013	15:05	☒	1	☒ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☒	11	14	2013	15:25				
	Clear	☒	11	14	2013	16:16				
5 ID PV-541 Type 00	Dispatch	☒	11	14	2013	15:04	☒	3	☒ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☒	11	14	2013	15:34				
	Clear	☒	11	14	2013	16:16				
6 ID VMP2 Type 10	Dispatch	☒	11	14	2013	14:44	☒	0	☒ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☒	11	14	2013	15:24				
	Clear	☒	11	14	2013	15:52				
7 ID WT-18 Type 24	Dispatch	☒	11	14	2013	14:40	☒	0	☒ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☒	11	14	2013	15:09				
	Clear	☒	11	14	2013	15:15				
8 ID Type 	Dispatch	☐					☐		☐ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☐								
	Clear	☐								
9 ID Type 	Dispatch	☐					☐		☐ Suppression ☐ EMS ☐ Other	☐ ☐ ☐ ☐
	Arrival	☐								
	Clear	☐								

Type of Apparatus or Resources

Ground Fire Suppression

- 11 Engine
- 12 Truck or aerial
- 13 Quint
- 14 Tanker & pumper combination
- 16 Brush truck
- 17 ARF (Aircraft Rescue and Firefighting)
- 10 Ground fire suppression, other

Heavy Ground Equipment

- 21 Dozer or plow
- 22 Tractor
- 24 Tanker or tender
- 20 Heavy equipment, other

Aircraft

- 41 Aircraft: fixed wing tanker
- 42 Helitanker
- 43 Helicopter
- 40 Aircraft, other

Marine Equipment

- 51 Fire boat with pump
- 52 Boat, no pump
- 50 Marine apparatus, other

Support Equipment

- 61 Breathing apparatus support
- 62 Light and air unit
- 60 Support apparatus, other

Medical & Rescue

- 71 Rescue unit
- 72 Urban Search & rescue unit
- 73 High angle rescue unit
- 75 BLS unit
- 76 ALS unit
- 70 Medical and rescue unit, other

More Apparatus?
Use Additional
Sheets

Other

- 91 Mobile command post
- 92 Chief officer car
- 93 HazMat unit
- 94 Type 1 hand crew
- 95 Type 2 hand crew
- 99 Privately owned vehicle
- 00 Other apparatus/resource
- NN None
- UU Undetermined

NFIRS-9 Revision 11/17/98

A		FDID *		State *		Incident Date *		Station		Incident Number *		Exposure *		☐ Delete ☒ Change		NFIRS - 10 Personnel	
		42035		CA		11 14		2013		11		13-0013408		000			

B Apparatus or Resource Use codes listed below		Date and Times Check if same as alarm date				Sent ☒	Number of * People	Use Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other	Actions Taken List up to 4 actions for each apparatus and each personnel.	
		Month	Day	Year	Hours/mins					
1	ID EC-512 Type 92	Dispatch ☒	11	14	2013	14:40	Sent ☒	1		
		Arrival ☒	11	14	2013	14:54				
		Clear ☒	11	14	2013	16:01				

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
	Heckman, Robert	DIV	X				

2	ID COM537 Type 00	Dispatch ☒	11	14	2013	14:40	Sent ☒	1		
		Arrival ☐								
		Clear ☒	11	14	2013	15:46				

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
	Ysebrands, Peter	CA	X				

3	ID DOZ-1 Type 21	Dispatch ☒	11	14	2013	14:40	Sent ☒	0		
		Arrival ☐								
		Clear ☒	11	14	2013	14:41				

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken

A		FDID *		State *		Incident Date *		Station		Incident Number *		Exposure *		☐ Delete ☒ Change		NFIRS - 10 Personnel	
		42035		CA		11 14		2013		11		13-0013408		000			

B Apparatus or Resource Use codes listed below		Date and Times Check if same as alarm date		Sent	Number of People	Use Check ONE box for each apparatus to indicate its main use at the incident.	Actions Taken List up to 4 actions for each apparatus and each personnel.						
		Month	Day	Year	Hours/mins	☒							
1	ID D0Z-2 Type 21	Dispatch	☒	11	14	2013	14:40	Sent	☒	0	☒ Suppression ☐ EMS ☐ Other	93	
		Arrival	☐										
		Clear	☒	11	14	2013	14:41						

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				

2	ID DV-504 Type 92	Dispatch	☒	11	14	2013	14:40	Sent	☒	1	☒ Suppression ☐ EMS ☐ Other	93	
		Arrival	☐										
		Clear	☒	11	14	2013	15:16						

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
	Enos, Elwood	DIV	X				

3	ID E-11 Type 11	Dispatch	☒	11	14	2013	14:40	Sent	☒	0	☒ Suppression ☐ EMS ☐ Other		
		Arrival	☒	11	14	2013	14:45						
		Clear	☒	11	14	2013	15:31						

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken

A		FDID		State		Incident Date		Station		Incident Number		Exposure		☐ Delete ☒ Change		NFIRS - 10 Personnel	
		42035	CA	11	14	2013	11	13-0013408	000								
B Apparatus or Resource		Date and Times						Sent		Number of * People		Use		Actions Taken			
Use codes listed below		Check if same as alarm date						☒		3		Check ONE box for each apparatus to indicate its main use at the incident.		List up to 4 actions for each apparatus and each personnel.			
1		ID	E-12	Dispatch	☒	11	14	2013	14:40	Sent	☒		☒ Suppression				
		Type	11	Arrival	☒	11	14	2013	14:50				☐ EMS				
				Clear	☒	11	14	2013	16:16				☐ Other				
Personnel ID		Name						Rank or Grade		Attend		Action Taken		Action Taken		Action Taken	
		Beeson, Robert						CA		☒							
		Habich, Michael						ENG		☒							
		Burquez, Aaron						FF		☒							
2		ID	E-14	Dispatch	☒	11	14	2013	14:40	Sent	☒		☒ Suppression				
		Type	11	Arrival	☒	11	14	2013	14:48				☐ EMS				
				Clear	☒	11	14	2013	15:14				☐ Other				
Personnel ID		Name						Rank or Grade		Attend		Action Taken		Action Taken		Action Taken	
										☒							
3		ID	E-17	Dispatch	☒	11	14	2013	14:40	Sent	☒		☒ Suppression				
		Type	11	Arrival	☒	11	14	2013	14:48				☐ EMS				
				Clear	☒	11	14	2013	15:57				☐ Other				
Personnel ID		Name						Rank or Grade		Attend		Action Taken		Action Taken		Action Taken	
		Chamberlin, Christopher						FFP		☒							
		Johnson, Martin						FMD		☒							
		Bertucelli, Daniel						ENP		☒							

FDID	42035	State	CA	Incident Date	MM	DD	YYYY	11	14	2013	Station	11	Incident Number	13-0013408	Exposure	000	Responding Personnel
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Staff ID\Staff Name	Unit	Activity	Position	Rank	PayScl	Hrs	HrsPd	Pts
Neels, David W.				CA		0.00	0.00	0.00
Wedel, Andrew J.				ENG		0.00	0.00	0.00
Perkins, Tyson C				FF		0.00	0.00	0.00
Heckman, Robert	BC-512			DIV		0.00	0.00	0.00
Ysebrands, Peter	COM537			CA		0.00	0.00	0.00
Enos, Elwood	DV-504			DIV		0.00	0.00	0.00
Beeson, Robert R	E-12			CA		0.00	0.00	0.00
Habich, Michael	E-12			ENG		0.00	0.00	0.00
Burquez, Aaron A	E-12			FF		0.00	0.00	0.00
Chamberlin,	E-17			FFP		0.00	0.00	0.00
Johnson, Martin R	E-17			FMD		0.00	0.00	0.00
Bertucelli, Daniel	E-17			ENP		0.00	0.00	0.00
Franson, Gregory T.	E-314			ENG		0.00	0.00	0.00
Riach, Michael James	E-314			CP		0.00	0.00	0.00
Eacker, Eric R	E-314			FF		0.00	0.00	0.00
Gray, Eric J.	PV-541	WF Wildland Fire		FFP		0.00	0.00	1.00
Bertucelli, Daniel	PV-541	WF Wildland Fire		ENP		0.00	0.00	1.00
Orr, Howard	PV-541	WF Wildland Fire				0.00	0.00	1.00

Total Participants: 18

Total Personnel Hours: 0.00

An 'X' next to the unit denotes driver.

A FDID 42035 * State CA * Incident Date 11 14 2013 * Station 11 Incident Number 13-0013408 * Exposure 000 * ☐ Delete ☒ Change NFIRS - 10 Personnel

B Apparatus or Resource * Use codes listed below

Date and Times
Check if same as alarm date
Month Day Year Hours/mins

Sent ☒ Number of * People 3 Use Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other

Actions Taken List up to 4 actions for each apparatus and each personnel.

1 ID E-314 Dispatch ☒ 11 14 2013 14:42 Sent ☒ Arrival ☒ 11 14 2013 14:50 Clear ☒ 11 14 2013 16:05

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
	Franson, Gregory	ENG	X				
	Riach, Michael	CP	X				
	Eacker, Eric	FF	X				

2 ID E-318 Dispatch ☒ 11 14 2013 14:43 Sent ☒ Arrival ☒ 11 14 2013 15:09 Clear ☒ 11 14 2013 15:15

Sent ☒ Number of * People 0 Use ☒ Suppression ☐ EMS ☐ Other

Actions Taken

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken

3 ID H-308 Dispatch ☒ 11 14 2013 14:47 Sent ☒ Arrival ☐ 11 14 2013 15:08 Clear ☒ 11 14 2013 15:08

Sent ☒ Number of * People 0 Use ☒ Suppression ☐ EMS ☐ Other

Actions Taken 93

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken

A	FDID	State	Incident Date	Station	Incident Number	Exposure	Delete	Change	NFIRS - 10 Personnel
	42035	CA	11 14 2013	11	13-0013408	000		☒	

B Apparatus or Resource	Date and Times	Sent	Number of People	Use	Actions Taken
Use codes listed below	Check if same as alarm date Month Day Year Hours/mins	☒		Check ONE box for each apparatus to indicate its main use at the incident.	List up to 4 actions for each apparatus and each personnel.

1	ID INFO-1	Dispatch ☒	11 14 2013	15:05	Sent ☒	1	☒ Suppression ☐ EMS ☐ Other	
	Type 00	Arrival ☒	11 14 2013	15:25	☒			
		Clear ☒	11 14 2013	16:16				

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
			☒				
			☐				
			☐				
			☐				
			☐				
			☐				

2	ID PV-541	Dispatch ☒	11 14 2013	15:04	Sent ☒	3	☒ Suppression ☐ EMS ☐ Other	
	Type 00	Arrival ☒	11 14 2013	15:34	☒			
		Clear ☒	11 14 2013	16:16				

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
	Gray, Eric	FFP	X				
	Bertucelli, Daniel	ENP	X				
	Orr, Howard		X				

3	ID VMP2	Dispatch ☒	11 14 2013	14:44	Sent ☒	0	☒ Suppression ☐ EMS ☐ Other	
	Type 10	Arrival ☒	11 14 2013	15:24	☒			
		Clear ☒	11 14 2013	15:52				

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
			☒				

A		FDID 42035 *		State CA *		Incident Date 11/14/2013 *		Station 11		Incident Number 13-0013408 *		Exposure 000 *		☐ Delete ☒ Change		NFIRS - 10 Personnel	

B Apparatus or Resource Use codes listed below		Date and Times Check if same as alarm date				Sent ☒	Number of People 0	Use Check ONE box for each apparatus to indicate its main use at the incident.	Actions Taken List up to 4 actions for each apparatus and each personnel.
		Month	Day	Year	Hours/mins				
1	ID WT-18 Type 24	Dispatch ☒	11	14	2013	14:40	Sent ☒	☒ Suppression ☐ EMS ☐ Other	

Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				

2	ID Type	Dispatch ☐												☐ Suppression ☐ EMS ☐ Other	
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Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				

3	ID Type	Dispatch ☐												☐ Suppression ☐ EMS ☐ Other	
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Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				

42035

FDID

CA

State

11

Incident Date

14

2013

11

Station

13-0013408

Incident Number

000

Exposure

Responding
Units/Personnel

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
BC-512 SOUTH B BC	14:40:13	14:42:18	14:54:05	16:01:13

Staff ID\Staff Name	Activity	Rank	Position	Role
Heckman, Robert		Division Ch		

COM537 Dispatch Liaison Captain	14:40:13			15:46:36
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Staff ID\Staff Name	Activity	Rank	Position	Role
Ysebrands, Peter		Captain		

DOZ-1 DOZER	14:40:13			14:41:04
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Staff ID\Staff Name	Activity	Rank	Position	Role
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DOZ-2 DOZER	14:40:13			14:41:06
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Staff ID\Staff Name	Activity	Rank	Position	Role
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DV-504 OPERATIONS CH	14:40:13	14:44:36		15:16:32
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Staff ID\Staff Name	Activity	Rank	Position	Role
Enos, Elwood		Division Ch		

E-11 ENGINE 11	14:40:13	14:42:50	14:45:53	15:31:37
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Staff ID\Staff Name	Activity	Rank	Position	Role
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E-12 ENGINE 12	14:40:13	14:42:00	14:50:00	16:16:55
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Staff ID\Staff Name	Activity	Rank	Position	Role
Beeson, Robert R		Captain		
Habich, Michael Joseph		Engineer		
Burquez, Aaron A		Firefighter		

42035

FDID

CA

State

11

Incident Date

14

2013

11

Station

13-0013408

Incident Number

000

Exposure

Responding
Units/Personnel

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
E-12 ENGINE 12	14:40:13	14:42:00	14:50:00	16:16:55

Staff ID\Staff Name	Activity	Rank	Position	Role
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E-14 ENGINE 14 14:40:13 14:42:00 14:48:00 15:14:24

Staff ID\Staff Name	Activity	Rank	Position	Role
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E-17 ENGINE 17 14:40:13 14:42:07 14:48:38 15:57:02

Staff ID\Staff Name	Activity	Rank	Position	Role
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Chamberlin, Christopher J.

Firefighter

Johnson, Martin R

Deputy Fire

Bertucelli, Daniel B.

Engineer Pa

E-314 TYPE III ENG 14 14:42:48 14:42:52 14:50:16 16:05:32

Staff ID\Staff Name	Activity	Rank	Position	Role
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Franson, Gregory T.

Engineer

Riach, Michael James

Captain Par

Eacker, Eric R

Firefighter

E-318 TYPE III ENG 18 14:43:21 14:43:26 15:09:49 15:15:59

Staff ID\Staff Name	Activity	Rank	Position	Role
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H-308 HELICOPTER 308 14:47:25 14:47:27 15:08:44

Staff ID\Staff Name	Activity	Rank	Position	Role
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INFO-1 INFORMATION 1 15:05:50 15:06:00 15:25:22 16:16:25

Staff ID\Staff Name	Activity	Rank	Position	Role
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42035

FDID

CA

State

11

Incident Date

14

2013

11

Station

13-0013408

Incident Number

000

Exposure

Responding
Units/Personnel

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
INFO-1 INFORMATION 1	15:05:50	15:06:00	15:25:22	16:16:25

Staff ID\Staff Name	Activity	Rank	Position	Role
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PV-541 PREVENTION	15:04:16	15:04:18	15:34:52	16:16:27
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Staff ID\Staff Name	Activity	Rank	Position	Role
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Gray, Eric J.

Wildland Fire

Firefighter

Bertucelli, Daniel B.

Wildland Fire

Engineer Pa

Orr, Howard

Wildland Fire

VMP2 VEG MANAGEMENT I	14:44:25	14:44:28	15:24:33	15:52:33
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Staff ID\Staff Name	Activity	Rank	Position	Role
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WT-18 WATER TENDER 18	14:40:13	14:44:31	15:09:51	15:15:57
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Staff ID\Staff Name	Activity	Rank	Position	Role
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A FDID <u>42035</u> * State <u>CA</u> * Incident Date <u>11</u> <u>14</u> <u>2013</u> * Station <u>11</u> Incident Number <u>13-0013408</u> * Exposure <u>000</u> *		☐ Delete ☒ Change ☐ No Activity		NFIRS -1 Basic
B Location* ☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B "Alternative Location Specification". Use only for Wildland fires.				
☒ Street address <u>17</u> <u>BAKER</u> <u>LN</u> Number/Milepost Prefix Street or Highway Street Type Suffix ☐ Intersection ☐ In front of ☒ Rear of <u>GOLETA</u> <u>CA</u> <u>93117</u> Apt./Suite/Room City State Zip Code ☐ Adjacent to ☐ Directions Cross street or directions, as applicable				
C Incident Type * <u>142</u> Brush or brush-and-grass Incident Type		E1 Date & Times Midnight is 0000 Check boxes if dates are the same as Alarm Date. ALARM always required Alarm * <u>11</u> <u>14</u> <u>2013</u> <u>14:39:54</u> ARRIVAL required, unless canceled or did not arrive ☒ Arrival * <u>11</u> <u>14</u> <u>2013</u> <u>14:45:53</u> CONTROLLED Optional, except for wildland fires ☒ Controlled <u>11</u> <u>14</u> <u>2013</u> <u>15:00:00</u> LAST UNIT CLEARED, required except for wildland fires ☒ Last Unit ☒ Cleared <u>11</u> <u>14</u> <u>2013</u> <u>16:16:55</u>		E2 Shift & Alarms Local Option ☐ <u>11</u> Shift or Alarms District Platoon
D Aid Given or Received* 1 ☐ Mutual aid received 2 ☐ Automatic aid recv. 3 ☐ Mutual aid given 4 ☐ Automatic aid given 5 ☐ Other aid given N ☒ None Their FDID Their State Their Incident Number		E3 Special Studies Local Option Special Study ID# Special Study Value		
F Actions Taken * <u>11</u> Extinguishment by fire Primary Action Taken (1) <u>14</u> Contain fire (wildland) Additional Action Taken (2) <u>16</u> Control fire (wildland) Additional Action Taken (3)		G1 Resources * ☒ Check this box and skip this section if an Apparatus or Personnel form is used. Apparatus Personnel Suppression <u>0016</u> <u>0002</u> EMS Other ☐ Check box if resource counts include aid received resources.		G2 Estimated Dollar Losses & Values LOSSES: Required for all fires if known. Optional for non fires. None Property \$ <u>000</u> , <u>000</u> ☒ Contents \$ <u>000</u> , <u>000</u> ☒ PRE-INCIDENT VALUE: Optional Property \$ <u>000</u> , <u>000</u> ☐ Contents \$ <u>000</u> , <u>000</u> ☐
Completed Modules ☒ Fire-2 ☐ Structure-3 ☐ Civil Fire Cas.-4 ☐ Fire Serv. Cas.-5 ☐ EMS-6 ☐ HazMat-7 ☒ Wildland Fire-8 ☒ Apparatus-9 ☒ Personnel-10 ☐ Arson-11		H1* Casualties ☐ None Deaths Injuries Fire Service <u>0000</u> Civilian <u>0000</u> H2 Detector Required for Confined Fires. 1 ☐ Detector alerted occupants 2 ☐ Detector did not alert them U ☐ Unknown		H3 Hazardous Materials Release N ☐ None 1 ☐ Natural Gas: slow leak, no evacuation or HazMat actions 2 ☐ Propane gas: <21 lb. tank (as in home BBQ grill) 3 ☐ Gasoline: vehicle fuel tank or portable container 4 ☐ Kerosene: fuel burning equipment or portable storage 5 ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable 6 ☐ Household solvents: home/office spill, cleanup only 7 ☐ Motor oil: from engine or portable container 8 ☐ Paint: from paint cans totaling < 55 gallons 0 ☐ Other: Special HazMat actions required or spill > 55gal., Please complete the HazMat form
J Property Use* Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school or kindergarten 215 ☐ High school or junior high 241 ☐ College, adult education 311 ☐ Care facility for the aged 331 ☐ Hospital Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☒ Open land or field		341 ☐ Clinic, clinic type infirmary 342 ☐ Doctor/dentist office 361 ☐ Prison or jail, not juvenile 419 ☐ 1-or 2-family dwelling 429 ☐ Multi-family dwelling 439 ☐ Rooming/boarded house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/barracks 519 ☐ Food and beverage sales 539 ☐ Household goods, sales, repairs 579 ☐ Motor vehicle/boat sales/repair 571 ☐ Gas or service station 599 ☐ Business office 615 ☐ Electric generating plant 629 ☐ Laboratory/science lab 700 ☐ Manufacturing plant 819 ☐ Livestock/poultry storage (barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse 931 ☐ Construction site 984 ☐ Industrial plant yard Lookup and enter a Property Use code only if you have NOT checked a Property Use box: Property Use <u>931</u> Open land or field		

NFIRS-1 Revision 03/11/99

K1 Person/Entity Involved

Local Option

Business name (if applicable)

Area Code

Phone Number

☐ Check This Box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

Zip Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

K2 Owner

☐ Same as person involved? Then check this box and skip The rest of this section.

Local Option

Business name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

Zip Code

L Remarks

Local Option

Vegetation fire, reported as Calle Real and Baker Ln. Smoke seen from Station 11. Upon arrival, Cpt. 11 took command, made access to open field over a rear residential fence. E11 began fire attack, with a wet line around the east flank. Fire was in a flat, open field of light grass with sparse medium brush. Fire was located behind several residences being impacted by smoke moving to the north.

Very little wind, fire backing outward from area of origin. BC 512 given report on conditions, took command. E11 assigned Div. Z. E17, E314 assigned to make access from Puerto through pedestrian access and laid hose lines on Div. A. E312 made access via Ellwood Station Rd. began a pump and roll on Div. A. VMP1 assigned, PIO requested, Investigator requested.

Powerpole at end of Puerto slightly burned at base of pole, Edison notified. Power lines intact.

PV 541 investigated fire, determined cause as smoking materials left at scene along side of walking trail from Puerto. A potato cored for use to smoke marijuana found. Odor of marijuana noted on potato by PV541. E11 released, E314, E312 remained on scene to provide mop up. FS hand crew responded to build handline around perimeter of fire. Total acreage determined to be .75 acres.

L Authorization

Officer in charge ID

Orr, Howard
Signature

Position or rank

Assignment

11
Month

14
Day

2013
Year

Check Box if same as Officer in charge.

Member making report ID

Orr, Howard
Signature

Position or rank

Assignment

11
Month

14
Day

2013
Year

42035
FDID *

CA
State *

MM DD
11 14
Incident Date *

YYYY
2013

11
Station

13-0013408
Incident Number *

000
Exposure *

Complete
Narrative

Narrative:

Vegetation fire, reported as Calle Real and Baker Ln. Smoke seen from Station 11. Upon arrival, Cpt. 11 took command, made access to open field over a rear residential fence. E11 began fire attack, with a wet line around the east flank. Fire was in a flat, open field of light grass with sparse medium brush. Fire was located behind several residences being impacted by smoke moving to the north.

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Powerpole at end of Puerto slightly burned at base of pole, Edison notified. Power lines intact.

PV 541 investigated fire, determined cause as smoking materials left at scene along side of walking trail from Puerto. A potato cored for use to smoke marijuana found. Odor of marijuana noted on potato by PV541. E11 released, E314, E312 remained onscene to provide mop up. FS hand crew responded to build handline around perimeter of fire. Total acreage determined to be .75 acres.

A FDID * 42035 State * CA Incident Date * MM DD YYYY 11 14 2013 Station 11 Incident Number * 13-0013408 Exposure * 000 ☐ Delete ☒ Change ☐ No Activity NFIRS -2 Fire		
B Property Details B1 ☐ ☒ Not Residential Estimated Number of residential living units in building of origin whether or not all units became involved	C On-Site Materials ☐ None or Products Enter up to three codes. Check one or more boxes for each code entered. On-site material (1) On-site material (2) On-site material (3) 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service	
D Ignition D1 94 Open area - outside; Area of fire origin *	E1 Cause of Ignition ☐ Check box if this is an exposure report. Skip to section G. 1 ☐ Intentional 2 ☒ Unintentional 3 ☐ Failure of equipment or heat source 4 ☐ Act of nature 5 ☐ Cause under investigation U ☐ Cause undetermined after investigation	E3 Human Factors Contributing To Ignition Check all applicable boxes 1 ☐ Asleep ☐ None 2 ☒ Possibly impaired by alcohol or drugs 3 ☐ Unattended person 4 ☐ Possibly mental disabled 5 ☐ Physically Disabled 6 ☐ Multiple persons involved 7 ☐ Age was a factor Estimated age of person involved _____ 1 ☐ Male 2 ☐ Female
D2 43 Hot ember or ash Heat source *	E2 Factors Contributing To Ignition 11 Abandoned or ☐ None Factor Contributing To Ignition (1) Factor Contributing To Ignition (2)	
D3 72 Light vegetation - not Item first ignited * 1 ☐ Check Box if fire spread was confined to object of origin	F1 Equipment Involved In Ignition ☐ None If Equipment was not involved, Skip to Section G. Equipment Involved _____ Brand _____ Model _____ Serial # _____ Year _____	F2 Equipment Power Equipment Power Source _____ F3 Equipment Portability 1 ☐ Portable 2 ☐ Stationary Portable equipment normally can be moved by one person, is designed to be use in multiple locations, and requires no tools to install.
D4 _____ Type of material first ignited Required only if item first ignited code is 00 or <70	G Fire Suppression Factors Enter up to three codes. ☐ None Fire suppression factor (1) _____ Fire suppression factor (2) _____ Fire suppression factor (3) _____	
H1 Mobile Property Involved ☐ None 1 ☐ Not involved in ignition, but burned 2 ☐ Involved in ignition, but did not burn 3 ☐ Involved in ignition and burned	H2 Mobile Property Type & Make Mobile property type _____ Mobile property make _____ Mobile property model _____ Year _____ License Plate Number _____ State _____ VIN Number _____	
Local Use ☐ Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other Agencies ☐ Arson report attached ☐ Police report attached ☐ Coroner report attached ☐ Other reports attached		

NFIRS-2 Revision 01/19/99

From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 2:46 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Jason Chapman <jchapman@cityofgoleta.org>; Jennifer Fullerton <jfullerton@cityofgoleta.org>; Anne Miller <amiller@cityofgoleta.org>; kmaynard@cityofgolta.org; april reid <aprilreid@live.com>

Subject: Goleta- Kenwood Village and misstatements from the property owner

PART 8

The following additional attachments are:

1. The report of the 2016 fire
2. A picture from 2016 showing the weeds in some places are so tall, I can't even see the top of the apartments on the other side of the Kenwood Village property.

[2016report.pdf](#)

[Photo_2023-08-15_214839.pdf](#)



NFIRS-1 Basic

A

42035	CA	05	01	2016	11 (11)	0005298	0
FDID	State	Month	Day	Year	Station	Number	Exposure

B Location Type

Census tract:

- ☒ Street Address
☐ Intersection
☐ In Front Of
☐ Rear Of
☐ Adjacent To
☐ Directions
☐ US National Grid

7386		CALLE REAL		
Number	Prefix	Street or Highway	Street Type	Suffix

APT 25	GOLETA	CA	93117
Apt./Suite/Room	City	State	Zip Code

Cross Street

C

Incident Type

142-Brush or brush-and-grass mixture fire

D

Aid Given Or Received

- ☐ 1 Mutual Aid Received
☐ 2 Auto. Aid Received
☐ 3 Mutual Aid Given
☐ 4 Auto. Aid Given
☐ 5 Other Aid Given
☒ None

Their FDID	Their State

Their Incident Number

E1 Dates and Times

Alarm 05 01 2016 08:14

Arrival 05 01 2016 08:21

Controlled 05 01 2016 08:28

Last Unit Cleared 05 01 2016 08:42

E2 Shifts and Alarms

B 1 11

Shift or Alarms District
Platoon

E3 Special Studies

ID# Value

F Actions Taken

11-Extinguishment by fire service personnel

Primary Action Taken

Additional Action Taken

Additional Action Taken

G1 Resources

- ☒ Apparatus or Personnel Module is used.

	Apparatus	Personnel
Suppression	5	13
EMS	1	2
Other	0	0

- ☐ Resource counts include aid received resources.

G2

Estimated Dollar Losses and Values

Losses: Required for all fires if known. Optional for all non-fires. None

Property: \$ None

Contents: \$ None

Pre-Incident Values: Optional None

Property: \$ None

Contents: \$ None

Completed Modules ☐ 2 - Fire ☐ 3 - Structure Fire ☐ 4 - Civilian Fire Cas. ☐ 5 - Fire Service Cas. ☐ 6 - EMS ☐ 7 - HazMat ☐ 8 - Wildland Fire ☐ 9 - Apparatus ☐ 10 - Personnel ☐ 11 - Arson	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3" style="padding: 5px;"> H1 Casualties ☒ None </td> </tr> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;">Deaths</td> <td style="width: 33%; text-align: center;">Injuries</td> </tr> <tr> <td style="padding: 5px;">Fire Service</td> <td style="text-align: center; border: 1px solid black;">0</td> <td style="text-align: center; border: 1px solid black;">0</td> </tr> <tr> <td style="padding: 5px;">Civilian</td> <td style="text-align: center; border: 1px solid black;">0</td> <td style="text-align: center; border: 1px solid black;">0</td> </tr> </table> H2 Detector Required for Confined Fires ☐ 1 - Detector Alerted Occupants ☐ 2 - Detector Did Not Alert Them ☐ 3 - Unknown	H1 Casualties ☒ None				Deaths	Injuries	Fire Service	0	0	Civilian	0	0	H3 Hazardous Materials Release ☐ 1 - Natural Gas ☐ 2 - Propane Gas ☐ 3 - Gasoline ☐ 4 - Kerosene ☐ 5 - Diesel Fuel / Fuel Oil ☐ 6 - Household Solvents ☐ 7 - Motor Oil ☐ 8 - Paint ☐ 0 - Other ☒ None	I Mixed Use Property ☐ Not Mixed ☐ 10 - Assembly Use ☐ 20 - Education Use ☐ 33 - Medical Use ☐ 40 - Residential Use ☐ 51 - Row Of Stores ☐ 53 - Enclosed Mall ☐ 58 - Business and Residential ☐ 59 - Office Use ☐ 60 - Industrial Use ☐ 63 - Military Use ☐ 65 - Farm Use ☐ 00 - Other Mixed Use
H1 Casualties ☒ None															
	Deaths	Injuries													
Fire Service	0	0													
Civilian	0	0													

J Property Use ☐ None Structures ☐ 131 Church, Place of Worship ☐ 161 Restaurant or Cafeteria ☐ 162 Bar/Tavern or Nightclub ☐ 213 Elementary School, Kindergarten ☐ 215 High School, Junior High ☐ 241 College, Adult Education ☐ 311 Nursing Home ☐ 331 Hospital	☐ 341 Clinic, Clinic-Type Infirmary ☐ 342 Doctor/Dentist Office ☐ 361 Prison or Jail, Not Juvenile ☐ 419 1- or 2-Family Dwelling ☐ 429 MultiFamily Dwelling ☐ 439 Rooming/Boarding House ☐ 449 Commerical Hotel or Motel ☐ 459 Residential, Board and Care ☐ 464 Dormitory/Barracks ☐ 519 Food and Beverage Sales	☐ 539 Household Goods, Sales, Repairs ☐ 571 Gas or Service Station ☐ 579 Motor Vehicle/Boat Sales/Repairs ☐ 599 Business Office ☐ 615 Electric-Generating Plant ☐ 629 Laboratory/Science Laboratory ☐ 700 Manufacturing Plant ☐ 819 Livestock/Poultry Storage (Barn) ☐ 882 Non-Residential Parking Garage ☐ 891 Warehouse
---	--	--

Outside ☐ 124 Playground or Park ☐ 655 Crops or Orchard ☐ 669 Forest (Timberland) ☐ 807 Outdoor Storage Area ☐ 919 Dump or Sanitary Landfill ☐ 931 Open Land or Field ☒ 936 Vacant Lot	☐ 938 Graded/Cared for Plot of Land ☐ 946 Lake, River, Stream ☐ 951 Railroad Right-of-Way ☐ 960 Other Street ☐ 961 Highway/Divided Highway ☐ 962 Residential Street/Driveway ☐ 981 Construction Site ☐ 984 Industrial Plant Yard	Property Use: Description Look up and enter a Property Use code and description only if you have NOT checked a Property Use box.
--	---	--

K2				
Owner				
Local Option	Person/Entity Type	Business Name (if applicable)	Phone Number	
Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway	Street Type	Suffix
Post Office Box		Apt./Suite/Room	City	
State		Zip Code		

L Remarks:	ME11 responded for a vegetation fire in proximity to structures. ME11, ME14, ME17, RA17, T11, 512. ME11 established command and staged all incoming resources while determining best access. B512 located the access and cancelled all additional resources. ME11 extinguished the fire. Fire cause unknown. Fire size 15ft x 20ft. No structures damaged. Lat: 34.434 Long: -119.883
-------------------	--

M Authorization

	Tolmach, David	Captain	11	05/01/2016
Officer In Charge ID	Signature	Position or Rank	Assignment	Date
	Tolmach, David	Captain	11	05/01/2016
Member Making Report ID	Signature	Position or Rank	Assignment	Date

NFIRS-2 Fire

A

42035	CA	05	01	2016	11 (11)	0005298	0
FDID	State	Month	Day	Year	Station	Number	Exposure

B

Property Details

B1 ☐ Not Residential
Estimated number of residential living units in the building of origin whether or not all units became involved

B2 ☒ Buildings Not Involved
Number of buildings involved

B3 ☒ None ☐ Less than 1 acre
Acres burned (outside fires)

C

On-Site Materials Or Products

☒ None

On-Site Materials Storage Use

☒ None

D

Ignition

D1
Area of Fire Origin

D2
Heat Source

D3
Item First Ignited

D4
Type of Material First Ignited

E1

Cause of Ignition

☐ 1 - Intentional
☐ 2 - Unintentional
☐ 3 - Failure of Equipment or Heat Source
☐ 4 - Act of Nature
☐ 5 - Cause Under Investigation
☐ U - Cause Undetermined After Investigation

E2

Factors Contributing to Ignition

☒ None

E3

Human Factors Contributing to Ignition

Check all applicable boxes

☒ None
☐ 1 - Asleep
☐ 2 - Possibly impaired by alcohol or drugs
☐ 3 - Unattended person
☐ 4 - Possibly Mentally Disabled
☐ 5 - Physically Disabled
☐ 6 - Multiple Persons Involved

☐ 7 - Age Was A Factor

Estimated Age of Person Involved

☐ Male

☐ Female

F1

Equipment Involved In Ignition

☒

Equipment Involved

Brand

Model

Serial #

Year

F2

Equipment Power Source

☒

Equipment Power Source

F3

Equipment Portability

☐ 1 - Portable
☐ 2 - Stationary

Portable equipment normally can be moved by one or two persons.

G

Fire Suppression Factors

☒ None

H1

Mobile Property Involved

- ☐ 1 - Not involved in ignition, but burned
☐ 2 - Involved in ignition, but did not burn
☐ 3 - Involved in ignition and burned
☒ None

H2

Mobile Property Type and Make

Mobile Property Type

Mobile Property Make

Local Use

- ☐ Pre-Fire Plan Available
☐ Arson Report Attached
☐ Police Report Attached
☐ Coroner Report Attached
☐ Other Reports Attached

Mobile Property Model

Year

State

License Plate Number

VIN

NFIRS-8 Wildland Fire

A							
42035	CA	05	01	2016	11 (11)	0005298	0
FDID	State	Month	Day	Year	Station	Number	Exposure

B Alternate Location Specification Township Range Section Subsection Meridian	D1 Wildland Fire Cause ☐ 1 - Natural Source ☐ 2 - Equipment ☐ 3 - Smoking ☐ 4 - Open/Outdoor Fire ☐ 5 - Debris/Vegetation Burn ☐ 6 - Structure (Exposure) ☐ 7 - Incendiary ☐ 8 - Misuse of Fire ☐ 0 - Other ☒ U - Undetermined	D3 Factors Contributing to Ignition
C Area Type ☐ 1 - Rural, Farms > 50 Acres ☒ 2 - Urban (Heavily Populated) ☐ 3 - Rural/Urban or Suburban ☐ 4 - Urban-Wildland Interface Area	D2 Human Factors Contributing to Ignition ☐ 1 - Asleep ☐ 2 - Possibly Impaired by Alcohol or Drugs ☐ 3 - Unattended Person ☐ 4 - Possibly Mental Disabled ☐ 5 - Physically Disabled ☐ 6 - Multiple Persons Involved ☐ 7 - Age Was a Factor ☒ None	D4 Fire Suppression Factors
		E Heat Source
		F Mobile Property Type
		G Equipment Involved In Ignition

H Weather Information NFDRS Weather Station ID Weather Type Wind Direction Wind Speed ☐ Negative Air Temperature (F) Relative Humidity (%) Fuel Moisture (%) Fire Danger Rating	I1 Number of Buildings Ignited ☐ ☒ None	I4 Primary Crops Burned
	I2 Number of Buildings Threatened ☐ ☒ None	
	I3 Total Acres Burned 0.1	

J Property Management Owner % Acres Burned ☐ U - Undetermined ☐ Private ☐ 1 - Tax Paying ☐ ☒ 2 - Non-tax Paying ☐ Public ☒ 3 - City, Town, Village, or Other Locality 100 ☐ 4 - County or Parish ☐ ☐ 5 - State or Province ☐ ☐ 6 - Federal ☐ ☐ 7 - Foreign ☐ ☐ 8 - Military ☐ ☐ 0 - Other ☐	K NFDRS Fuel Model At Origin 01-A: Annual Grasses. L1 Person Responsible For Fire ☐ 1 - Identified Person Caused Fire ☐ 2 - Unidentified Person Caused Fire ☐ 3 - Fire Not Caused By Person L2 Gender of Person Involved ☐ 1 - Male ☐ 2 - Female L3 Age or Date of Birth OR Age Date of Birth L4 Activity of Person Involved ☐	M Type of Right-Of-Way Feet Horizontal Distance From Right-of-Way Type of Right-of-Way N Fire Behavior 66 Feet Elevation 0-Valley Bottom Relative Position on Slope 0-Flat/None Aspect 2 Feet Flame Length 10 Chains Per Hour Rate of Spread
---	---	---

NFIRS-9 Apparatus or Resources

A							
42035	CA	05	01	2016	11 (11)	0005298	0
FDID	State	Month	Day	Year	Station	Number	Exposure

B		Dates/Times		Sent	Number of People	Apparatus Use	Actions Taken
ID:	512	Dispatch:	05/01/2016	08:15	☒ Sent	1	☒ Suppression ☐ EMS ☐ Other
Type:	92-Chief officer car	Arrival:	05/01/2016	08:22			
		Clear:	05/01/2016	08:28			
ID:	ME11	Dispatch:	05/01/2016	08:15	☐ Sent	3	☒ Suppression ☐ EMS ☐ Other
Type:	11-Engine	Arrival:	05/01/2016	08:21			
		Clear:	05/01/2016	08:42			
ID:	ME14	Dispatch:	05/01/2016	08:15	☐ Sent	3	☒ Suppression ☐ EMS ☐ Other
Type:	11-Engine	Arrival:	05/01/2016	08:21			
		Clear:	05/01/2016	08:25			
ID:	ME17	Dispatch:	05/01/2016	08:15	☐ Sent	3	☒ Suppression ☐ EMS ☐ Other
Type:	11-Engine	Arrival:	05/01/2016	08:22			
		Clear:	05/01/2016	08:24			
ID:	RA17	Dispatch:	05/01/2016	08:19	☒ Sent	2	☐ Suppression ☒ EMS ☐ Other
Type:	10-Ground fire suppression, other	Arrival:	05/01/2016	08:22			
		Clear:	05/01/2016	08:24			
ID:	T11	Dispatch:	05/01/2016	08:15	☒ Sent	3	☒ Suppression ☐ EMS ☐ Other
Type:	75-BLS unit	Arrival:	05/01/2016	08:21			
		Clear:	05/01/2016	08:23			

NFIRS-10 Personnel

A	42035	CA	05	01	2016	11 (11)	0005298	0
	FDID	State	Month	Day	Year	Station	Number	Exposure

B Apparatus/Resource	Dates/Times	Sent	Number of People	Apparatus Use	Actions Taken
ID: 512	Dispatch: 05/01/2016 08:15	☒ Sent	1	☒ Suppression ☐ EMS ☐ Other	81-Incident command
Type: 92-Chief officer car	Arrival: 05/01/2016 08:22				
	Clear: 05/01/2016 08:28				

Personnel ID	Name	Rank	Role	Attend	Actions Taken
	Ryan, Larry			☐	81-Incident command

ID: ME11	Dispatch: 05/01/2016 08:15	☐ Sent	3	☒ Suppression ☐ EMS ☐ Other	11-Extinguishment by fire service personnel
Type: 11-Engine	Arrival: 05/01/2016 08:21				
	Clear: 05/01/2016 08:42				

Personnel ID	Name	Rank	Role	Attend	Actions Taken
	Jones, Kevin			☐	11-Extinguishment by fire service personnel
	Park, Alexander			☐	11-Extinguishment by fire service personnel
	Tolmach, David			☐	11-Extinguishment by fire service personnel

ID: ME14	Dispatch: 05/01/2016 08:15	☐ Sent	3	☒ Suppression ☐ EMS ☐ Other	92-Standby
Type: 11-Engine	Arrival: 05/01/2016 08:21				
	Clear: 05/01/2016 08:25				

Personnel ID	Name	Rank	Role	Attend	Actions Taken
	Bonillo, Sky			☐	92-Standby
	Perkins, Tyson			☐	92-Standby
	Riach, Michael			☐	92-Standby

ID: ME17	Dispatch: 05/01/2016 08:15	☐ Sent	3	☒ Suppression ☐ EMS ☐ Other	92-Standby
Type: 11-Engine	Arrival: 05/01/2016 08:22				
	Clear: 05/01/2016 08:24				

Personnel ID	Name	Rank	Role	Attend	Actions Taken
	Pinal, Rick			☐	92-Standby
	Hazard, Rob			☐	92-Standby
	Farrell, Andrew			☐	92-Standby

ID: RA17	Dispatch: 05/01/2016 08:19	☒ Sent	2	☐ Suppression ☒ EMS ☐ Other	93-Cancelled en route
Type: 10-Ground fire suppression, other	Arrival: 05/01/2016 08:22				
	Clear: 05/01/2016 08:24				

Personnel ID	Name	Rank	Role	Attend	Actions Taken
█	Wright, Timothy			☒	93-Cancelled en route
█	Mather, Ian			☒	93-Cancelled en route

ID: T11	Dispatch: 05/01/2016 08:15	☒ Sent 3	☒ Suppression	92-Standby
Type: 75-BLS unit	Arrival: 05/01/2016 08:21		☐ EMS	
	Clear: 05/01/2016 08:23		☐ Other	

Personnel ID	Name	Rank	Role	Attend	Actions Taken
█	Dalcerri, Mike			☒	92-Standby
█	Szczepanek, Sam			☒	92-Standby
█	Thomas, Max			☒	92-Standby

NFIRS-1S Supplemental

A

42035	CA	05	01	2016	11 (11)	0005298	0
FDID	State	Month	Day	Year	Station	Number	Exposure

Additional Narrative (#1 of 3):

ME-14 staged and cancelled by 512.

Additional Narrative (#2 of 3):

ME-17 on scene in staging and cancelled by BC512.

Additional Narrative (#3 of 3):

512 on scene, advised ME-11 best excess and cancelled the assignment. ME-11 to handle.



From: april reid <aprilreid@live.com>

Sent: Monday, November 27, 2023 3:02 PM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>; ken@impulse.net; tristan.lanza@hcd.ca.gov

Cc: Jennifer Fullerton <jfullerton@cityofgoleta.org>; Jason Chapman <jchapman@cityofgoleta.org>; Anne Miller <amiller@cityofgoleta.org>; kmaynard@cityofgolta.org; april reid <aprilreid@live.com>

Subject: Goleta- Kenwood Village and misstatements from the property owner

PART 9



 [Planning Commission_1.jpg](#)

 [2019report.pdf](#)

Additional attachments:

1. An e-mail from Fire Marshal Rob Hazard stating the property owner received a violation for not mowing the field in 2019.
2. A report from 2019 regarding my Complaint to the Fire Department. There is also a report from 2022 wherein the Fire Department felt the need to inspect the property

again for some reason.



Santa Barbara County Fire Department

4410 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-5500 Fax: 805-681-5553

Vegetation/Hazard Complaint Inspection Report

Santa Barbara, , Goleta, 93117, CA, US, Calle Real, 7256-7324

Created	2019-12-20 21:27:33 UTC by Fred Tan
Updated	2019-12-20 21:33:54 UTC by Fred Tan
Location	34.433467130661, -119.882126860321
Inspection Status	■ 1st Inspection - No Violations/Hazards Found
report_title	Vegetation/Hazard Complaint Inspection Report
Complaint Description	Resident left message regarding concern over tall grass.
Hazard Type	Vegetation Clearance
Priority Rating	6
Public Value	4
IDLH	1 (Lowest)
Strategic Value	1 (Lowest)

1st Inspection

Inspector First Name	Fred
Inspector Last Name	Tan
Inspection Date	2019-12-19

Address or Location

Address	7256-7324 Calle Real Goleta, CA 93117
Contact Made with Occupant	Yes
Contact Method	Phone
Structure Type	Open Land
Combustible building materials present?	No
SRA or LRA?	LRA

SRA: 14 CCR 1299 and PRC 4291

SRA: 14 CCR 1299 and PRC 4291

LRA: Chapter 15, Section 4908.3

Clearance of Brush, Vegetative Growth, and Combustible Material from Parcels: all parcels declared a fire hazard shall be cleared of combustible material to the satisfaction of the fire code official.

Comments	I was contacted by Ms. Reid regarding her concern over the tall grass in the open lot. I have been in contact with the parcel owner annually regarding annual maintenance. We have only required a 20 foot swath around the perimeter of the parcel to reduce ignition potential and mitigate damage to neighboring fences in the case of a grass fire. Parcel owner has complied with the 20 feet clearance we have required.
----------	--



Santa Barbara County Fire Department

4410 Cathedral Oaks Road

Santa Barbara, CA 93110

805-681-5500 Fax: 805-681-5553

Vegetation/Hazard Complaint Inspection Report

Signature

A handwritten signature in black ink, appearing to be "T. R. L." or similar.

Signed 2019-12-20 21:33:24 UTC

Photos



2nd Inspection





Santa Barbara County Fire Department

4410 Cathedral Oaks Road

Santa Barbara, CA 93110

805-681-5500 Fax: 805-681-5553

Vegetation/Hazard Complaint Inspection Report

Inspection Date

2019-12-20

SRA: 14 CCR 1299 and PRC 4291

SRA: 14 CCR 1299 and PRC 4291

LRA: Chapter 15, Section 4908.3

Clearance of Brush, Vegetative Growth, and Combustible Material from Parcels: all parcels declared a fire hazard shall be cleared of combustible material to the satisfaction of the fire code official.

Vegetation/Hazard Complaint Inspections



7256-7324 Calle Real Goleta CA 93117 US

6/24/2022, 1:42:57 AM UTC



CREATED

🕒 12/20/2019, 9:27:33 PM UTC

👤 by Fred Tan

UPDATED

🕒 6/24/2022, 1:42:57 AM UTC

👤 by Matt Marsh

STATUS

🟢 1st Inspection - No Violations/Hazards Found

LOCATION

📍 34.433467, -119.882127



Santa Barbara County Fire
4410 Cathedral Oaks Road
Santa Barbara, CA 93110



Initial Report

Complaint Description	Resident left message regarding concern over tall grass.
Date Complaint Received	December 20, 2019
Hazard Type	Vegetation Clearance
Reporting Party Name	n/a
Please Contact?	n/a
Keep Information Anonymous from Occupant?	n/a
Reporting Party Phone Number (ex: 999-999-999)	n/a
Reporting Party Email Address	n/a
Reporting Party Address	n/a
Fire District	11

Priority & Values

Total Priority Score (will auto-calculate from values above)	6
High Priority?	No

1st Inspection

Inspector First Name	Fred
Inspector Last Name	n/a
Inspection Date	December 19, 2019

Address or Location

Address	7256-7324 Calle Real Goleta CA 93117 US
Intersection	n/a
APN	n/a
Contact Made with Occupant	Yes
Contact Method	Phone
Occupant Name	n/a
Contact Phone Number (ex: 999-999-999)	n/a
Email Address	n/a
Delivery notification method	n/a



Structure Type	Open Land
Combustible building materials present?	No
Year Built	n/a
Fire Hazard Severity Zone?	n/a
SRA or LRA?	LRA

LRA: Chapter 15, Section 4908.3

Clearance of Brush, Vegetative Growth, and Combustible Material from Parcels: all parcels declared a fire hazard shall be cleared of combustible material to the satisfaction of the fire code official.

n/a

Comments

I was contacted by Ms. Reid regarding her concern over the tall grass in the open lot. I have been in contact with the parcel owner annually regarding annual maintenance.

We have only required a 20 foot swath around the perimeter of the parcel to reduce ignition potential and mitigate damage to neighboring fences in the case of a grass fire.

Parcel owner has complied with the 20 feet clearance we have required.

Signature



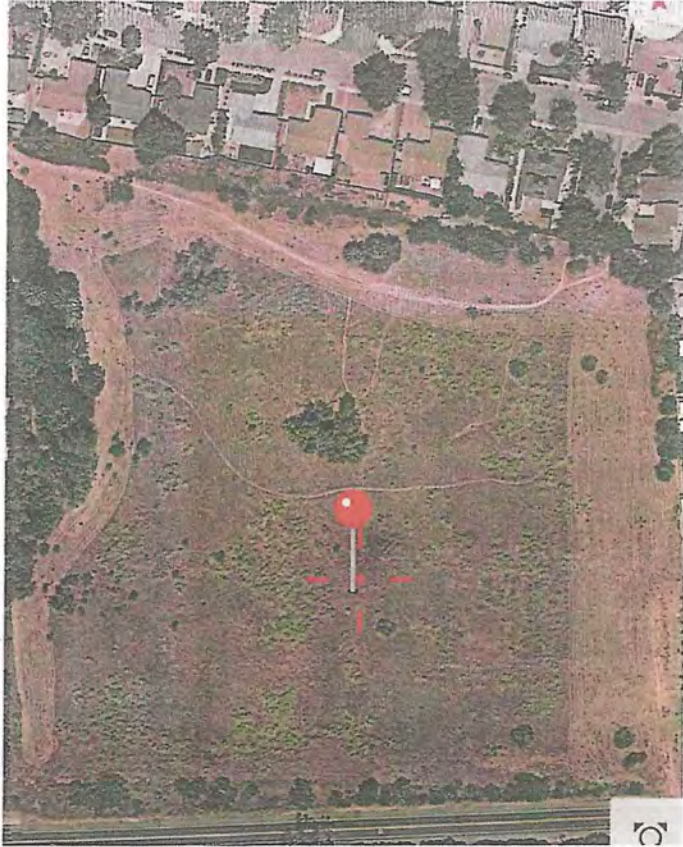
Signed 12/21/2019, 5:33:24 AM UTC



Attachments

n/a

Photos



Santa Barbara County Fire
4410 Cathedral Oaks Road
Santa Barbara, CA 93110

Page 4 of 4
11/1/2023, 7:23:47 PM UTC



RE: Fire hazard/weed abatement at 7264 Calle Real

[?]

You replied on Thu 10/19/2023 8:07 PM

You replied on Thu 10/19/2023 8:07 PM

Hazard, Rob <RHazard@countyofsb.org>

You;

Sophia Batey

McKibben, Dustin

Hi April,

I will have one of my inspectors take a look. In the past we have required the owner of the vacant lot property to mow a 20 to 30 foot strip along the perimeter of the lot. Based on the vegetation type and the size of the lot a perimeter mowing is warranted but it's not required for the entire lot to be cleared. My inspector will reassess the width requirement to make sure your homes have adequate defensible space.

★ The last inspection of the lot was in 2019, and it was marked as a violation. The property owner corrected the violation. In that vegetation type it is required to complete the mowing annually by June 1st.

★ By the way, I am aware of the fire in 2013, I was one of the firefighters that responded.

Thanks,

Rob Hazard
Division Chief/ Fire Marshal
Fire Prevention Division
Santa Barbara County Fire
805) 681-5554 office
805) 896-6402 mobile
rhazard@countyofsb.org

From: april reid <aprilreid@live.com>

Sent: Thursday, October 19, 2023 4:08 PM

To: Hazard, Rob <RHazard@countyofsb.org>; Sophia Batey

From: Becky Davis <becky.davis@mac.com>
Sent: Wednesday, November 29, 2023 1:53 PM
To: Andy Newkirk <anewkirk@cityofgoleta.org>
Subject: Rezoning for more housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Goleta Planning Staff & City Council,

My vote is a vehement “NO!” as the current rezoning is proposed. It is very, very poor planning, for a number of reasons. Please consider that I have lived and worked in Goleta for over 50 years, including a couple decades in Old Town, a couple decades for UCSB, and have been active in environmental responsibility (worked for the Coastal Commission, bike commuter, etc.) the entire time.

Kenwood Village (on Calle Real, by the 7/11 on the north side of 101):

The proposed density is way too dense for that site. The majority of the homes near there are single story, single family residences, built in the 1950s through 1980s. Calle Real is only one lane, with a relatively high speed limit, and already dangerous turning from side streets, due to poor visibility. I never ride my bike there; I never walk there; I take other routes (Cathedral Oaks or Hollister) when walking or biking — and usually when driving — due to the dangers of that stretch of road.

There are essentially no services other than 7/11 & the restaurants behind it nearby, within sale walking distance. Groceries, pharmaceuticals, and most other common retail establishments are across the freeway, WITHOUT the pedestrian and bicycle overpass that was supposed to be built near there (and without the west Goleta fire station that we’re still waiting for). Multiple stories in an area of mostly single story buildings may block the existing residences views and sunlight (which could lead to lawsuits).

If a senior residence similar to Friendship Manor is to be built there (and I question whether it should be), it ought to be limited to less than 100 units, especially considering how many of the seniors probably still will be mobile and have vehicles. What is proposed is inappropriately sited, too dense, too dangerous, and represents very poor planning.

When you factor in that the county has proposed over 1000 homes across the street from Dos

Pueblos HS, on the golf course, you have a potential disaster. The Glenn Annie northbound off-ramp already backs up onto the freeway multiple times a day, with just the existing traffic. It is already over-subscribed, yet between Goleta's poor planning and the County's poor planning, you want to add well over a thousand more vehicles a day to that traffic? Think again please.

One point that is truly irritating is the unfairness of the proposed high density sites. The people who employ many of the lowest income workers in the area live in Montecito or Hope Ranch — their gardeners, maids, personal helpers, and related. Yet there is NO low income housing proposed for those areas. I realize that you are a City employee, not a County employee, but basic fairness and responsible government would suggest that you should work together to convert one of Montecito's or Hope Ranch's (or both) golf courses to 1000+ low income residences, rather than a golf course that serves as a wildfire buffer zone to the suburban homes that define Goleta, and its sole HS.

I've been evacuated for wildfire reasons at least five times in the last 50 years. Adding additional housing to a geographically constricted region (narrowing coastal plain with only N or S 101 to evacuate to) represents such a break from responsible planning as to lead many of us to question the competence of the Planning Departments. When you add in perpetual water shortages (I fondly remember the water moratorium of the 1970s, and wish we could reinstate it), our questions about your abilities to responsibly plan become even greater.

It's time to tell the idiots in Sacramento that we can't keep inviting the world to move to California when we don't have the water, electricity, infrastructure, or budget to handle an ever increasing population.

Thank you for your time and attention. Please do the responsible thing and rethink which sites should have what densities.

Becky Davis
7865 Rio Vista Drive
Goleta, CA 93117
becky.davis@silcom.com * 805-968-4600

From: Dickens, Clayton <cdickens@Communitywestbank.com>
Sent: Thursday, November 30, 2023 2:05 PM
To: City Clerk Group <cityclerkgroup@cityofgoleta.org>
Subject: KenMar and other high density projects

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Good afternoon,

I am concerned that Goleta is becoming the dumping ground for high density housing, especially in the 3rd district which now conveniently lacks a representative on the Council.

I am very much against rezoning amendments and enlarging the density of these projects.

I also do not understand why you are using an old traffic survey, the corridor on Calle Real is dangerous and there have been many incidents with injury.

I DO NOT want Kenmar enlarged I want it shrunk. The density purposed is insane and a money grab.

I live down the street, my kids were born and raised in Goleta, I work in Goleta, please do not ruin it for \$\$\$\$\$.

Thank you for reading my rant, I do appreciate it. I Love Goleta, and I am grateful for all the hard work the city planners, council and committees have done to keep our city as the Good Land.

Warmest regards

Clay Dickens
7779 Jenna Drive
Goleta, CA 93117
8095-689-1361
claytonrdickens@yahoo.com

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From: Mona Harnish <mjharnish1954@yahoo.com>

Sent: Thursday, November 30, 2023 4:40 PM

To: Paula Perotte <pperotte@cityofgoleta.org>; Kyle Richards <krichards@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>; James Kyriaco <jkyriaco@cityofgoleta.org>; Luz Reyes-Martin <lreyes-martin@cityofgoleta.org>

Subject: High Density Housing

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I know the state is forcing housing down our throats, but we need to look at how high density housing will affect the lives of those that live in Goleta. Smaller areas with medium density housing would be better, spread out and not take over an area. Other areas outside of Goleta also need to be considered.

I am concerned about the crime that will come with high density, low income housing. I also don't know where the water will come from. I could not get a permit for a water meter for a single home, where will the water come from for thousands of homes?

Goleta also does not have the infrastructure to support all of these homes. Traffic will greatly impacted. (Especially with the City wanting to make a single lane in each direction of Hollister Old Town). I fear the town will become a little LA, which I don't think anyone wants.

Please reconsider high density homes- they will only take away from the area.

Thank you,

Mona Harnish

Andy Newkirk

From: april reid <aprilreid@live.com>
Sent: Friday, December 1, 2023 9:42 AM
To: Paul.McDougall@hcd.ca.gov
Cc: Anne Wells; Deborah Lopez; Andy Newkirk
Subject: QUESTIONS FOR YOU REGARDING ALKER E-MAILS FOR GOLETA

Follow Up Flag: Follow up
Flag Status: Flagged

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[Paulemails.pdf](#)

Mr. McDougall:

PLEASE ANSWER THE QUESTIONS BELOW IF POSSIBLE. SINCE YOU E-MAILED WITH MR. ALKER ABOUT KENWOOD VILLAGE, I WOULD APPRECIATE A RESPONSE TO MY E-MAIL AS SOON AS POSSIBLE SINCE THE FINAL HOUSING ELEMENT PLAN FOR GOLETA IS SCHEDULED FOR DECEMBER 5, 2-23.

This is written in regards to the e-mails sent between yourself and Ken Alker, the owner of Kenwood Village at 7264 Calle Real, Goleta, Ca 93117. I am not sure if you know this, but The City Council, who are familiar with the city, lowered the number of housing units on Kenwood Village from 284 down to 190 after public comment, as Mr. Alker admits. The public brought up valid reasons for having issues with building high density housing on Kenwood Village. The City Council agreed.

In your e-mail correspondence to Mr. Alker, he asked, "I don't think City Council will vote to change back to 284 units (eliminate the 190 unit cap) if they feel there is any chance HCD would then reject their submittal. Is there any way to find out if eliminating the 190 cap on Kenwood Village would be approved by HCD so that when City Council votes at the beginning of December, they could be informed if this would cause HCD to kick back the Housing Element or if this change would be considered OK." You also brought up on your own the idea of focussing on looking "about intersections with SB 330 related to caps", whatever that means. I am not sure why you seem to be telling Mr. Alker what to focus on to find ways to get the number back up to 294. It would be nice if the public were informed of the issues you and Mr. Alker were discussing so we could comment on specific issues rather than not having any idea what statements to make or what focus we should have.

My questions are:

1. WHY IS IT SO IMPORTANT TO REQUIRE THE CITY COUNCIL TO FIND MOSTLY HIGH DENSITY HOUSING BEFORE THE STATE WILL APPROVE GOLETA'S HOUSING ELEMENT PLAN, ESPECIALLY SINCE THERE WAS SUFFICIENT SINGLE FAMILY HOUSING TO REACH THE REQUIRED HCD NUMBERS?
2. ARE YOU OR ARE YOU NOT COMING UP WITH ARGUMENTS TO HELP MR. ALKER?

3. ARE YOU IMPOSING YOUR OPINION OF WHERE TO ARBITRARILY BUILD HIGH DENSITY HOUSING ON THE CITY OF GOLETA INSTEAD OF LETTING THE CITY COUNCIL FIND SITES THAT ARE GOOD TO BUILD ON?

4. ARE YOU WORKING ON GETTING/FORCING THE CITY COUNCIL TO AGREE TO INCREASE THE NUMBER OF HOUSING UNITS ON KENWOOD VILLAGE FROM 190 TO 284, EVEN THOUGH THE CITY COUNCIL, WHO LIVE HERE AND KNOW THE AREA, SAW FIT TO DECREASE THE NUMBER OF HOUSING UNITS FOR VALID REASONS?

In case you do not know, let me tell you what is going on from my own perspective. Regarding the Housing Element Plan, it is my understanding The City Council found several great sites in Goleta wherein nothing had to be rezoned/upzoned to high density housing in order to satisfy the State's numbers requirements. The housing selected fit in nicely with our community. However, I was informed the State rejected the first two Housing Element Plans, which included acceptable single family housing BECAUSE the State was, for some unknown reason, arbitrarily requiring Goleta and other cities to build high density housing units rather than being satisfied with the number the single family housing provided, even if it would satisfy all the State's requirements. As such, on the third round, the Goleta City Council is now being forced to consider rezoning for high density housing, even if a site is not good for high density housing. According to one member of the City Council, "[A]s for an agreement, all staff can do is encourage the landowner to seek a project that is 20-30 units per acre. They needed to get letters from the landowner indicating that the landowner wanted the project. HCD was pushing cities and counties to have evidence of landowner interest for parcels that are vacant." In other words, it seems sites were picked for rezoning/upzoning based on whether the landowner would agree to build high density housing, NOT because it was a good site to build high density housing. This is NOT a way to chose good places to build. People who need affordable housing deserve to live on good sites, just like everyone else!

Unfortunately, Mr. Alker at Kenwood Village was one of the property owners to agree to arbitrarily put high density housing on his property. So,, his property was selected. If you do not know this, the property was partially zoned agricultural, it has a protected creek with protected animals in it and there are Monarch butterflies on the opposite end of the property from the Creek, just to name a few issues. Further, the roadway in front of Kenwood Village contains one lane of traffic and it is a dangerous roadway. Just last week, there was another car accident wherein someone had to be extracted from a car and taken by ambulance to the hospital. This will only get worse with increased traffic.

By the way, off the Glen Annie and Storke road on/offramp, did you know that the County also is planning on building around 1,500 housing units on the Glen Annie Golf Course near Kenwood Village that was NOT included in the studies for the Housing Element as far as I know? Also not considered is Shelby, which, if considered and approved, would probably have over 100 housing units at a minimum also. There is also Colusa, which is on the list. Then, there are all the housing units planned for Hollister near the Glen Annie and Storke Road offramp on the opposite side of the freeway. I am not an expert, but all of these added housing units would use the Glen Anne and Storke Road on/offramp. I was told by someone that the intersection of Caalle Real and the Glen Annie and Storke Road on/offramp was rated a D, or maybe a C. What will happen with possibly 2,000 plus new vehicles at the same intersection of a small suburban community on the Kenwood Village side of the freeway that was not built for a ton of traffic?

During three long nights of public comment regarding the rezoning, The City Council, who live in Goleta and are familiar with the area, heard the concerns from the community regarding putting high density housing on the property, and the City Council saw fit to at least lower the number of housing units from the possibility of 284 to 190. In fact, during one of the public comment meetings, one member of the City Council lowered the number of housing units from 284 to 190, which they indicated was the lowest number of units they could

possibly have on this property and still have the number of housing units for high density housing the City said it needed to satisfy the State's requirements. In other words, it seems including this site for high density housing was all about just getting the needed numbers.

TO THE BEST OF MY KNOWLEDGE, THAT IS HOW KENWOOD VILLAGE BECAME THE ONLY PROPERTY THE CITY COUNCIL SAW FIT TO LOWER THE NUMBER OF UNITS BUILT ON THE PROPERTY AND STILL KEEP THE REQUIRED CLASSIFICATION FOR HIGH DENSITY HOUSING. THE NUMBER OF HOUSING UNITS ON KENWOOD VILLAGE WAS REDUCED TO 190 AFTER CAREFUL DEBATE GIVEN THE RESTRICTIONS THE STATE PUT ON THE CITY OF GOLETA. IT WAS NOT ARBITRARY OR DISINGENUOUS, AS MR. ALKER CLAIMS. TO THE BEST OF MY RECOLLECTION, THERE WAS WELL OVER 5 HOURS OF DEBATE ON KENWOOD VILLAGE ALONE. In fact, the entire third day of three devoted to the Housing Element Plan was devote to discussing Kenwood village and that was after people spoke on Kenwood village extensively the first night

Now, it seems the State is trying to help Mr. Alker build 284 units of high density housing on a site that the City Council deemed was not a good fit. Are you researching theories for him to argue and maybe even pushing/forcing the City Council to arbitrarily get the number of housing units back up to the maximum of 284 without understanding that the City Council lowered the number of housing units for a reason and they know the City of Goleta best?

It should be pointed out that The City of Goleta was assigned the vast amount of housing units in the County, even though Goleta is the City that has taken on the burden of already building the most housing units over the past several years. Some city's did not meet their goals in previous years like Goleta did. It is my understanding that affluent places like Hope Ranch and Montecito, where the celebrities live, did not rezone property like the diverse Goleta did.

Further, Goleta is divided into 4 districts, Districts 1 and 2 have City Council Representatives. District 4 has an unofficial representative since a City Council member lives in the District. Our District, District 3, which is the second most diverse District in Goleta, was abandoned and there is no one who represents us. Even though our Mayor lives in District 3, she represents the entire City. She also had to recuse herself regarding Kenwood Village only.

Since you responded to Mr. Alker, I would appreciate the courtesy of a response as soon as possible. The FINAL City Council meeting is December 5, 2023.

April Reid
15 Baker Lane
Goleta, CA. 93117

Andy Newkirk

From: Andy Newkirk
Sent: Wednesday, November 29, 2023 5:03 PM
To: Andy Newkirk
Subject: FW: City of Goleta - quick question before 5pm

-----Original Message-----

From: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>
Sent: Tuesday, November 21, 2023 2:54 PM
To: Anne Wells <awells@cityofgoleta.org>
Subject: FW: City of Goleta - quick question before 5pm

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FYI

-----Original Message-----

From: Ken Alker <ken@alker.net>
Sent: Tuesday, November 21, 2023 10:18 AM
To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>
Subject: RE: City of Goleta - quick question before 5pm

Hi Paul,

I have asked City of Goleta city council to go back to the 284 units that was originally voted on in a straw vote for Kenwood Village rezoning, rather than having the 190 unit cap that they landed upon. A council member asked me if this would slow down the Housing Element approval process since it would introduce a change from what staff submitted to HCD and what was "blessed" by HCD recently. My assumption is that changing from 190 units to 284 would be a good thing in HCD's eyes and would not slow things down, but staff told Planning Commission that any changes, even if they seem on the surface to be something HCD would approve, are risky as staff doesn't know how HCD will view the change.

I don't think City Council will vote to change back to 284 units (eliminate the 190 unit cap) if they feel there is any chance HCD would then reject their submittal. Is there any way to find out if eliminating the 190 unit cap on Kenwood Village would be approved by HCD so that when City Council votes at the beginning of December, they could be informed if this would cause HCD to kick back the Housing Element or if this change would be considered OK?

Thank you!

If you available for a phone call, I am at 805/685-2030.

Ken Alker

--On Thursday, November 16, 2023 9:48 AM -0800 Ken Alker <ken@alker.net> wrote:

> Hi,

>

> Hoping you got the below. I am still hoping to chat with you about my
 > project. Are you available this week?

>

> Thank you,

> Ken Alker

>

> --On Monday, November 13, 2023 11:12 AM -0800 Ken Alker
 > <ken@alker.net>
 > wrote:

>

>> The City of Goleta is having a Planning Commission (PC) meeting tonight.
 >> In the last letter I wrote, I pointed out that the proposed limit of
 >> 190 units on my 9.85 acres would create a conflict with the minimum
 >> of 20 units/acre since 9.85 acres x 20 units/acre >190 units. Staff
 >> is now recommending that PC limit developable acreage from 9.85 to
 >> 6.63. They backed into the 6.63 acres this by dividing 190 units by 30units/acre.
 >> This means I'll not only be limited in number of units, but massing
 >> will have to increase to fit the units into the 6.63 acres instead of
 >> 9.85 acres. There is also the possibility that this will force me to
 >> build less than the maximum number of units (massing/neighborhood issues/cost).
 >> I'm glad the city is finally rezoning, but I am frustrated by this
 >> arbitrary maximum and now reducing buildable area to make the min/max
 >> math work (not a good reason to reduce the buildable area). I know
 >> they are very concerned about changing the maximum since getting the
 >> straw votes and going through all the public comment and HCD
 >> processes, but limiting developable area is now going to affect the
 >> neighborhood in a negative way just to make the numbers work. There
 >> must be other ways this could be accomplished if the City won't go
 >> back to the 284 maximum that was originally proposed by staff.

>>

>> Is there anything the HCD could do to help?

>>

>> Are you available for a phone call? I am at 805/685-2030.

>>

>> Thank you.

>> Sincerely,

>> Ken Alker

>>

>> --On Tuesday, October 10, 2023 12:27 AM +0000 "McDougall, Paul@HCD"
 >> <Paul.McDougall@hcd.ca.gov> wrote:

>>

>>> Yes and I am sure I can make sense of it; thanks Ken.

>>>

>>> -----Original Message-----

>>> From: Ken Alker <ken@alker.net>

>>> Sent: Monday, October 9, 2023 5:26 PM

>>> To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>

>>> Subject: RE: City of Goleta - quick question before 5pm

>>>

>>> Thanks for the quick response, Paul!

>>>

>>> I wish I'd had more time to write my letter to the City, but I ran
>>> out of time so it isn't the quality I usually try to produce; very
>>> wordy and not concise. I'm attaching it for you so you can see what
>>> I'm up against. There is a 16-year history behind this project.
>>> When I bought the land, the City asked if I could handle waiting
>>> through a 2-year process to get my permits, and here we are at year
>>> 16. It feels like nearly every council has done everything in their
>>> power to prevent me from building. My goal has been to build homes
>>> for my employees. I'm an electrical engineer and own a company in
>>> town. I'm NOT a developer and have never done this before.
>>>
>>> Are you the one reviewing the Housing Element that the City of
>>> Goleta keeps trying to get approved?
>>>
>>> I'm hoping the letter makes sense to you. Would you be willing to
>>> discuss over the phone?
>>>
>>> Thanks!
>>> Ken
>>> (805) 685-2030
>>>
>>> --On Monday, October 9, 2023 10:29 PM +0000 "McDougall, Paul@HCD"
>>> <Paul.McDougall@hcd.ca.gov> wrote:
>>>
>>>> Just generally; if there is a rezone for a shortfall of lower
>>>> income RHNA, a by right requirement is triggered that includes a
>>>> minimum density of 16 or 20 units per acre. For Goleta, it is 20
>>>> units per acre. We generally see where a minimum is the same as the
>>>> maximum as a constraint because, among other things, it provides a
>>>> narrow/precise range that does not allow flexibility for proposals.
>>>> We generally would still see that density bonus law still applies
>>>> too regardless of the cap. I have to look about intersections with
>>>> SB 330 related to caps.
>>>>
>>>> -----Original Message-----
>>>> From: Ken Alker <ken@alker.net>
>>>> Sent: Monday, October 9, 2023 1:54 PM
>>>> To: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>
>>>> Subject: City of Goleta - quick question before 5pm
>>>>
>>>> Hi Paul,
>>>>
>>>> I am trying to get a letter to the City of Goleta by 5pm; sorry for
>>>> the urgency.
>>>>
>>>> I am Ken Alker. I own 10 vacant acres of infill in Goleta that
>>>> I've had slated for development for nearly SIXTEEN years now. In
>>>> July, the City did a unanimous straw vote to change zoning on my
>>>> property to RH
>>>> (20-30
>>>> units/acre) or almost 300 units (284 to be exact) after 16 years of
>>>> trying to get it built (only because they are being "forced by the

>>>> state"). After the neighbors came out and complained, the City
>>>> chose to place an arbitrary cap of 190 units on the project so they
>>>> could still meet the RHNA but limit the project to the minimum
>>>> number of units under their RH zoning (20/acre). Mine is the ONLY
>>>> parcel with this cap that is be rezoned. Now I'm stuck with 190
>>>> units (no more, no less, and no flexibility). Does the HCD see
>>>> this is reasonable, or disingenuous?

>>>>

>>>> If you can call to chat, I'd greatly appreciate your time. I'm at
>>>> (805)

>>>> 685-2030 or (805) 968-1000.

>>>>

>>>> Thank you!

>>>> Sincerely,

>>>> Ken Alker

>>>

>>>

>>>

>>

>>

>>

>

>

>

Andy Newkirk

From: april reid <aprilreid@live.com>
Sent: Friday, December 1, 2023 4:55 PM
To: Deborah Lopez; Anne Miller; Anne Wells; Andy Newkirk; tristan.lanza@hcd.ca.gov
Cc: ken@impulse.net; Jason Chapman; kmaynard@cityofgolta.org; Jennifer Fullerton; aprilreid@cox.net
Subject: Follow-up e-mail regarding the Kenwod Village owner's misstatements

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 [TheIndependentarticle.pdf](#)  [2023 picture.pdf](#)

To the City Council, the Planning Commission and the State:

The following is additional information responding to Mr. Ken Alker, the property owner of Kenwood Village, who made misstatements at the Planning Commission meeting, as well as in a newspaper article. Many of the issues Mr. Alker misstated were already addressed in my previous lengthy e-mail to you with documentation. I will also address some issues again briefly, since I addressed them in other previous emails, such as the Monarch Butterflies found on the property.

Ever since Mr. Alker bought the property over a decade and a half ago, Mr. Alker has allowed the weeds on at least the part of the property to almost consistently grow taller than my 5' 7 1/4' fence, though there are times when Mr. Alker will mow the perimeter around the neighboring houses. On very few occasions, he has mowed the entire property. Today, Mr. Alker allows the weeds to grow so tall I can not see the roof top of the apartments on the other side of Kenwood Village, as has been the case almost consistently since Mr. Alker purchased the property. If Mr. Alker really had great regard for the neighbors, he would mow the tall weeds on the entire property, including the middle of the property. It should not cost him a lot of money since he claims he mows the property himself. Further, the property used to be agricultural land and it was used to grow tomatoes and pumpkins, contrary to Mr. Alker's assertions the area was not suitable for farming. So there should not be an issue as to why Mr. Alker could not mow the entire property. I may have forgotten to include the recent picture I took in 2023 that shows how the weeds are taller than my fence. I am submitting it now.

There have been two fires on the property since Mr. Alker purchased it, both listed as "brush" fires. In the 2013 fire, it was started by a marijuana cigarette. The brush/annual grasses caused it to expand .75 acres and to burn the bottom of a telephone pole. The smoke was seen from the fire station across the freeway. I was evacuated from my home. I found a second newspaper article that states people were evacuated from their homes during the 2013 fire. The Independent article entitled Fire in Goleta along Glen Annie, dated November 14, 2013 states, "[M]ultipple engine crew have discend (sic) on the scene and are coordinating with dispatchers. Evacuations have been ordered along Tuolumne Drive and west-facing homes on Baker Lane." The picture in the newspaper showed the weeds to be taller than the firefighters. Deputy Fire Marshall Tan, who was not working at his current job at the time of the fire, stated, "I do not have record of a perimeter clearing in 2013." As I previously stated, I was evacuated, contrary to the property owner's assertions that I was not evacuated. Also, there is no indication the fire came "from smoking from a sidewalk", as Mr. Alker claims.

On May 1, 2016, there was a second, smaller fire; 15 feet by 20 feet. The Fire Department report states the fire was a “[b]rush or brush and grass mixture fire.” The report states the Fire Cause was “undetermined.” Even if there was equipment on the property at the time, that is not listed as a cause of the fire, as Mr. Alker claims. Regardless, the brush/grass caused the fire to burn until the Fire Department arrived. A picture I took in 2016 shortly after the fire once again shows the weeds to be taller than my fence.

In an e-mail dated October 19, 2023, Fire Marshal Rob Hazard stated, “[T]he last inspection of the lot was in 2019, and it was marked as a violation.” This seems to indicate, at some point in 2019, Mr. Alker did not mow the perimeter/property in a timely manner. At some point, Mr. Alker did mow just the perimeter, though the remainder of the property still had tall weeds. After Mr. Alker ignored my 2016 e-mails requesting to mow the tall weeds, I did finally contact the Fire Department in 2019 due to the constantly tall weeds over parts of the property after hearing many complaints from my neighbors. The Fire Department said he only had to mow the perimeter, though I was not told of the 2019 inspection until a few weeks ago.

Then, in 2023, I contacted the Fire Department again due to the tall weeds and the complaints of others. The Fire Department came to my house and inspected the property. Though I was told the perimeter was mowed, the fire department also told me there had been an earlier complaint causing the Fire Department to contact Mr. Alker to mow the perimeter. The Fire Department also sent me an e-mail regarding a Complaint from another unknown neighbor earlier in the year, stating, “[I]n spring 2023 upon contacting the owner after a concerned neighbor contacted me, he explained that he (Mr. Alker) was waiting for tractor parts to complete the requested hazard abatement.” Even Mr. Alker admits “they (the Fire Department) have called me to remind me to mow and that every time they have called I have cleared the field.” Today, Mr. Alker has seen fit to let the the weeds grow and remain taller than my fence on parts of the property. I think I may have forgotten to send the picture of the tall weeds as they look today. Either way, I am sending you a picture of the tall weeds taken from my back yard showing the weeds are taller than my 5’ 7 1/4 inch fence.

Mr. Alker can not even have the courtesy to mow the property to prevent the risk of fires. He is intentionally causing the property to look bad and he is inviting so called “trespassers” onto the property by letting it look the way it does. He then has the arrogance to say “[O]nce houses have been built the parcel, the threat of fire and trespassers will be significantly reduced.” Clearly, Mr. Alker’s refusal/failure to keep the entire property mowed is a way to encourage the neighbors to want to build on the property so they do not have to deal with the tall weeds that Mr. Alker himself allows to grow.

Also, the City Council took away El Encanto’s money for a fire house, so the nearest fire house is across the 101 freeway and they would have to drive through very heavy traffic at times to get to the property. This could be dangerous if Mr. Alker decides he wants to place 214 seniors with possible “mobility” issues on the property, along with an additional senior daycare and 70 other houses. I was told by someone that the intersection of Glen Annie and US 101 had a D rating (or it could be a C rating) which was before all the proposed added housing, including 1,500 or so housing units at the Glen Annie Golf Course voted on by the County. This also does not include any potential housing at Shelby at 7400 Cathedral Oaks.

Mr. Alker states that “[B]y providing housing to seniors (62+), the traffic impact would be less since seniors are less mobile, meaning they drive less.” There is no guarantee that Mr. Alker will even build a senior facility on the property since he previously said the plan was for 214 housing units at the senior living facility for Friendship Manor. Right now, he may only be limited to building 190 housing units. Further, there are other places for Friendship Manor, the senior living facility that Mr. Alker claims he wants to move to the property, to buy/rent. Even if there is a senior living facility, that does not mean the residents will not drive. There are also seniors who would travel to get to the planned daily senior daycare facility, in edition to the staff. Finally,

there would be traffic from the 70 houses Mr. Alker wants to build on the property. The idea that the amount of traffic would not increase is absurd.

I have already addressed the issue of the protected animals found on the property, including Monarch butterflies, a Great Egret, whose nests are protected by the California Fish and Wildlife Department and a White Tailed Kite. I have also addressed the issue the property was classified part agricultural long before 2020, when Mr. Alker claims it was classified as agricultural land.

Further, I have addressed the issue of Mr. Alker's friends asking why anyone would want to develop "that" property. The statement clearly sounds like it made to convey that they were joking about the viability of Kenwood Village and why he would want to build on it. The idea Mr. Alker seems to be twisting the statement to sound like his friends were joking because he wanted to add another project to his growing list of obligations does not even make sense.

April Reid
15 Baker Lane
Goleta, CA. 93117



Fire in Goleta Along Calle Real

[UPDATE]: Homes Evacuated, But Minimal Damage Reported

By **Tyler Hayden**

Thu Nov 14, 2013 | 2:48pm

Firefighters are currently responding to a fire that broke out around 2:45 p.m. near Calle Real and Baker Lane in Goleta, south of Dos Pueblos High School. Multiple engine crews have descend on the scene and are coordinating with dispatchers. Evacuations have been ordered along Tuolomne Drive and west-facing homes on Baker Lane. According to radio communications, the fire is moving at a slow rate of speed. It's unclear if any homes have been burned or how far the blaze has spread.

[UPDATE, 2:55 p.m.]: Captain David Sadecki with Santa Barbara County Fire said the vegetation fire began in a filed behind Baker Lane homes, and that it's burning in an easterly direction, pushed by a mild wind. He said four engines have responded and that area evacuations are being carried out with help from the Sheriff's Office.

[UPDATE, 3:35 p.m.]: Sadecki said the fire has been fully contained. While it had threatened nearby homes that were briefly evacuated, the crews kept the blaze to one acre and only a single power pole was damaged. Sadecki said a few engines remain on scene to mop up but that all roads in the area are now open.

Fri Jul 28, 2023 | 19:41pm

<https://www.independent.com/2013/11/14/fire-goleta-along-calle-real/>





From: Paulette Le Blanc <p.leblanc@verizon.net>
Sent: Saturday, December 2, 2023 1:00 PM
To: Andy Newkirk <anewkirk@cityofgoleta.org>
Subject: Kenwood Village Opposition

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As a homeowner in the city of Goleta who regularly walks the neighborhood between Glenn Annie and Winchester Canyon Roads, I am appalled at the thought of 190 units being added to the property between the 7-11 on Calle Real and Baker Lane. It seems self-evident, but the issues/problems I see include:

- Currently, there is NOT a sidewalk in that area and Calle Real is only one lane in each direction
- There is not room to widen the road, add a sidewalk and/or add bike lanes in each direction
- This stretch of road has had a # of accidents (including death) because of this lack - most recently, last week

- Calle Real is extremely busy during the morning and evening rush hours
- Adding more cars will exacerbate this situation and greatly impact public safety

- Adding 190 units of a parcel of <10 acres will negatively impact the environment and the local wildlife
- There have been a # of mountain lion and coyote sighting in this area during the daylight
- Adding more units will reduce their prey/food supply and increase their encroachment into the neighborhood to find food
- My neighbors have been taking pictures of multiple animals on the Kenwood Village property
- Wildlife they saw include a garter snake, a heron, a hawk and a coyote
- Photos have been taken of monarchs (which are classified as endangered) and white tailed kites (birds) (which are protected)

- As for parking, since a limited number of spaces are allocated for this development, the idea of the residential overflow and/or their guests parking in the neighborhood is preposterous and will likely result in fighting (possibly literally) for street parking

The City Councilmembers continue to claim in newspaper articles that they will only use agricultural land to develop as a last resort. However, part of Kenwood Village is zoned agricultural, not commercial, as the property owner continues to claim.

I noticed that many of the public's arguments about too much traffic and parking on the neighboring streets were dismissed by the City Council. Even more disturbing, one City Councilmember wanted to change the single family housing up against Tuolumne and

Baker Lane to high density housing while changing the property near the apartments and highway to only single family housing, which is exactly the opposite of what the property owner originally drew on his plans for the 60 units. Did the Councilmember come up with the new idea on his own or was this part of the new secret plan drawn by the property owner? If the public does not have access to the drawings/plans, then how are we supposed to effectively comment on/object to the rezoning?

I understand the pressure that the City of Goleta is experiencing from the State's building mandate, but I implore you to stop this insanity and if this ill-conceived development can't be stopped at least re-zone it from high density housing to the originally-proposed 60 units.

Paulette Le Blanc
30 Winchester Canyon Road, Space 64
Goleta, CA 93117

Andy Newkirk

From: april reid <aprilreid@live.com>
Sent: Tuesday, December 5, 2023 2:38 AM
To: Deborah Lopez; Anne Wells; Andy Newkirk
Subject: Objection to Kenwood Village

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PART 1

TO THE STATE OF CALIFORNIA HOUSING DEVELOPMENT AND THE CITY COUNCIL:

This e-mail will be sent in parts since my computer will only allow me to send a certain amount at a time.

Regarding the contents of the e-mail below, please be advised that I still do not have complete clarity of the meaning of some of the issues included or what they all mean, though I do have a better understanding than I did in July 2023 when I first discovered Kenwood Village was up for rezoning/upzoning. I apologize in advance if something does not make complete sense, though I am doing my best. Also, the number of housing units at Kenwood Village has changed from the 60 units, which the property owner had plans for, to 190 units, which there are no public plans to view as far as I know. Therefore, it is virtually impossible to make thorough arguments/objections to building on/rezoning the property when I have no idea what the property owner will actually plan to build. Currently, the property owner claims he wants to build a senior living facility for 214 housing units, plus a senior day care with an unknown number of attendees, plus 70 houses. However, there are no known plans for this project. Also, the project the property owner described contains more housing units than the City Council has authorized, which is 190. I reserve my right to add/change my arguments once the property owner discloses what he intends to actually build on the property, assuming the property is actually rezoned/upzoned. This letter includes issues of significant impact to environmental factors that would be potentially affected by this project and to Goleta in general involving impacts that are "Potentially Significant Impact", which are "Significant and unavoidable". Significant impact environmental factors listed below would be potentially affected by all the new building and rezoning/upzoning for new housing units, including but not limited to Kenwood Village located at 7264 Calle Real, Goleta, Ca. 93117

NEW EIR NEEDED

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164(a), "an addendum to a previously certified EIR is appropriate if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred." According to CEQA section 15162 entitled Subsequent EIRs and Negative Declarations, "(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3)

New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.” There are significant changes in Goleta that occurred pursuant to the EIR guidelines since the Goleta General Plan/Coastal Land Use Plan was created in September 2006. There are also significant changes at Kenwood Villages since the Kenwood Village EIR of June 2016. As a result, a new EIR, rather than just an addendum, is needed.

For example, there has been a significant increase in housing units built/proposed and properties subject to rezoning/upzoning since September 2006 in Goleta. There have been well over a thousand, if not many more, new housing units built since September 2006. In addition, there are hundreds of housing units proposed to be built that do not need to be rezoned. There are also well over 1,000 new housing units proposed for rezoning/upzoning to medium density and high density housing in order to build new housing units. (I am not sure of the exact totals). As a result of the effects of all the new housing, proposed housing and rezoning/upzoning for new housing since September 2006, there should be a new EIR since the significant number of new housing units will significantly impact the City of Goleta.

Further, each individual property that is being rezoned/upzoned, such as Kenwood Village, should be required to have a new EIR because of the significantly increased number of housing units on the property and the new placement of the housing units from the original plan that contained only 60 units. At the very least, the rezoned/upzoned properties will likely have significantly different developments/plans than they did when there was a lower number of properties proposed/planned. As an example, Kenwood Village had an EIR done on June 2016 with 60 housing units. Now, it is being considered for rezoning/upzoning from 60 units to 190 units, though the property owner is trying to get the number of units increased to 284. This does not even take into consideration bonus density. The development and the environmental impact from the increased number of housing units on the property will significantly change from the plans drawn years ago that only included 60 units. Simply by increasing the number of housing units on the property by at least 130, the placement of the housing units will have to change. This should require a new EIR.

Further, the significantly increased number of housing units in Goleta, and at Kenwood Village will significantly affect the traffic/roadways in Goleta in general and at Kenwood Village specifically. Unfortunately, there has not been a recent traffic study to determine the affects of the significantly increased traffic. In fact, the Kenwood EIR from 2016, which was completed when there were only 60 housing units proposed, states that the U.S. 101 southbound ramps at Storke Road “exceed the City’s acceptable operating standards in peak A.M. and F.M. hours. Further, the Hollister Avenue and Storke Road intersection “exceeds the City’s acceptable operating standards in the peak P.M. hours.” It is my understanding from the previous traffic report done years ago, the intersections were rated as a D, or at best a C. This study does not even take into account all the recent, additional proposed housing units on both sides of the freeway and the rezoning/upzoning for additional housing units. Glen Annie is an on/offramp to a freeway and it would take a lot of work and money to add on and offramp lanes. It will also be difficult to add lanes to Calle Real at the Glen Annie intersection. It will also be difficult to add lanes at the Hollister and Storke Road intersection. There are currently multiple new sites in the area being proposed, including the Glen Annie Golf Course, with a possible

1,536 new housing units and maybe Shelby with a minimum of 60 plus housing units. There are also new housing units proposed at Colusa with 39 and Kenwood Village with a minimum of 190 new units. Then there are multiple housing units proposed at or near Hollister between the Glen Annie and Storke Road on/offramp and Winchester. These figures do not even take into account bonus density. Both of these intersections will have possibly thousands of additional vehicles. All of these traffic issues will only get significantly worse with an extensive amount of additional traffic through all of Goleta, including but not limited to the west side between the Glen Annie and Storke Road on/offramp and the Winchester Canyon on/offramp. Also, the nearest fire station to Kenwood Village will have fire trucks traveling through both intersections to arrive at Kenwood Village or any other place in El Encanto Heights/Dos Pueblos, including Glen Annie Golf Course. The City should require a EIR, as well as new traffic studies, which include potential housing from the County, to determine if the highly increased traffic that would occur would significantly impact traffic and emergency services.

The significantly increased number of housing units/proposed housing units and rezoned properties will also significantly affect any creeks in Goleta, including El Encanto Creek at Kenwood Village. Increased housing/rezoning for increased housing can significantly affect the protected/endangered animals living at/near the creeks. Increased housing units proposed on a property will likely affect a property owner's decision to try to decrease the buffer from 100" to 50" in order to fit all of the increased housing units onto the property. It is my understanding the property owner at Kenwood Village wants to reduce the buffer at the creek from 100" to 50".

Increased housing will also significantly affect the animals, including the protected animals, in Goleta and on Kenwood Village. For example, on Kenwood Village, there are multiple additional animals, including protected animals, at the opposite end of the protected El Encanto Creek near the Baker Lane side of the property that were not identified in the original 2016 EIR. For example, monarch butterflies were photographed on the property. There was also a Great Egret photographed on the property, whose nests are protected by the CA. Department of Fish and Wildlife. Further, the Autobon Society documented a White Tailed Kite on/at the property. There are also, skunks, rabbits, raccoons, opossums, snakes, butterflies, coyotes, voles and gophers on the Baker Lane sided of the property, some of whom were not mentioned in the 2016 EIR. In addition, coyotes, bears and other wildlife have now started coming into the communities for food.

Further, Goleta has gone through multiple long droughts. According to the Goleta Water District Website, we are still in a Stage III drought. Even if the Goleta Water District claims they can provide water for all the proposed new housing units, this will only affect the ability of all Goleta residents to get water. It was only very recently that people were fined for using too much water due to the drought. It is not fair to force Goleta residents to endure a significantly longer drought due to the extensive new number of housing units being built/proposed or the rezoning/upzoning of property to build new housing.

We also need a new EIR to determine how the significant increase in housing/proposed housing and rezoning/upzoning throughout Goleta will affect air quality and climate change. For all of these reasons and many more, a new EIR, rather than just an addendum, is warranted.

Andy Newkirk

From: april reid <aprilreid@live.com>
Sent: Tuesday, December 5, 2023 2:40 AM
To: Deborah Lopez; Anne Wells; Andy Newkirk
Cc: aprilreid@cox.net
Subject: Objection to Kenwood Village

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PART 2

AESTHETICS

The community surrounding Kenwood Village consists of suburban mostly single family, single story houses with a few two story houses sprinkled in. Mr. Alker plans to build a 190 unit monstrosity on 6.63 acres of the property that would NOT fit in with the aesthetics of the remainder of the community. Even worse, he is fighting to build 284 housing units on 9.4 acres of the property. This will only be worse with bonus density. This monstrosity will only become an eye sore compared to the rest of the beautiful El Encanto Heights/Dos Pueblos area. Further, according to Google, aesthetics includes problems with “congestion and pollution”. The current rezoning/upzoning of Kenwood Village allows for 190 housing units, but the property owner is attempting to increase the number of housing units to 284. This does not even include bonus density. Kenwood Village is located in a suburban area with fresh air and no smog. However, there are no real job opportunities or stores located near it. Further, the bus system is not practical or nearby Kenwood Village. Thus, the increased congestion and pollution from the significantly increased traffic will be harmful to the current residents and any new residents at Kenwood Village.

HEIGHT

The Housing Element Plan states, “[A]s defined in Title 17, height is measured as the vertical distance between the existing grade and the uppermost point of the roof of the structure directly above that grade, including mechanical equipment. A maximum height of 25 feet (Coastal Zone) to 35 feet (Inland Area) is permitted in the City’s multi-unit districts. All of the non-residential districts allowing mixed-use development allow heights up to 35 feet, with the exception of the OT district. When the entire roof of the structure exhibits a pitch of 4:12 (rise to run) or greater, an additional 3 feet may be added to the applicable height limit. Additionally, per GMC Section 17.24.080, architectural, decorative, and open space features may project above the maximum height. Permitted projections include an additional 20 percent of the structure height for architectural features, such as spires, bell towers, and domes; chimneys; decorative features such as cupolas, pediments, obelisks, and monuments; and roof-top open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping. Based on previous development, three-story development is viable with a base 35-foot height standard. Several recent developments (see Table 10A-29) have included three-story Goleta General Plan/Coastal Land Use Plan 10A Housing Element Technical Appendix Draft – November 2023 10A-33 structures, including Heritage Ridge, Old Town Village, Village at Los Carneros, and Hollister Village. However, the Coastal Zone height limit of 25 feet in the residential districts may pose an impediment to development at the maximum density. The majority of residential development in residential districts has occurred within the Inland Area, with higher height standards. Additionally, the City’s site inventory includes many sites within the OT zone district, with a maximum height of 30 feet. This may cause challenges in

developing three-story mixed-use redevelopment in this zone. Housing Plan subprogram HE 2.1(h) is included to implement revisions to Title 17 and the General Plan to increase height maximums in these four zones/land use designations to 35 feet in all locations.” The height allowance is too tall for the area. It will deprive citizens of their views of the mountains, the ocean, and the rest of the beauty that is Goleta. For example, building on Kenwood Village will deprive myself and some of my neighbors of the views we have enjoyed for decades, including views of the beautiful mountains that the Goleta citizens have come to enjoy. It also does not fit in with the mostly single story housing surrounding Kenwood Village. As a result, any height allowance should be lowered in places where the current residents would have their views of the mountains completely eliminated.

AGRICULTURE AND FORESTRY

This issue has been addressed in previous e-mails.

LAND USE/PLANNING

This issue has been addressed in previous e-mails. Rezoning Kenwood Village would require changing a portion of the property from agriculture to high density housing. In the past, the land has been used to successfully grow tomatoes and pumpkins. The City Council has expressed that they would only rezone agricultural land as a last resort, yet they are voting to rezone/upzone Kenwood Village when there are multiple properties that are not zoned agricultural that the City Council could have picked to rezone/upzone.

POPULATION AND HOUSING

The significant increase of housing in Goleta, including at El Encanto Heights/Dos Pueblos and Kenwood Village will significantly increase the population of the City, especially the suburban area of El Encanto Heights/Dos Pueblos. Currently, the City is planning to include over a thousand new housing units. At El Encanto Heights/Dos Pueblos alone, there are at least 190 units proposed at Kenwood Village, though it could be increased to 284 plus bonus density, as well as 39 housing units at Colusa. This does not even include the 1,536 added housing units at Glen Annie Golf Course from the County of Santa Barbara or the possible minimum number of 60 housing units at Shelby, though the owners are asking for more housing units. This is a lot of increased population for a small, suburban area which will affect traffic, air pollution, water accessibility and the wildlife, including the protected wildlife, on Kenwood Village and in the area.

UTILITIES/SERVICE SYSTEMS

This issue was addressed previously. Please also see the 36 page report from Rich Foster posted on the Goleta public comment section which I have incorporated into my e-mail.

MINERAL RESOURCES

Any mineral resources found on the property should be protected.

AIR QUALITY

The air quality will become significantly worse if there is a substantial increase in the number of housing units in Goleta, including at El Encanto Heights. This includes issues stemming from a significantly increased number of people, housing and vehicles, which would cause significantly increased air pollution and climate change.

BIOLOGY RESOURCES/WILDLIFE/CREEK BUFFER

The Goleta Housing Element Plan states, “[I]n Goleta and surrounding areas, nineteen habitat types support a variety of plant communities and wildlife. Most of the land within the City is developed with a variety of agricultural, residential, commercial, recreational, and industrial land uses. Undisturbed native habitat is present in the mountain region where the national forest provides protection from development. Elsewhere, undisturbed native habitat is present either along narrow riparian corridors or in scattered undeveloped lands of varying sizes and under different management authorities.” There are multiple protected animals in Goleta, some of whom found their habitat after the 2006 General Plan was prepared. Further, there have been multiple protected animals found at both the protected creek and at the opposite end of the property near Baker Lane on Kenwood Village after the 2016 EIR was prepared. As a result, it is very important that the buffer at the creek not be decreased below 100 feet as it seems Mr. Alker is attempting to do. Also, there was wildlife, including protected wildlife, found on the opposite side of Kenwood Village from Baker Lane since the 2016 RIE report, including Monarch butterflies, White Tailed Hawks, Turkey Vultures, House Finches, and Great Egrets, whose nests are protected by the CA. Department of Fish and Wildlife, all of which were addressed in earlier e-mails.

OPEN SPACE

Building well over a thousand new housing units will deprive Goleta of much needed open space. There are multiple wild animals in Goleta that use the open spaces as food source as stated above. Also, if Mr. Alker is allowed to build on Kenwood Village he should be required to maintain whatever open space is legally required for the property in order to build.

GEOLOGY/SOILS

The property is subject to earthquakes, so any property needs to be built with extra precautions. Further, as previously addressed, the property is subject to flooding, especially near the El Encanto Creek. Mr. Alker should not be allowed to build on the section of the property that floods. However, if he is allowed to build on that section of the property, then precautions should be taken to prevent flood damage, including but not limited to reenforcing any pipes/sewer pipes/drainage ditches, etc. I have already incorporated the entire 36 page e-mail from Rich Foster posted on or about August 16, 2023 which discusses various issues.

OIL, GAS OR WELLS

In a letter dated November 9, 2023 from Jon Iverson of the California Department of Conservation, he stated, “[L]ocal permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas or geothermal wells. . . To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas or geothermal wells, CalGEM provides information.” The information is listed in the above-referenced letter. Mr. Alker should follow any requirements/guidelines in determining if there are any oil, gas or geothermal wells on Kenwood Village. If there are, than he should be required to follow any and all steps to ensure the safety of the residents in the community, including any new residents who would live at Kenwood Village. I am submitting the letter written by Jon Iverson.

GREENHIUSE GASES

The significant increased number of houses in Goleta will contribute to serious climate change issues/problems, including greenhouse gas.

EMISSIONS

The significant increased number of houses and vehicles in Goleta stemming from the significant increased housing units will cause an increase in unhealthy, dangerous emissions.

HAZARDS AND HAZARDOUS MATERIALS

The Housing Element Plan states, “[T]he State of California defines a hazardous material as a substance that is toxic, ignitable or flammable, or reactive and/or corrosive. Goleta has a history of urban uses, including extensive and diverse industrial, commercial, agricultural, and residential uses. These activities have resulted in known contaminant releases occurring at active remediation sites, some closed sites, and a number of properties that can be considered high risk for contamination based on historic or current land uses. Historically, extensive areas of the City were used for oil and gas production, notably in the western coastal portions of the City. Remnants of this activity may have left behind toxic wastes and wellheads that could pose significant hazards for new residential and recreational activities. Development proposals in these areas must be closely examined to ensure that these potential.” If hazardous materials are present on any properties rezoned/upzoned, including Kenwood Village, the property owners should be required to clean it up/remove it before building. Otherwise, the property owner should not be allowed to build.

Andy Newkirk

From: april reid <aprilreid@live.com>
Sent: Tuesday, December 5, 2023 2:44 AM
To: Deborah Lopez; Anne Wells; Andy Newkirk
Subject: Objection to Kenwood Village

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PART 3

HYDROLOGY/WATER RESOURCES

This issue has been addressed in previous e-mails. Lake Cachuma remains our main/primary/maybe close to only water source. Goleta has had severe droughts off and on for many years. In fact, the Goleta Water District has only recently stopped penalizing citizens whose water use Goleta deems excessive. The Goleta Water District website currently states, “[W]e are encouraged by the recent winter rains, but Lake Cachuma is still below 50%. Even with conservation the Goleta Valley remains in severe drought. Reducing outdoor watering now conserves water for public health and safety. The District remains under a Stage III drought emergency.” Goleta has added multiple new housing units in the past several years and the City is not even sure how those housing units will affect the amount of water Goleta needs. Adding possibly thousands of additional new housing units, not including the housing units from Santa Barbara County, such as Glen Annie Golf Course, could be a catastrophe in terms of supplying water to Goleta residents, even if the Goleta Water District claims they will hand out more permits soon. This will likely only leave Goleta in a worse drought. Further, if the Goleta Water District hands out permits, then the first people in line should only be given permits for the number of housing units they applied for. For example, presumably Mr. Alker applied for water for 60 units, not 190 or 284. Mr. Alker should only be given water for the 60 units he applied for before the next people in line are given permits. He should have to start at the back of the line for any additional permits over 60 housing units. Otherwise, it would not be fair to the other people waiting in line for permits.

TRANSPORTATION/TRAFFIC

The Goleta General Plan/Coastal Land Use Plan for September 2016 states the objective in mitigating traffic impacts of development is “[t]o ensure that new development is supported by adequate capacities in transportation systems, including city streets and roads, without reducing the quality of service coexisting residents, commuters, and other users of the city street system. . . Future development in Goleta will cause added burdens on the transportation system. Traffic analysis and reports SHALL be required for development proposals which the City Engineer and Planning Director determine may have effects on the local street system, including but not limited to possible degradation of service levels, potential creation of safety hazards, potential adverse effects on local neighborhood streets, or other substantial transportation concerns... New development shall only be allowed when and where such development can be adequately (as defined by the LOS standards in Policy TE4) served by existing and/or planned transportation facilities.” This issue has been addressed previously. There should be traffic studies completed before rezoning/upzoning over a thousand additional housing units to determine whether the additional traffic will substantially harm the community. For example, at Kenwood Village, the street entrance to the property, Calle Real, is a dangerous road with one narrow lane of traffic in each direction. There have been many accidents/fatalities on the road. Also, there is a freeway on one side of the road and housing on the other side of the road, so there is no way to widen the

road. As a result, there is no adequate, safe street at Kenwood Village, as stated below. Further, regarding the US 101 Freeway and Calle Real intersection and the Hollister and Storke Road intersection, it is my understanding from the previous traffic report done years ago, they were rated as a D, or at best a C. In fact, the Kenwood EIR from 2026 states that the U.S. 101 southbound ramps at Storke Road “exceed the City’s acceptable operating standards in peak A.M. and F.M. hours.” Further, the Hollister Avenue and Storke Road intersection “exceeds the City’s acceptable operating standards in the peak P.M. hours. This study does not even take into account the additional proposed housing units on both sides of the freeway. Glen Annie is an on/offramp to a freeway and it would take a lot of work and money to add on an additional lane for the offramp. It will also be difficult to add lanes to Calle Real at the intersection, as well as Storke Road. If it is even possible, Mr. Alker should be required to construct the necessary transportation system improvements to reduce traffic and the possibility of increased fatalities/accidents. Otherwise, he should be required to construct transportation improvements or identify alternative strategies, such as transit improvements, improving signalization, improving other streets, adding pedestrian or bicycle improvements, etc. to mitigate potential traffic impacts. Now, there has been significantly more building in the area and more traffic. In addition, there are currently multiple new sites in the area being proposed, including the Glen Annie Golf Course, with a possible 1,536 new housing units, in addition to Shelby with at least 60 new housing units, though the owners want to increase the number. This is in addition to 39 new housing units at Colusa and a minimum of 190 housing units at Kenwood Village. All of this does not even include bonus density. Then, there are multiple housing units proposed at or near Hollister between the Glen Annie and Storke Road on/offramp and Winchester. Both of these intersections will have possibly thousands of additional vehicles, which will have a significant impact on the community. Even worse, the City Council recently took away the money for a fire station in El Encanto Heights/Dos Pueblos. Since the nearest fire engine to El Encanto Heights/Dos Pueblos and Kenwood Village will have to travel through both intersections to arrive at Kenwood Village or any other place in El Encanto Heights/Dos Pueblos, including Glen Annie Golf Course, there is a potential for significantly increased traffic accidents, in addition to tragedies if the fire trucks are delayed in getting to an emergency due to traffic issues. The City should require a new traffic study which includes potential housing from the County to determine if the highly increased traffic that would occur can be accommodated safely. I am submitting a section of the September 2006 Goleta General Plan/Coastal Land Use Plan referencing traffic.

NO ADEQUATE/SAFE ENTRANCE FROM CALLE REAL TO KENWOOD VILLAGE

Kenwood Village is located between Baker Lane and El Encanto Creek, which is a protected creek that includes protected animals. The entrance to Kenwood Village is originally designed to be on Calle Real, which is the only realistic entrance for the property. There is also a very small entrance located off of Tuolumne which is currently several feet higher than the ground of the Kenwood Village property, and there is a steep slope between the street and Kenwood Village which would need to be filled in if the property owner wants to use it only for emergency vehicles, which was his original plan. Calle Real has one, narrow lane of traffic in each direction. There are also bike paths on both sides of the street. On the Baker Lane side of the property, there is a blind curve after Baker Lane at Kenwood Village. Vehicles tend to travel quickly on the Calle Real road, even though the speed limit is only 45 miles per hour. There is a visible freeway running parallel to Calle Real on one side. There is housing on the other. Many the vehicles on Calle Real drive at the speed of the vehicles on the freeway. There is also no room for a right turn lane into Kenwood Village. However, even if there was room to put a right turn lane, it is dangerous to put an entrance at the blind curve next to the Baker Lane side of Kenwood Village since vehicles will likely be traveling quickly and not realize there is a right turn lane at the blind curve until it is too late. This could cause even more accidents that there already are. Unfortunately, on the Creek side of the property, the property owner designed the old plans wherein part of the access road would encroach on the 100-foot SPA. A letter from Paula Richter of Central Coast Regional Water Quality

Control Board states, “[T]he Environmental Review findings section at paragraph 3 discusses the potential to reduce the 100-foot SPA adjacent to El Encanto Creek. We encourage the developer to design their project to avoid the need to reduce the 100-foot SPA. Figure 3.4-2 (Site Plan) reflects that a significant portion of an access road encroaches on the 100-foot SPA, along with one single family residential unit.” As such, there is no safe entrance to Kenwood Village from Calle Real. There are also no sidewalks along Calle Real at Kenwood Village. I am submitting a picture of the blind curve at Calle Real from Baker Lane. I am also submitting the July 1, 2016 letter from Paula Richter.

PUBLIC SERVICES AND RECREATION

This issue has been addressed previously. El Encanto Heights/Dos Pueblos does not have its own fire department, though it is my understanding that the City and County recommended a fire department in this area before building would/should occur. The City took the money for a fire house in this area and gave it to Old Town. Further, the nearest fire department would have to pass through two already overcrowded intersections to get to the area. Also, as stated above, there are no real jobs or stores in the area, so people will be forced to drive everywhere. Unfortunately, the bus services are sparse in/near Kenwood Village and people would have to travel a great distance to get to a bus stop from Kenwood Village, so using the bus is not practical at El Encanto Height/Dos Pueblos.

NOISE

The Housing Element Plan states, “[T]he Noise Element describes noise constraints on new residential development. The policies of the Noise Element are intended to protect public welfare. While they may increase the cost of new development and could require some design mitigation to address potential impacts, they are considered essential to the health and safety of future residents.” Kenwood Village is located next to Baker Lane, a quiet one block suburban street consisting of single family houses. In fact, other than a small apartment building next to 4 small stores and a 7-11, the entire community consists of quiet, suburban generally single story, single family housing with a few two story single family houses sprinkled in. On the other side of my house from Kenwood Village is a protected creek. I was born into my house 55 years ago. Even with added building of single family homes throughout the years, it has always been a quiet community. The idea of placing a 190 unit monstrosity on around 6 plus acres will destroy the peace and quiet of our beautiful community. The noise will also affect the multiple birds, butterflies and land animals on the property which I have mentioned previously, including but not limited to butterflies, including Monarch butterflies, Great Egrets, whose nests are protected by the Ca. Fish and wildlife Department, White Tailed Kites, Turkey Vultures, House Finches, Red Tailed Hawks, snakes, skunks, rabbits, chipmunks, opossums, raccoons, voles and gophers, among many other animals, some of whom were not listed in the 2016 EIR report for Kenwood Village.

PRIVACY FOR INDIVIDUAL UNITS/ 20 FOOT GAP

The Housing Element Plan states, “[Site design, including placement of structures, pedestrian circulation, and common areas, as well as elements of architectural design such as placement of windows, must strive to maintain privacy for individual dwelling units within multifamily projects, including privacy for individual exterior spaces, to the extent possible with consideration for security and crime prevention.” Further, the Housing Element Plan only allows for a 20 foot buffer between the surrounding houses and the proposed housing units. It is impossible to know what the property owner will design for the property now that the number of housing units has increased from 60 units to at least 190 unit, which does not even include bonus density. Mr. Alker is also only allowed to build on 6.6 or so acres.

It is highly likely the new housing units will be built as close to the surrounding houses, including my house and rental house, as possible; i.e. with only a 20 foot buffer. The windows from the second story housing units will likely have full view to the windows and inside the house of myself and my tenants at the rental property next door. The occupants of the Kenwood Village units would then have full view of bathrooms and/or bedrooms of the houses. This is especially creepy on the occasions when I am renting to tenants with small children, regardless of who the Kenwood Village occupants are.

Andy Newkirk

From: april reid <aprilreid@live.com>
Sent: Tuesday, December 5, 2023 2:47 AM
To: Deborah Lopez; Anne Wells; Andy Newkirk
Cc: aprilreid@cox.net
Subject: Objection to Kenwood Village

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PART 4

HIGHWAY RAIL CROSSINGS

On May 16, 2016, Ken Chiang from the Public Utilities Commission stated regarding Kenwood Village, “[A]ccording to the DSEIR, the project area includes active railroad tracks owned by the Union Pacific Railway Company. RCEB recommends the the City add language to the Kenwood Village General Plan so that any future development adjacent to or near the rail right-of -way (ROW) is planned with the safety of all the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to prevent trespassers onto the railroad ROW.” If the Kenwood Village project is allowed to proceed, the Public Utilities Commission requests should be followed. I am submitting the May 16, 2016 Public Utilities Commission letter.

INDIAN LAND

The issue of possible Indian burial grounds on the property was addressed in an earlier e-mail.

PARKING

The issue of parking was addressed in previous e-mails. Kenwood Village is surrounded on one side by a protected creek, one side by Calle Real, one side by Baker Lane, a PRIVATE street and one side by Tuolumne, a narrow, curvy street that already has many vehicles that park the street. Kenwood Village should be responsible for providing its own parking units. The number of required parking units at Kenwood Village should not be decreased. In fact, the number of parking spaces should be increased to protect the surrounding neighborhood from having to endure a massive flood of additional vehicles. For example, the number of guest parking spaces per unit should be increased from one parking space for every three housing units to one parking space for every two units. Also, the number of parking spaces for studio and one unit housing should not be reduced. The surrounding area should not have to bear the burden of having to deal with the vehicles from Kenwood Village.

PRESCRIPTIVE EASMENT

In California, a user of land may establish a prescriptive easement by proving that his or her use of another's land was: (1) continuous and uninterrupted for five years; (2) open and notorious; and (3) hostile. A prescriptive easement allows non-owners to gain the legal right to use a part of someone else's property. Since I was a child, my family and I, as well as many other people, used the well worn walking path between the back yard of the houses on Tuolumne and my rental property at 17 Baker Lane. Further, we also used the path along the back of the houses on Baker Lane, as well as the path behind the houses at Tuolumne from Baker Lane to 7-11. With the building of housing on Baker Lane, Violet and Daffodil in around 2002, even more people used the paths on Kenwood Village; a private property. To date, there are well worn shoe prints and a lot of dog droppings all along these paths. In an article written by the property owner in the Independent called Setting The Record Straight dated November 17, 2023, Mr. Alker called all of us "trespassers." He stated, "[O]nce houses have been built on the parcel, the threat of fire and trespassers will be significantly reduced." These well worn paths should be preserved for the multitude of people who use them.

Further, according to the old plans for 60 units on Kenwood Village, Mr. Alker planned to build a bike path at the well travelled northeast corner of the property which would lead into three PRIVATE streets, including Baker Lane, Daffodil and Violet. These streets are not meant for public use.

In addition, there is a road that is north of the three PRIVATE streets that runs behind Tuolumne that connects the three PRIVATE streets. This street is where the bike path from Kenwood Village would lead people from between the back of Tuolumne and the side of my rental property onto the three PRIVATE streets. Since before I was born 55 years ago, my parents and great-grandmother used the land as a roadway from our houses to what is now Daffodil Lane and then to Calle Real. Our original mailbox was located at the corner of what is now Daffodil and Calle Real. At first, it was a dirt road. Then, several decades ago, my step-father paved the self-made road with concrete. Around the time the additional houses were built on the PRIVATE streets, the road was paved with asphalt. At this point, there does not appear to be enough room to build a bike path next to the paved road for vehicles to use, even if that was acceptable on a PRIVATE street. The bike path should not interfere with the street north of the three PRIVATE streets which has been in existence in one form or another for over 55 years.

I WAS DEPRIVED OF THE OPPORTUNITY TO PARTICIPATE IN WORKSHOPS/SOME PUBLIC COMMENT EARLY ON WHEN SOE ISSUES WERE BEING RESOLVED

I was deprived of the opportunity to appear at many of the City Council meetings for the Housing Element Plan for public comment, especially early on when so many issues were being discussed/agreed upon. I was also deprived of the opportunity to participate in the three workshops held by the City. On 9/16/20, after I reviewed the Housing Element Plan on-line, I discovered for the first time the Kenwood Village, located at 7264 Calle Real, was on a list of Housing Element Vacant Sites. I was not clear about why it was on the list of sites or the purpose of the sites. So, on 9/16/20, I wrote an e-mail to Anne Wells, a staff member for the City of Goleta, stating, "I am writing to you because I am not sure who to write to. You were the one who gave the report on the Housing issues at the City council meeting I watched last night. I also read the report that is on-line. I was confused and alarmed that Kenwood Village was including on page 14 of the report on the City's list of Housing Element Vacant Sites. I do not know how Kenwood Village was able to get on the list. I noticed that not all pending developments that are waiting for water or for approval are on the list, so I am not clear how Kenwood Village was one of the developments that was chosen to be placed on the list. Did the City pick Kenwood Village or did the developer choose to be on the list? I am also confused about how it was decided the maximum number of units was adjusted from 28 to 22. Was that a compromise enforced by the City in order for Kenwood Village to go forward? Was that something that the developer modified on his own? The last

time I spoke to the developer, he refused to change anything unless the City forced him to do so. Further, I noticed that Kenwood Village was listed as an above- moderate site. However, it seemed in the meeting that Goleta had enough above-moderate sites. Does the number of approved above-moderate sites include or exclude Kenwood Village in the count of the number of above-moderate sites counted in Goleta? Finally, the last time I heard about Kenwood Village, it was my understanding that the project was on hold due to a water moratorium. I feel like I may have missed something. Can you or someone in your office please clarify? Thank you for your help.” On 9/17/20, Ms. Wells responded, “The Kenwood Village site has long been on our Housing Element vacant site inventory because the site is vacant and has residential zoning and a residential land use designation. The Housing Element Table 10A-33 you refer to includes an estimate of the number of units that the site might be able to accommodate. Kenwood was one of 24 sites included in the vacant sites table. Please note that the estimate was prepared independent from the housing development proposal and is included in the table as part of the Housing Element process, not a project approval process. The State requires that the City identify vacant, residentially zoned sites and estimate the number of possible units that could be built on the site. It is not a project approval but instead accounting of our vacant land inventory for the State to review and certify. Proposed development go through the permit process and I copied Lisa Prasse and Peter Imho to provide you with an update of the development proposal. I hope this clears up the difference between the Housing Element table and any future project application on the site.” I am submitting the e-mails between myself and Ms. Wells. Ms. Wells did not mention the Housing Element Plan had any effect on Kenwood Village at all. Essentially, she stated it was just a basic accounting of inventory and that it did not mean anything since it was not a project approval process. There was no mention that the Housing Development Plan would have any effect on the Kenwood Village Project, including but limited to upzoning/rezoning from agricultural land and single family housing to high density housing. If I had known the Housing Element Plan would any effect on Kenwood Village whatsoever, I would have absolutely attending the City Council meetings and all three workshops. I am submitting thee-mails between myself and Ms. Anne Wella

Regarding participation, the Housing Element Plan states, “S”tate law requires that local governments make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort (California Government Code Section 65583(c)(8)).” However, shortly thereafter the e-mails mentioned above were sent, I spoke to Ms. Wells on the telephone. She told me that she supported the Kenwood Village project, but the new City Council would not vote to build on it. As a result, I did not attend the City Council meetings for the Housing Element Plan because I was deceived into thinking it would not mean anything. I also was deprived of the opportunity to have any input into the development of the Housing Element Plan in the developmental stage. I was also deprived of the opportunity to attend the three workshops The Housing Element Plan describes which wee held after 9/17/20, when the e-mails were sent. The dates and descriptions of the workshops were as follows: “Public workshops. Three public workshops open to all interested persons were conducted during preparation of the Draft Housing Element. Goleta General Plan/Coastal Land Use Plan 10A Housing Element Technical Appendix Draft – November 2023 10A-109 Workshop #1 – September 7, 2021. This City Council workshop included review of the RHNA process, Housing Element requirements, key issues to be addressed, and the overall schedule for the 6th cycle Housing Element update. Workshop #2 – March 14, 2022. At this public workshop, the City presented an overview of the Housing Element update process and requirements, a summary of housing accomplishments and challenges during the previous planning period, and the key housing issues expected for the 2023-2031 planning period. Participants were encouraged to identify specific issues, needs and potential strategies to address those needs and suggest appropriate locations where additional housing development should be encouraged. Notice of the workshop was posted on the Housing Element website and distributed to everyone on the email notification lists described above in English and Spanish 6 days prior to the workshop.

Interpretation services in Spanish were available during the workshop. Workshop #3 – June 22, 2022. The City participated in a South Coast Housing Element Workshop that brought together the Cities of Goleta, Carpinteria, and Santa Barbara and the County of Santa Barbara to discuss each jurisdiction's Housing Element process, regional housing needs, and local challenges. The event included a panel discussion and breakout groups for each jurisdiction." As a result, I still have some confusion about what the process is and what some of the teas are.

The first time I discovered the City Council was considering rezoning Kenwood Village was July 14, 2023, when there was a very vague Notice sent out to the Public regarding "Zoning". When I looked at the Housing Element Plan, I was shocked to discover the City Council increased the number of housing units on the property to 284. I was also shocked to discover the staff had consulted with the various property owners to determine if they were willing to build 20 to 30 units per acre on their respective properties. Only AFTER the various property owners were contacted by the Staff and the vast majority of them agreed to build high density housing was the overall agreement/plan to rezone/upzone announced to the public.

Further, there is no indication of how the various sites, including Kenwood Village, were picked to rezone/upzone. The Housing Element Plan states, "[T]he City has identified a number of vacant and underutilized sites with development potential over the Housing Element planning period. Existing available sites not identified for rezoning can accommodate 1,496 units, primarily appropriate to facilitate moderate and above moderate income units (140 lower income; 641 moderate income; and 715 above moderate income). The remaining RHNA of 597 lower income units are to be accommodated on sites identified for rezoning to medium and high density residential uses through RM, RH, and CC zoning. I received an e-mail from Councilmember Kasdin stating, "As for an agreement, all staff can do is encourage the landowner to seek a project that is 20-30 units per acre. They needed to get letters from the landowner indicating that the landowner wanted the project." I am not sure if the only thing the City staff did in considering which sites to include was to simply find property owners who were willing to sign a letter saying they wanted a project that would have 20-30 units per acre. I have repeatedly asked the City staff to tell me who determined if a site had development potential and/or rezoning/upzoning potential; when was the determination made, and how was the determination made, i.e. what criteria was used to make the decision. To date, I have not received a response.

SOME RESPONSES TO FOIA REQUESTS HAVE NOT BEEN PRODUCED AND ARE OVERDUE

The City of Goleta website states, "[R]equests that are not exempt from disclosure, that require research, retrieval, and reproduction will be provided at the earliest date possible, and in any case, within 24 days. Further, The City Council sent me a letter about future requests as follows, "[T]he purpose of this e-mail is to provide an additional batch of responsive records to your public request submitted to the City Clerk's office on October 16, 2023, and clarified on October 25, 2023. The City of Goleta previously provided responses to your request on November 2, 2023, November 16, 2023, and November 29, 2023. In response to the batch provided on November 29, 2023, you requested a letter dated March 3, 2020. Attached is the City's response. As note in the attached response and in the response from November 29, 2023, the City is still searching for, collecting, ad examining separate and distinct records, and will produce the next set of responsive record on or before December 13, 2023." I have only been able to go through about half of the overdue December 29, 2023 records after spending multiple hours on it. Further, there are responsive records that I have not even received yet, and I will not receive until, at least, 49 days after my request. As such, if possible, I would like to reserve my right to respond/make arguments/objections to the documents I did not receive in a timely manner. I am submitting the November 30, 2023 e-mail from Blake Markum.

THE CITY IS NOT FOLLOWING THE GUIDELINES FOR THE OVERALL PROCESS

This issue was discussed earlier. Please also see Mr Rich Fosters e-mail on or about August 16, 2023 which I have incorporated in this e-mail.



November 9, 2023

VIA EMAIL

Ms. Anne Wells, Advanced Planning Manager
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
awells@cityofgoleta.org

Dear Ms. Wells:

CITY OF GOLETA HOUSING ELEMNT AMENDMENTS, TITLE 17 (ZONING) AMENDMENTS

The California Geologic Energy Management Division (CalGEM) appreciates the opportunity to submit comments on the project referenced above (Project).

CalGEM's authority is set forth in Division 3 of the Public Resources Code (PRC), and of the California Code of Regulations, title 14, (CCR). PRC section 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well may be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, or geothermal wells.

CalGEM has reviewed the Project. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, CalGEM provides the following information.

Our records indicate there are oil, gas, or geothermal wells located in and around the City of Goleta. For comment and well review for future development on parcels where wells are located, please contact CalGEM. Records and locations for oil, gas, and geothermal wells located in California are available online at <https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx>

CalGEM categorically advises against building over, or in any way impeding access to oil, gas, or geothermal wells. Access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Items that can affect well access include, but are not limited to, buildings, housing, fencing, hardscape, landscape, trees, pools, patios, sidewalks,

State of California Natural Resources Agency | Department of Conservation
Northern District

Orcutt Office and Mail: 195 S. Broadway, Suite 101, Orcutt, CA 93455 | T: (805) 937-7246 | F: (805) 937-0673
Sacramento Office and Mail: 715 P Street, MS 1803, Sacramento, CA 95814 | T: (916) 322-1110 | F: (916) 445-3319
Ventura Office: 1000 S. Hill Road, Suite 116, Ventura, CA 93003 | T: (805) 937-7246 | F: (805) 654-4765
Ventura Mail: 195 S. Broadway, Suite 101, Orcutt, CA 93455
conservation.ca.gov

Ms. Anne Wells

November 9, 2023

roadways, parking lots, waterways or channels, and decking. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access.

There are no guarantees a well abandoned in compliance with current CalGEM requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

CalGEM advises that all wells identified on development parcels prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to CalGEM in Latitude and Longitude, NAD 83 decimal format. CalGEM expects any wells found leaking to be reported to it immediately.

PRC section 3208.1 gives CalGEM the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Failure to plug and re-abandon a well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to PRC section 3208.1, and 3224. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. **The property owner** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
2. **The person or entity causing construction over or near the well** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

Ms. Anne Wells

November 9, 2023

3. **The party or parties responsible for disturbing the integrity of the abandonment -**
If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

To view PRC section 3208.1 in its entirety, please visit:

<https://www.conservation.ca.gov/index/Documents/CALGEM-SR-1%20Web%20Copy.pdf>

No well work may be performed on any oil, gas, or geothermal well without written approval from CalGEM. Well work requiring written approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other abandonment or re-abandonment work. CalGEM also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR section 1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e., casing cut down or casing riser added) to meet this regulation, a permit from CalGEM is required before work can start.

CalGEM makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, CalGEM recommends that information regarding any identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. CalGEM recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC section 3106, CalGEM has jurisdictional authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources, damage to underground oil, gas, and geothermal deposits, and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to CalGEM's authority to order work on wells pursuant to PRC section 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC section 3236, 3236.5, and 3359 for violations within CalGEM's jurisdictional authority. CalGEM does not regulate grading, excavations, or other land use issues.

Ms. Anne Wells

November 9, 2023

If during development activities any wells are encountered that were not part of a construction site well review, a Division engineer in the Northern District - Orcutt office is to be notified immediately, and an amended site plan with well casing diagrams for Division review shall be filed. After appropriate review, the District office will send a follow-up well evaluation letter to the property owner, applicant, and local permitting agency.

Thank you for considering CalGEM's comments. If you have any questions, please contact our District office at (805) 937-7246 or via email at

CalGEMNorthern@conservation.ca.gov

Sincerely,



Jon Iverson
Senior Oil and Gas Engineer

ZN:ji:kv

cc: Chrono

CSWR

CityClerkgroup@cityofgoleta.org

- d. Encourage through-trip travel only on designated arterials.
- e. Place high priority on the access needs of public safety vehicles, especially in emergency situations.

TE 12.2 Efficient Utilization of Transportation Facilities. [GP] As a nearly built-out city, most of the major elements of Goleta's transportation system are already in place. Consequently, a necessary priority in the future will be on making relatively minor improvements designed to achieve modest increases in capacity and to maximize efficient utilization of existing transportation facilities. These operational and safety improvements may include the following:

- a. Intersection improvements, such as construction of turn lanes and installation of traffic controls.
- b. Adjustments of signal timing to improve traffic flows, including installation of coordinated signal systems on arterials.
- c. Provision of continuous dual left-turn lanes.
- d. Reconfiguration of street geometrics.
- e. Provision of landscaped center medians.
- f. Improved sidewalks and street crossings for pedestrians.
- g. Use of roundabouts or traffic circles instead of other intersection controls.
- h. Other transportation systems management measures as may be appropriate.

TE 12.3 Neighborhood Traffic Management. [GP] It is the intent of the City to protect residential neighborhoods from the effects of traffic from outside the neighborhood. Neighborhood Traffic Management Programs (NTMPs) may be developed to respond to problems or issues in a consistent and methodical approach. Generally the purpose of NTMPs is to reduce vehicle speeds where appropriate and to control traffic volumes on local streets. Each NTMP shall be a two-phase program, with the first phase involving education and neighborhood participation to determine whether there is support for potential measures to manage neighborhood traffic. The second phase shall involve, where appropriate and cost effective, installation of restrictive physical devices to manage traffic and improve safety. Neighborhood residents and businesses should be invited to participate in the program so that they can evaluate the benefits and tradeoffs of various measures and be involved in the decision-making process. Generally passive traffic management measures should be evaluated for effectiveness prior to considering installation of restrictive measures.

TE 12.4 Street Maintenance and Pavement Management Program. [GP] Street maintenance and safety improvements on Goleta's existing roadways shall be a priority. The City's Pavement Management System, which models future changes in the condition of paved street surfaces, shall be used to identify and prioritize street maintenance, rehabilitation, and repair projects for inclusion in the City's capital improvements program.

TE 12.5 Intelligent Transportation Systems. [GP] The City shall work with appropriate agencies to implement "Intelligent Transportation Systems" when appropriate. These measures may include but are not limited to the following:

- a. Variable message signs and real-time traffic monitoring video cameras along US-101.
- b. Real-time transit kiosks and information displays at major transit stops.
- c. Web-based trip planners to assist public transit users in transit trip planning.

Policy TE 13: Mitigating Traffic Impacts of Development [GP]

Objective: *To ensure that new development is supported by adequate capacities in transportation systems, including city streets and roads, without reducing the quality of services to existing residents, commuters, and other users of the city street system.*

TE 13.1 Traffic Studies for Development Proposals. [GP] Future development in Goleta will cause added burdens on the transportation system. Traffic analyses and reports shall be required for development proposals which the City Engineer and Planning Director determine may have effects on the local street system, including but not limited to possible degradation of service levels, potential creation of safety hazards, potential adverse effects on local neighborhood streets, or other substantial transportation concerns. When required by the City, traffic studies shall be performed by a qualified transportation engineer under a contract with the City. The costs of the traffic study, including costs of City staff time, shall be the responsibility of the project applicant.

TE 13.2 Content of Traffic Studies. [GP] The City shall develop technical standards for the preparation of traffic studies for development projects and for the content of traffic study reports.

TE 13.3 Maintenance of LOS Standards. [GP] New development shall only be allowed when and where such development can be adequately (as defined by the LOS standards in Policy TE 4) served by existing and/or planned transportation facilities. Transportation facilities are considered adequate if, at the time of development:

- a. Existing transportation facilities serving the development, including those to be constructed by the developer as part of the project, will result in meeting the adopted LOS standards set in Policy TE 4; or
- b. A binding financial commitment and agreement is in place to complete the necessary transportation system improvements (except for the planned new grade-separated freeway crossings), or to implement other strategies which will mitigate the project-specific impacts to an acceptable level, within 6 or fewer years; and
- c. Any additional offsite traffic mitigation measures are incorporated into the impact fee system for addressing cumulative transportation impacts of future development.

TE 13.4 Options If Traffic Mitigations Are Not Fully Funded. [GP] If the transportation capital improvements needed to maintain adopted transportation LOS standards are not able to be funded, then the City shall take one or more of the following four actions:

- a. Phase or delay development until such time that adequate fiscal resources can be provided to build the necessary facilities transportation improvements (or to include them in the impact fee system).
- b. Require the developer to construct the necessary transportation system improvements, with a reimbursement agreement that uses future payments of impact fees by other projects.
- c. Reduce the scope of the development to reduce the traffic generation below the thresholds set in Policy TE 4.
- d. Require the developer to identify alternative strategies, such as transit improvements, improving signalization, improving other streets, adding pedestrian or bicycle improvements, etc., to mitigate potential traffic impacts.

TE 13.5 Developer-Constructed Transportation Improvements. [GP] Developers shall be required to construct transportation improvements along their property frontages in accordance with City standards. The Developer shall be required to provide all necessary access and circulation facilities within the property; such facilities shall be designed to meet City standards.

Policy TE 14: Financing Transportation Improvements [GP]

Objective: *To ensure that there is adequate funding for construction of transportation facilities that are needed to support new development and address existing deficiencies to achieve the targeted level of service.*

TE 14.1 Traffic Impact Fees. [GP] The City shall adopt a citywide traffic impact fee in accordance with the requirements of Assembly Bill 1600 to fund transportation improvements to mitigate the traffic impacts of new development. The impact fee study shall identify and be based on the estimated costs of construction of all transportation system improvements needed to ensure adequate levels of service system wide. Each new development project shall be charged a fee that represents its proportionate share of potential need for and impacts on the facilities included in the fee system. The impact fee system may incorporate improvements made and fees collected by the City since its incorporation in 2002.

TE 14.2 Capital Facility Plan. [GP] The City shall prepare a capital facility plan that includes those facilities that are necessary and appropriate to maintain acceptable LOS levels on the transportation network. The costs of the facilities shall be the basis for the impact fee system.

TE 14.3 Mitigation Payments by UCSB. [GP] A mitigation agreement between UCSB and the City should be developed and adopted to provide for monetary contributions by UCSB for its "fair share" of the costs of road improvements needed to serve planned future university projects. The agreement shall address transportation impacts created by projects to be undertaken pursuant to any future amendments or revisions to the university's Long-Range Development Plan.

TE 14.4 Mitigation Fees by Projects in the City of Santa Barbara. [GP] A mitigation agreement between the City of Santa Barbara and the City of Goleta should be developed and adopted to provide for monetary contributions by the City of Santa

From: Richter, Paula C. @Waterboards <Paula.Richter@Waterboards.ca.gov>
To: Kathy Allen
Sent: 7/1/2016 11:36:40 AM
Subject: Kenwood Village Project - Comments on draft Supplemental Environmental Impact Report

Dear Ms. Allen,

I apologize for the delay in submitting our comments on the above-referenced draft Supplemental Environmental Impact Report (SEIR). The document did not come to me until 06/29/2016. Since the comment deadline has passed, we would appreciate your forwarding our comments to the developer to assist them in addressing the concerns of the Central Coast Regional Water Board 401 Water Quality Certification Unit during the early stages of design. This will help to streamline their permitting process.

Streamside Protection Area (SPA)

The Environmental Review Findings section at paragraph 3 discusses the potential to reduce the 100-foot SPA adjacent to El Encanto Creek. We encourage the developer to design their project to avoid the need to reduce the 100-foot SPA. Figure 3.4-2 (Site Plan) reflects that a significant portion of an access road encroaches on the 100-foot SPA, along with one single family residential unit. The developer will need to demonstrate/justify why the 100-foot SPA cannot be maintained, minimize the reduction to the maximum extent possible, and mitigate for any unavoidable reduction to the SPA width. If the final design plans entirely avoid the SPA, the project would not require permitting from the 401 Unit of the Central Coast Water Board (along with other related regulatory agency permitting), saving the applicant both time and money.

Post-Construction Stormwater Management

Section 4 of the Project Description Summary states that runoff would be conveyed to a bioretention pond and that runoff that exceeds the pond capacity would be discharged to El Encanto Creek. The Central Coast Water Board does not allow the discharge of untreated stormwater to waters of the State.

Stormwater Discharge Pipe

Section 1.6 of the SEIR states that the project will involve installation of a storm water discharge pipe to El Encanto Creek. The Central Coast Water Board does not permit the discharge of untreated stormwater to waters of the State. If this activity does not trigger the need for a U.S. Army Corps of Engineers Section 404 Permit, it would trigger the need for enrollment under our Statewide Waste Discharge Requirements (WDR), Water Quality Order No. 2004-0004-DWQ, as long as the total impacts do not exceed 0.20 acre / 400 linear feet. If the impacts exceed this threshold, we would have to enroll the developer in an individual WDR, which is a lengthy and complex process that can take from six months to a year. Further, the Project Description of the EIR states that the basin's discharge outlet would be set above the ordinary high water elevation of the creek. The Central Coast Water Board does not typically allow the use of perched discharge pipes as they have the potential to result in scour and erosion (and increased sediment loads).

Bio-Retention Pond

Section 3.5.5 (Stormwater Discharge) states that a bio-retention pond would be located in the designated 100-foot SPA. The Central Coast Water Board does not typically allow waters of the State to serve as post-construction stormwater management features.

Bio-Detention Basin

It is unclear whether this the same as the feature described above. Figure 3.4-2 (Site Plan) reflects that a bio-detention basin will be installed within the 100-foot SPA. The Central Coast Water Board does not typically allow waters of the State to serve as post-construction stormwater management features.

Storm Drains

Section 3.5.5 (Stormwater Discharge) states (at the Storm Drains subsection) that an existing off-site "ditch" along Calle Real will be filled and replaced with a storm drain pipe. The developer needs to prepare a jurisdictional wetland delineation that clarifies whether this "ditch" would be considered waters of the U.S. and/or waters of the State. If it is deemed to be waters of the U.S., then the project would require a U.S. Army Corps of Engineer Section 404 permit/authorization and a Central Coast Water Board 401 Water Quality Certification. If it is deemed to only be waters of the State, then enrollment under our Statewide Waste Discharge Requirements (WDR), Water Quality Order No. 2004-0004-DWQ or an individual WDR

would be required (as discussed above).

Pet Waste Source Control Measure HWQ-1a

The SEIR states that the project's Homeowner's Association will provide and maintain "mutt mitt" dispensers and trash receptacles at each of the three public path entrance/exit points on the project site. We encourage the developer to include informational signage at all of these locations that explain why it is important to prevent pet waste from entering El Encanto Creek.

Public Trails/Paths

Figure 3.4-2 (Site Plan) reflects that a public trail is proposed within the 100-foot SPA. This diminishes the function and beneficial uses of the SPA. The developer will need to demonstrate/justify why the 100-foot SPA cannot be maintained, minimize the reduction to the maximum extent possible, and mitigate for any unavoidable reduction to the SPA width. If the final design plans entirely avoid the SPA, the project would not require a 401 Water Quality Certification (along with other related regulatory permitting), saving the applicant both time and money.

Figure 3.4-2 (Site Plan)

This figure needs a key. It is unclear what the dashed and double-lined green mark-ups reflect.

We welcome the opportunity conduct a site visit and meet with the developer to discuss the above and assist them in navigating our permitting process.

Regards,

~Paula

Paula Richter

Environmental Scientist

Central Coast Regional Water Quality Control Board

Planning/401 Unit

895 Aerovista Place, Suite 101

San Luis Obispo, CA 93401-7906

Paula.Richter@waterboards.ca.gov

<http://www.swrcb.ca.gov/rwqcb3/>

(805) 549-3865



Victim of fatal crash a 35-year-old local



KEITH CULLOM PHOTOS

Crews from Santa Barbara County Fire Station 11 work to free a man who was trapped in a vehicle that rolled over and landed on its roof, Sunday in Goleta.

The Santa Barbara County Sheriff's Department identified the man killed in a single-vehicle crash late Sunday as Russell Allan Sturges, 35, of south Santa Barbara County.

The cause of the 9 p.m. crash is under investigation.

Authorities said Monday that Mr.

Sturges was traveling east on Calle Real near Baker Lane when for an unknown reason the 1999 GMC Yukon went off the right shoulder, hit a tree and rolled onto its roof.

Crews from county Fire Station 11 used the jaws of life to cut Mr. Sturges from the wreckage.

He was pronounced dead at the scene.

A 16-year-old passenger was taken to the hospital for observation and released.

The area near the crash scene has been the site of several fatal incidents, including two people killed in a car

crash.

The scene of Sunday's crash is not far from the location where the body of a teenage girl, who was struck and killed as she tried to cross Highway 101 on foot, was found Sept. 4.

—Scott Sleepleton



Nicholas Baker

Bicyclist Identified in Fatal Hit and Run Collision

📰 NEWS REPORT (/NEWS/CATEGORY/NEWS-REPORT) ⌚ MAY 01 2020 07:00 AM 👤 BYJB86 (/ARTICLES/JB86)
58 COMMENTS (HTTPS://WWW.EDHAT.COM/NEWS/BICYCLIST-IDENTIFIED-IN-FATAL-HIT-AND-RUN-COLLISION#COMMENTS) 📖 READS 32555

Update by edhat staff

May 1, 2020

The identity of the bicyclist who died in a hit and run collision on Sunday has been released.

Katherine Stewert Peden, 59-years-old of Goleta, was pronounced dead at the scene after she was s
by a vehicle on Calle Real near Glen Annie Road.

The driver of the vehicle fled the scene and was tracked down that evening. Nicholas Todd Baker, 20-
years-old of Goleta, was arrested for driving under the influence, involuntary vehicular manslaughter
hit and run causing injury or death.

Update Santa Barbara County Sheriff's Office

April 27, 2020

On Sunday, April 26, 2020 at 9:56 p.m., deputies responded with County Fire and American Medical Response to the area of Calle Real at Violet Lane on a report of a bicyclist that had been hit by a vehicle. The victim and the suspect were both travelling eastbound on Calle Real when the suspect's vehicle struck the victim. The suspect left the area prior to deputies' arrival and did not call for help or render aid to the victim. The victim was confirmed deceased prior to deputies' arrival.

Deputies immediately began tracking the suspect and located his vehicle in the 900-blk of Camino Del Sur in Isla Vista around 10:35 p.m. The suspect, 20-year-old Nicholas Baker of Goleta, was contacted and later arrested for hit and run causing injury or death (felony), involuntary vehicular manslaughter (felony) and driving under the influence causing injury (felony). He was booked at the Main Jail with a bail of \$1,000,000. The identity of the victim is being withheld pending notification to the family.

During the investigation of the hit-and-run, a section of Calle Real was closed to traffic. At 10:24 p.m., a patrol car that was parked at the west end of the scene was struck by another vehicle. The vehicle was unoccupied when it was hit and no deputies were injured. California Highway Patrol was requested and responded to conduct the investigation of this second collision, allowing deputies to continue their investigation of the hit-and-run.

By JB86

April 26, 2020

At approximately 10:00 pm, a female bicyclist was struck and killed in the east-bound lane of Calle Real at Violet Lane. The striking vehicle, later determined to be a 2003 black Chevy Tahoe, fled the scene. Deputies followed a trail of leaking fluids to an address on Camino Del Sur in Isla Vista.

Meanwhile, at the accident scene, a Sheriff's patrol vehicle, blocking the road at Baker Lane was struck by another vehicle, whose driver is suspected of being DUI. Hard closures were then established at Ellwood Station and Calaveras to allow investigation. The suspect driver was located by deputies at 10:46 in Isla Vista.





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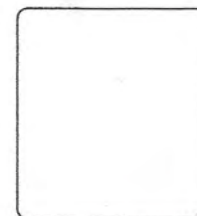
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Pot Smoker May Have Started Goleta Fire

POSTED: 01:18 PM PST Dec 24, 2013
 UPDATED: 12:00 AM PST Nov 14, 2013

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Pot Smoker May Have Started Goleta Fire

GOLETA, Calif. - Investigators believe someone smoking marijuana in an open field may have started a

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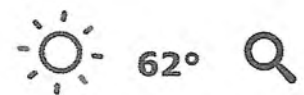
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By **KEYT News Team**

Published November 14, 2013 2:00 am

Pot Smoker May Have Started Goleta Fire

Investigators believe someone smoking marijuana in an open field may have started a brush fire in Goleta Thursday afternoon.

Santa Barbara County firefighters were able to quickly contain the blaze behind homes along Tuolomne Drive and Baker Lane near Calle Real.

The first calls went out at 2:39 p.m. and the fire was declared contained at 3:09 p.m. One acre burned. A power pole was damaged.



Take our news and weather apps with you wherever you go! Don't forget to share!



The fire burned within a few hundred yards of homes but did not cause any structural damage. Some homes along Baker and Tuolomne were evacuated as a precaution.

Residents on the scene told NewsChannel 3 many people pitched in to help fight the fire, including a UPS driver on his delivery route.

Five engines were called to the scene. Low winds aided firefighters in gaining the upper hand more quickly. Higher winds are forecast later Thursday afternoon.

No arrests were made as of Thursday evening.

MORE KEYT NEWS



RE: Kenwood Village

AR

april reid

To:ken@impulse.net

Mon 6/20/2016 3:21 PM

Mr. Alker:

I live at 15 Baker Lane, Goleta, Ca. I inherited this property from my mom, Carole Cordero. She was an influential person in the immediate community, as you clearly seem to have figured out. I also own 17 Baker Lane, Goleta, Ca. which was passed down from my great-grandmother, Elizabeth Baker. This e-mail is written in response to your inaccurate statements about my deceased mom, Carole Cordero, that you have been making just to pitch your monstrosity to our neighbors who valued my mom's opinion.

When I first e-mailed you about the **Kenwood** project after my mom passed away in 2012, I did not know what my mom's wishes were for **Kenwood Village**. When I asked you if you knew what my mother wanted, you falsely told me that you thought my mom supported the project. Unfortunately, at the time, I did not know any different, so I made the mistake of thinking I could work with you in a neighborly way by indicated that I would not have a problem with houses being built on the property, with some changes being made, including the houses in the back of mine being one story, not two. However, that was before I knew who you were and what your real intentions were for the property and the neighborhood. I recently found multiple handwritten notes from my mom indicating she did not support the project for many reasons. Many of my neighbors also told me that my mom would show up at the City Council meetings for the project to express her objections.

Recently, I discovered that you have now taken to attempting to defend your project by falsely telling my neighbors that my mom supported the project. It is bad enough that you made misstatements to me about my mom, but now you have taken to making misstatements to my neighbors about my mom's opinions in an effort to use her good name and reputation in the community to sell your oversized project for money.

The idea that you are concerned about this community is ridiculous.

Your claim you are trying to sell duplexes and triplexes to people so the average young person, (i.e. teacher, firefighter, etc.) can afford to live in Goleta is absurd.

Further, you can't even bother to take care of the property as it is.

When there was a fire on your property at the back of 17 Baker Lane in November 2013, and my rental house almost burnt down, the news took pictures of the site of the fire. The pictures showed that the weeds were over a feet taller than the firemen. Then, a few days ago, one of my neighbors had to complain about the weeds again just so you would mow part of the property. If you can't take care of the property before anything is built, why should anyone believe you would take care of the property when you are building on it?

Every time I talk to you or talk to a neighbor about you, I find out you have told people different things than you tell me about the property.

Do you really think I do not speak to my neighbors? We are a close knit community. We have been since long before you came along and we will be far into the future!

Of course, it is your prerogative to make false statements to people to just to sell your oversized project. It is also my prerogative, and that of my neighbors, to inform others who you really are and not the person who pretend to be, i.e someone who cares about the community.

To be clear, I will NOT allow you to spread false statements about my mom simply to try to influence me and my neighbors to agree to a project that some of us clearly do not believe is good for the neighborhood simply because my mom is deceased and she can not defend herself. If you want to pick on someone, then you can take out your frustrations on me. I am a lawyer and I can deal with it. But, I will not allow you to smear my mom's good name to con our neighbors into thinking she was supportive of your project when she clearly was not.

In fact, since she has been deceased for three years, there is NO reason you should ever bring up my mom's name at all.

Do not bother to responding. After all your misstatements, there is nothing you could say I would want to hear.

April Reid

15 Baker Lane, Goleta, CA. 93117

Complaints of garbage and weeds at Calle Real

AR

april reid

Mon 8/29/2016 11:12 AM

Dear Mr. Alker:

As you are aware, I moved into 15 Baker Lane, Goleta, CA. 93117 in February 2012 after my mother passed away. I also own 17 Baker Lane, Goleta, CA 93117. I am not sure if you or I own the property directly behind on the field side of the fence just behind 17 Baker Lane.

However, there is a lot of weeds, trash and garbage gathering up. One of the neighbors even mentioned it. If you own it, please clean it up. If you are contending that I own it, then please let me know and I will clean it up. I am talking about the property between the fence on 17 Baker Lane after the property slopes down, where the property becomes level the the rest of your field. However, if you are going to say that I own it, and I put forth the money to clean it up, then I do not want to have any arguments in the future about the property line; i.e you claiming you own the sloped section of the field for purposes of developing it. By the way, nothing in this e-mail should be considered a waiver of my right to assert any and all legal claims re: the placement of the property line between 15 Baker Lane, 17 Baker Lane and the Calle Real Field that you own.

Please get back to me re: the property line, and, if you assert the property is yours, please let me know if you are going to clean it up.

April Reid
aprilreid@live.com



PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



May 16, 2016

Kathy Allen
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Kathy:

Re: SCH 2005031151 Goleta (SANTA BARBARA) Kenwood Village General Plan - DSEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Branch (RCEB) has received the *Draft Supplement Environment Impact Report (DSEIR)* from the State Clearinghouse for the proposed City of Goleta (City) Kenwood Village General Plan.

According to the DSEIR, the project area includes active railroad tracks owned by the Union Pacific Railroad Company. RCEB recommends that the City add language to the Kenwood Village General Plan so that any future development adjacent to or near the rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to prevent trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings and Engineering Branch
Safety and Enforcement Division

C: State Clearinghouse

Setting the Record Straight About Kenwood

By **Ken Alker**

Fri Nov 17, 2023 | 6:08pm

As the owner of the Kenwood Village property in Goleta, I've been working on a housing project for local employees for over 15 years to alleviate our housing crisis. I'm writing to correct multiple false statements made about my project in [a letter from my neighbor, Ms. April Reid](#).

Zoning on the majority of the parcel was residential with a strip of commercial along Calle Real since the 1950s. The property has been intended for housing for many decades, long before most of the surrounding homes were built. In 2020, the strip along Calle Real was rezoned to Agriculture, although this area is not suitable for farming.

The property is a perfect infill property; it is surrounded on three sides by homes and by Calle Real to the south and is located near retail (Camino Real Marketplace) and schools.

The joke regarding the Kenwood (aka "Ken Would") name was about me being crazy enough to add another project to my growing list of obligations, this one being real estate (I'm an electrical engineer) and had nothing to do with the viability of the development itself.

The letter states that I "have no regard for the neighbors." I have great regard for my neighbors as the 60-unit project pending before the city (which may soon be deemed insufficient density) takes into thorough consideration the densities of surrounding homes and ensures that the lowest density matches the existing density surrounding the site while the higher density occurs along Calle Real where there is no housing. The entire project is designed to meld well into the existing

neighborhood. It also incorporates walking trails and dedications back to the City of Goleta to allow access through the project. I live and work in Goleta.

The letter's comments regarding "immobile seniors" stems from a letter I wrote to the city that states, "the mobility of the residents is much lower than those who would reside upon the remainder of the Kenwood site." My statement was made regarding traffic in the area. By providing housing for seniors (62+), the traffic impact would be less since seniors are less mobile, meaning they drive less. This was not a reference to ambulatory capacity. Many seniors are retired and do not have to be at work at 8 a.m. and do not have children who need to be driven to school and activities.

The letter also claims there are endangered species on the parcel, but, as I have pointed out in the past, the extensive environmental impact report (EIR) conducted for my project states, "The field surveys conducted over the site by SII and others resulted in no observations of any rare, threatened, or endangered plant species within the project site. Further, the current annual mowing practices, past agricultural practices, and observable and identifiable plants, habitats, and soils suggest the site does not support habitat for special-status plants." (EIR, p. 5.3-8.)

The letter states that "the property owner already caused two brush fires on the property because he would not mow the property." On Wednesday I was given reports from the fire department showing a 15'x20' fire in 2016 that was caused by "equipment" and a second fire (less than 3/4 of an acre) over 10 years ago that was due to "smoking materials left at scene alongside a walking trail from Puerto. A potato cored for use to smoke marijuana found." Neither fire was caused by "the property owner."

The letter states that the Fire Marshal issued a violation for failing to mow the property. Deputy Fire Marshall Fred Tan told me on Wednesday that he received a complaint from Ms. Reid in December 2019 regarding tall grass, so he came out and inspected the property and did not find anything hazardous. Tan informed me that no violations were issued because the required maintenance had been performed. He stated that the fire department does not have any records of violations, and he noted over the years that even though a

20' mowed perimeter is required, Kenwood has been mowed closer to 80'. The Captain of Vegetation Management, Dustin McKibben, indicated that Ms. Reid filed yet another complaint last month, and he stated, "I inspected the parcel on October 23rd and spent about 30 mins talking with complainant that afternoon in person to address her concerns. No violations, and I went above and beyond."

The letter stated that the fire department had to contact me this year "to get him to mow the property." Deputy Fire Marshall Fred Tan stated that they have called to remind me to mow and that I have always cleared the field if they called. He said that any phone calls I have received are part of a program of regular calls to everyone in the county with large parcels and that these are just reminder calls, but that Kenwood is usually mowed without needing a reminder call.

The letter states that there is "no fire house in the area". This is incorrect. Station 11, which serves this property, is located at 6901 Frey Way with two crews (one for each side of the freeway) and is only 1.3 miles from Kenwood Village.

Once houses have been built on the parcel, the threat of fire and trespassers will be significantly reduced. Goleta is desperately in need of additional housing and I'm looking forward to being part of the solution. I invite the community to reach out to me with any questions about the project.

Wed Nov 29, 2023 | 03:48am

<https://www.independent.com/2023/11/17/setting-the-record-straight-about-kenwood/>

RE: Housing-Kenwood Village

[?]

You replied on Thu 9/17/2020 11:21 AM

You replied on Thu 9/17/2020 11:21 AM

Anne Wells <awells@cityofgoleta.org>

You

Peter Imhof;

Lisa Prasse

Ms. Reid,

The Kenwood Village site has long been on our Housing Element vacant site inventory because the site is vacant and has residential zoning and a residential land use designation. The Housing Element Table 10A-33 you refer to includes an estimate of the number of units that the site might be able to accommodate. Kenwood was one of 24 sites included in the vacant sites table. Please note that the estimate was prepared independent from the housing development proposal and is included in the table as part of the Housing Element process, not a project approval process. The State requires that the City identify vacant, residentially zoned sites and estimate the number of possible units that could be built on the site. It is not a project approval but instead accounting of our vacant land inventory for the State to review and certify. Proposed development go through the permit process and I copied Lisa Prasse and Peter Imhof to provide you with an update of the development proposal.

I hope this clears up the difference between the Housing Element table and any future project application on the site.

Anne

Anne Wells
City of Goleta, Advance Planning Manager
130 Cremona Dr., Suite B
Goleta, CA 93117
805-961-7557
awells@cityofgoleta.org

From: april reid <aprilreid@live.com>

Sent: Wednesday, September 16, 2020 1:29 PM
To: Anne Wells <awells@cityofgoleta.org>
Subject: Housing-Kenwood Village

Dear Ms. Wells:

I am writing to you because I am not sure who to write to. You were the one who gave the report on the Housing issues at the City council meeting I watched last night. I also read the report that is on-line. I was confused and alarmed that Kenwood Village was including on page 14 of the report on the City's list of Housing Element Vacant Sites. I do not know how Kenwood Village was able to get on the list. I noticed that not all pending developments that are waiting for water or for approval are on the list, so I am not clear how Kenwood Village was one of the developments that was chosen to be placed on the list. Did the City pick Kenwood Village or did the developer chose to be on the list?

I am also confused about how it was decided the maximum number of units was adjusted from 28 to 22. Was that a compromise enforced by the City in order for Kenwood Village to go forward? Was that something that the developer modified on his own? The last time I spoke to the developer, he refused to change anything unless the City forced him to do so.

Further, I noticed that Kenwood Village was listed as an above-moderate site. However, it seemed in the meeting that Goleta had enough above-moderate sites. Does the number of approved above-moderate sites include or exclude Kenwood Village in the count of the number of above-moderate sites counted in Goleta?

Finally, the last time I heard about Kenwood Village, it was my understanding that the project was on hold due to a water moratorium. I feel like I may have missed something.

Can you or someone in your office please clarify? Thank you for your help.

April Reid-owner
15 and 17 Baker Lane
Goleta, CA. 93117

From: snydercynthia95@yahoo.com <snydercynthia95@yahoo.com>

Sent: Tuesday, December 5, 2023 7:27 AM

To: City Clerk Group <cityclerkgroup@cityofgoleta.org>

Subject: Needed affordable Housing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please forgive this informal request as I am without my computer and only have my phone, I also contracted Covid so I hope it make's sense.

My name is Cynthia Snyder and I have been in Santa Barbara for almost 50 years. I was recently asked to move after 8 years of living happily in a rented house. The owners Sister became ill and she returned to take care of her.

Since that time I have been appalled at the lack of housing available for people who need to rent.

Exorbetant rents. Landlords selling rental properties for way above market value driving rents through the roof. They would not

Have the impact they are having if we had more affordable housing on the market. Please hear my plea.

When you are faced with having to live in your car as a senior citizen it is a daunting thought. Yet, here I am facing just that. I don't know how to be homeless. Where do I go? Where is safe? I have a little cat will she be safe when I leave her to go to work?

We need more housing, it's wrong when people have to commute over an hour to work

Just because of lack of housing. Please try to put yourself in my place, we must share this beautiful place, open your hearts and hear our prayer for more affordable housing. Thank you if you wish to contact me please do at

Snydercynthia95@yahoo.com

[Sent from Yahoo Mail for iPhone](#)

December 5, 2023

Beth A. Collins
Attorney at Law
805.882.1419 direct
bcollins@bhfs.com

VIA E-MAIL CCOLYER@CITYOFGOLETA.ORG

City Council
City of Goleta
130 Cremona Drive
Goleta, CA 93117

RE: Agenda Items C.1 – D.3 Proposed Draft 2023-2031 Housing Element Adoption

Dear Mayor Perotte and Councilmembers:

As you know, we represent the owners of Shelby Residential Project (Project) at 7400 Cathedral Oaks Road (APN 077-530-019) (Property). We understand that the City's 2023-2031 Housing Element (Housing Element) process has been arduous for decisionmakers, staff, and the community; and we understand the temptation, in light of the State's October 2023 letter, to conclude that the process is nearly complete, and no further changes to the City's Housing Element should be considered. **In fact, the City is not out of the woods yet. There are steps this Council can take to improve the draft Housing Element, and increase the likelihood that more quality affordable housing will be constructed in Goleta.**

Most critically, the City's current Housing Element draft overly relies excessively on projected development of "underutilized sites" where the City has no evidence of actual owner interest in redeveloping these sites or examples of significant redevelopment in the City, or even in the area.

TABLE 10-1
SUMMARY OF HOUSING UNIT POTENTIAL IN GOLETA (2023–2031)

	Income Category				Total
	Very Low	Low	Mod	Above	
RHNA Allocation	682	324	370	461	1,837
Units approved or completed after 6/30/2022	76	85	0	237	398
Projected Accessory Dwelling Units	108		10	34	152
Remaining RHNA for Adequate Sites Analysis:	737		360	190	1,287
Existing Available Sites (No Rezoning)					
Vacant Sites	41		32	101	174
Underutilized Sites	99		609	614	1,322
Sites to be Rezoned					
Vacant sites	641		93	8	742
Underutilized sites	183		101	102	386
Total capacity	964		835	825	2,624
Surplus (shortfall)	227		475	635	1,337

Source: City of Goleta 2023

The City's total regional housing needs assessment (RHNA) allocation is 1,837 units, and the City estimates 1,322 units will be produced in this next cycle from "underutilized sites." This is a vast

overestimate, and makes the City's Housing Element vulnerable to legal challenge.¹

On September 12, 2023, the Los Angeles Superior Court found that the City of Beverly Hill's existing site inventory, which relied heavily on a redevelopment of underutilized, nonvacant sites through a mixed use overlay, did not substantially comply with California Housing Element Law.² The Court closely scrutinized the City of Beverly Hill's nonvacant site inventory and determined that the City did not explain the methodology for the redevelopment potential for these sites or how existing uses serve as an impediment to residential development. The City's draft Housing Element contains a similarly flawed analysis with respect to the development potential of underutilized sites.

All housing projects start with one thing – a willing owner. No housing project happens without someone dogged and committed enough to continue to push through what can be an incredibly costly, time consuming, and risky permitting and construction process. Without a willing owner/developer no housing can be developed on a parcel. Recognizing this, the Housing Element identifies "Developer/Owner Interest" as Factor #1 to assess whether a site will likely be redeveloped with housing.³ Yet the City's Housing Element identifies many, many properties in its "underutilized site" inventory in Table 10A-31 without any evidence of an interested owner. In fact, **only 31 of the 1,322 units (only 2 percent!) of the properties listed in Table 10-31A have expressed ownership interest.**⁴ Underutilized sites face even larger barriers to development than a vacant site because the housing project not only needs to make financial sense on its own, it needs to make up for any income that will be lost from the redevelopment of the existing operations on the site. Table 10-31A presumes redevelopment of numerous existing sites—like Fairview and University Plazas, commercial business between 5677-5955 Calle Real (including 27 units on the Bowlero Santa Barbara parcel), Sumida Nursery and the Elks Lodge—for affordable housing within the next 8 years without any evidence of owner interest. The Housing Element also fails to explain how these projects will be legally possible given existing leases and other real estate arrangements or how the projects will make economic sense in light of the significant existing operations.

Additionally, the City tries to point to examples of such redevelopment to demonstrate that it is possible, but only identifies 108 units in the City of Santa Barbara and the County.⁵ The Housing Element further fails to analyze whether these types of redevelopment projects are feasible within the

¹ See Brownstein, Letter to California Department of Housing and Community Development re City of Goleta Housing Element 2023 (Sep. 7, 2023) <https://www.cityofgoleta.org/home/showpublisheddocument/29305/638297686964430000>; see also Exhibit 1 (court decision finding the City of Beverly Hills' Housing Element noncompliant with California Housing Element Law for similar reasons outlined in the Brownstein Letter).

² A recent trial court decision found that the City of Beverly Hills' Housing Element failed to comply with California Housing Element Law on the basis that Beverly Hills failed to provide a realistic estimate of development capacity under its existing zoning and failed to show that sites with existing uses would likely redevelop with housing. (See Exhibit 1.) Brownstein and other commenters have raised similar issues throughout the City's Housing Element adoption process.

³ Housing Element, p. 10A-91.

⁴ See Table 10A-31, see properties U20, 6950 Hollister A #100 (10 units), U24, 7300 Hollister Ave. (10 units), U97, 5836 Hollister Ave. (10 units), and U163, 550 Cambridge Dr. (1 unit).

⁵ Housing Element, pp. 10A-89 - 10A-90.

City.⁶ The City identifies **no examples** of sites that have been actually redeveloped in the City of Goleta.⁷ The Housing Element also simply cannot identify any redevelopment in the region in the quantities (1,322 units) hoped for in Table 10-31A – it does not exist. The Housing Element points to the Goleta Water District’s prohibition on new water meters as rationale for there being no similar redevelopment projects in Goleta,⁸ but fails to mention that redevelopment of underutilized sites was actually possible under Goleta Water District’s SAFE ordinance because in some cases existing water usage could be used as a credit to support new affordable housing development. Put simply, the City’s Housing Element is fundamentally flawed and the City needs to rezone more sites – especially, vacant sites – to ensure enough housing will be constructed in this next housing cycle.

The Shelby Property is a viable vacant site that should be considered. A few key complaints have arisen from neighbors, commentators, and decisionmakers throughout the Housing Element process: (1) the City’s housing inventory is too reliant on redevelopment of “underutilized sites” which have existing uses that are unlikely to be replaced with housing in the next 8 years, (2) the City has not fairly distributed proposed new housing sites across the City, and (3) the City has slated too much density on some sites while ignoring other viable vacant sites. **Including the vacant 14-acre Shelby Property in the Housing Element helps address all these concerns because it will give the City an important buffer of additional units distributed more evenly around the City on a vacant site (see also Exhibit 2 [prior letters submitted to the City and HCD re Shelby]).**

Some confusion has arisen about whether Measure G blocks the City’s ability to include Shelby in the Housing Element.⁹ To address this confusion, we submitted the attached proposal to the City (Exhibit 3), laying out a path that would allow the City to rely on the Shelby Property in its Housing Element. As is detailed in the proposal, the Shelby Project includes a Vesting Tentative Tract Map which was deemed complete before Measure G passed. Under the Subdivision Map Act, and the City’s Code, Shelby may amend the existing Vesting Tentative Tract Map to facilitate more housing development on the Property in furtherance of critical City and State policies. This vested application makes the Property uniquely situated to allow residential development on the Property to move forward without implicating Measure G or creating the risk that other agricultural lands within the City would be converted to residential uses.

⁶ Housing Element, p. 10A-90 (Housing Element only provides a conclusory statements that certain uses are being redeveloped in the “region” and that the City “anticipates similar redevelopment trends” while acknowledging that they did not review any data on the characteristics of the example sites).

⁷ Housing Element, Tab. 10A-27.

⁸ Housing Element, pp. 10A-89 - 10A-90.

⁹ For additional background, the local owners, Glynne and Gillian Couvillion and their family, purchased this Property in the 1970s when it was within Santa Barbara County and was designated in the General Plan for residential development for decades. In an effort to stop housing development in the region, however, the County downzoned the site to agriculture in the 1980s against the family’s wishes. For over 25 years, the Couvillion family has proposed residential development on the Property in an effort to return the Property’s original residential zoning since the Property is not well suited for agriculture use. Measure G is a voter initiative—enacted in 2012—that requires a vote of the people to modify the existing agricultural land use designation.

In short, the Shelby Property presents a special opportunity for the City to facilitate the development of residential units without conflicting with Measure G. As you will see in the attached, **the Shelby Property could be developed with approximately 56 units (which is the Project that has been proposed for decades),¹⁰ 101 units (20 percent deed-restricted affordable), or 129 units (30 percent deed-restricted affordable).** Acknowledging the severity of the housing crisis and the intensity of the City's RHNA obligation, the Couvillion family approached the City Council with the attached proposal to allow the Property to move forward with a more dense, affordable residential project. A denser, affordable housing project along a major arterial (Cathedral Oaks), in the City's urban area, on Measure G exempt lands, within walking distances of multiple schools further satisfies the City's stated rezoning goals.¹¹ In light of this, we ask that the Shelby Property be included in the City's rezone list to accommodate the City's regional housing needs identified in the City's Housing Element.

The proposed options give the City Council the opportunity to partner with a local family to develop a more dense, residential project with at least 20 percent of the units available to lower income households.¹² The Couvillion family is also open to receiving input from Council on key aspects of the revised project, like the type of units (rental or for-sale), the size and type of affordable units, the percentage of affordable units by income category, and other project features and community amenities.

Proactively adding the revised affordable project to the City's site inventory and rezones now reduces risk for the City and provides the City with additional flexibility to tailor development to the community's needs. Further, adding the Shelby Property will demonstrate the Council's commitment to including sufficient sites in its site inventory with a realistic capacity for redevelopment during the Housing Element's planning period.

In summary, we respectfully urge the City Council to include the Shelby Property in the rezone list and resume discussions with the Couvillion family over a more dense, affordable housing project.

¹⁰ The Couvillion family has a pending application for the 56-unit residential Project on the Property, which the City deemed complete in March 2011. The Project has been ready to move forward since approximately 2015 and has been analyzed by the City of Goleta (City) through two environmental impact reports (EIRs) which are still available on the City's website. City of Goleta, Shelby General Plan Amendment and Shelby Residential Project <https://www.cityofgoleta.org/your-city/planning-and-environmental-review/ceqa-review/shelby-general-plan-amendment-and-shelby-residential-project> (accessed on Oct. 27, 2023).

¹¹ As previously explained in our letters attached as Exhibit 2, the Shelby Property achieves the City's stated rezoning goals of creating housing along a major arterial (Cathedral Oaks), in the City's urbanized area, on Measure G exempt lands that are not in agricultural use.

¹² The 101-unit project would provide at least 21 lower income units and 129-unit project would provide at least 39 lower income units.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Collins", with a long horizontal flourish extending to the right.

Beth A. Collins

Attachments:

- Exhibit 1 – *Californians for Homeownership, Inc. v. City of Beverly Hills*, Ruling on Verified First Amended Petition for Writ of Mandate
- Exhibit 2 – Shelby Letters to City of Goleta
- Exhibit 3 – Proposed Settlement Agreement

Exhibit 1

Californians for Homeownership, Inc. v. City of Beverly Hills

**Superior Court of California
County of Los Angeles**

SEP 12 2023

David W. Slayton, Executive Officer/Clerk of Court
By: M. Mort, Deputy

CALIFORNIANS FOR
HOMEOWNERSHIP, INC.,

Petitioner,

vs.

CITY OF BEVERLY HILLS,

Respondent.

Case No. 23STCP00143

**RULING ON VERIFIED FIRST
AMENDED PETITION FOR
WRIT OF MANDATE**

Dept. 82 (Hon. Curtis A. Kin)

Petitioner Californians for Homeownership, Inc. petitions for a writ of mandate directing respondent City of Beverly Hills to adopt a revised housing element pursuant to Government Code § 65754.

I. Factual Background

The State of California requires each city to have a “comprehensive, long-term general plan for the physical development” of the city. (Gov. Code § 65300.)¹ Each general plan must have a housing element. (§ 65302(c).) The housing element consists of ‘standards and plans for housing sites in the municipality that ‘shall endeavor to make adequate provision for the housing needs of all economic segments of the community.’ [Citations.]” (*California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 444; *see also* § 65580 [legislative findings concerning housing element law].)

“A municipality must review its housing element for the appropriateness of its housing goals, objectives, and policies and must revise the housing element in accordance with a statutory schedule.” (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 222, citing § 65588(a), (b).) “The interval between the due dates for

¹ All statutory references are to the Government Code, unless otherwise specified.

the revised housing element is referred to as a planning period or cycle, which usually is eight years.” (*Martinez*, 90 Cal.App.5th at 222, citing § 65588(e)(3), (f)(1).)

“A revised housing element’s assessment of needs must quantify the locality’s existing and projected housing needs for all income levels, which includes the locality’s proportionate share of regional housing needs for each income level.” (*Martinez*, 90 Cal.App.5th at 223, citing § 65583(a)(1).) “The projected regional housing needs for a planning period are determined by the HCD [Department of Housing and Community Development] in consultation with regional ‘councils of government.’” (*Martinez*, 90 Cal.App.5th at 223, citing §§ 65584(a) & (b), 65584.01, 65588(e)(3).) “Based on the HCD’s regional housing needs determination, each regional council of governments adopts a ‘final regional housing need plan that allocates a share of the regional housing need’ among the cities and counties within its region.” (*Martinez*, 90 Cal.App.5th at 223, citing § 65584(b).)

For the 2021-2029 planning period, the City Council of respondent City of Beverly Hills (“City”) adopted a housing element on October 12, 2021 and submitted it for review to HCD. (JR 776.) On January 14, 2022, HCD determined that the housing element did not fully comply with the housing element law and provided necessary revisions. (JR 1309-16.)

On September 28, 2022, the City submitted a revised housing element to HCD. (JR 776.) On November 28, 2022, HCD determined that the revised housing element did not fully comply with the housing element law and provided necessary revisions. (JR 1318-24.)

On February 21, 2023, after having revised the September 2022 housing element, the City adopted the revision. (JR 5.) On February 21, 2023, petitioner Californians for Homeownership, Inc., who monitors local compliance with the housing element law, sent a letter to the City asserting that the revised housing element was inadequate for reasons identified by HCD and petitioner. (JR 1584-85.) On May 12, 2023, HCD determined that the housing element does not substantially comply with housing element law. (RJN Ex. B.)

II. Procedural History

On January 18, 2023, petitioner filed a verified petition for writ of mandate. On May 24, 2023, pursuant to stipulation, petitioner filed a verified first amended petitioner for writ of mandate.

On June 22, 2023, during the trial setting conference, the Court set the hearing on the instant petition for September 12, 2023.

On July 14, 2023, petitioner filed an opening brief. On August 15, 2023, respondent filed an opposition. On August 31, 2023, petitioner filed a reply.

III. Request for Judicial Notice

Petitioner's requests for judicial notice are ruled on as follows:

- Exhibit A (September 15, 2017 Assembly Floor Analysis of AB 1397 (2017-2018 Session)) – GRANTED (Evid. Code § 452(c); *Wood v. Kaiser Foundation Hospitals* (2023) 88 Cal.App.5th 742, 751, fn. 4)
- Exhibit B (May 12, 2023 Letter from HCD to City) – GRANTED (Evid. Code § 452(c))
- Exhibit C (Staff Report for June 22, 2023 Meeting of Beverly Hills Planning Commission) – DENIED
- Exhibit D (Minutes of June 22, 2023 Meeting of Beverly Hills Planning Commission) – DENIED
- Exhibit E (Resolution No. 1907 of Beverly Hills Planning Commission) – DENIED
- Exhibit F (2022 Form 10-K for Creative Media & Community Trust Corporation (Excerpts)) – DENIED
- Exhibit G (June 10, 2020 Memorandum of the California Department of Housing and Community Development, Entitled “Housing Element Site Inventory Guidebook”) – GRANTED (Evid. Code § 452(c))
- Exhibit H (City of Gardena’s 2021-2029 Housing Element, Table C-1) – GRANTED (Evid. Code § 452(c))

With respect to denying the request for judicial notice of Exhibits C, D, E, and F, the Court notes these exhibits are extra-record evidence petitioner presents to demonstrate that certain sites listed in the sites inventory of the housing element are improperly included. For the reason stated in section V.C below, this is improper. The exhibits are accordingly irrelevant. (*Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063 [“Although a court may judicially notice a variety of matters (Evid. Code, § 450 *et seq.*), only relevant material may be noticed”].)

IV. Standard of Review

CCP § 1085(a) provides: “A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to

which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.”

“Any action brought by any interested party to review the conformity with the provisions of this article of any housing element or portion thereof or revision thereto shall be brought pursuant to Section 1085 of the Code of Civil Procedure; the court’s review of compliance with the provisions of this article shall extend to whether the housing element or portion thereof or revision thereto substantially complies with the requirements of this article.” (§ 65587(b); *see also* § 65751.) Substantial compliance means “actual compliance in respect to the substance essential to every reasonable objective of the statute, as distinguished from mere technical imperfections of form.” (*Martinez*, 90 Cal.App.5th at 237, internal citations omitted.)

“[A] city’s adoption of a housing element is a legislative enactment, something which is generally entitled to some deference.” (*Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191.) “If the municipality has substantially complied with statutory requirements, we will not interfere with its legislative action, unless that action was arbitrary, capricious, or entirely lacking in evidentiary support.” (*Ibid.*) The challenging party has the burden to demonstrate that the housing element is inadequate. (*Ibid.*)

V. Analysis

A. This Dispute is Not Moot

As a preliminary matter, respondent asserts that the City anticipates adopting a revised housing element in November of this year to address concerns about the current housing element. (Wiener Decl. ¶ 2.) However, there is no guarantee that a revision will be completed by November or that the City will adopt a revision at that time, or at any time thereafter. The Court can only rule based on the current housing element. The instant petition is entitled to preference. (§ 65752.) Further, if the Court were to enter judgment in favor of petitioner, the housing element law provides deadlines for the City to address the deficiencies in the housing element and to submit the revision to HCD. (§ 65754(a).) If respondent were to appeal, the appeal would be given preference also. (§ 65752.) Accordingly, there is no reason to delay ruling on the merits of the operative first amended petition.

B. Whether Sites Inventory Meets Statutory Requirements

1. Realistic Development Capacity

The inventory in a housing element must “specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.” (§ 65583.2(c).) For a city that does not require a

minimum residential density,² the city “shall demonstrate how the number of units determined for [each] site...will be accommodated.” (§ 65583.2(c)(1).) As part of the calculation, “ [t]he number of units calculated...shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.” (§ 65583.2(c)(2).)

An “assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs” shall include an “analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development.” (§ 65583(a)(5).)

To demonstrate that its inventory is adequate, respondent relies on a Mixed Use Overlay Zone (“Overlay Zone”) adopted by ordinance on November 17, 2020, where the maximum residential density within the zone was increased from 0 in commercial areas to 79.2 units/acre. (JR 200, 209.) The Overlay Zone spans the length of the City from east to west and partially north to south, along its largest commercial corridors, including Wilshire Boulevard, Robertson Boulevard, Olympic Boulevard, South Doheny Drive, and South Beverly Drive. (JR 125; *see also* JR 213 [map of Overlay Zone].) In the housing element, the City describes the purported benefits of the Overlay Zone: “This wide-scale rezoning allows for the creation or conversion of non-residential space into residential units, and therefore will create all net new housing, since it does not involve the displacement of any existing occupied housing/residents.” (JR 125.)

Respondent argues that the maximum residential density exceeds the minimum 30 units per acre that is statutorily deemed appropriate to accommodate housing for lower income individuals. (§ 65583.2(c)(3)(B)(iv).) Respondent also argues that existing commercial buildings in the Overlay Zone may obtain a permit to convert to a mixed-use building and obtain relief from having to comply with standards concerning parking requirements, loading facilities, outdoor living space, commercial-residential transitional setbacks, or height limits if compliance is physically infeasible. (JR 1636; *see also* Chen Decl. Ex. G [Beverly Hills Municipal Code (“BMMC”) § 10-3-1888].) The vacancy rates for commercial buildings also purportedly create an incentive for commercial building owners to convert their buildings to mixed-use projects. (JR 201.)

² It is undisputed Beverly Hills does not mandate a minimum residential density.

For commercial properties listed in the sites inventory of the housing element that were designated for conversion or indicated as having conversion potential (JR 229-34), to calculate the total number of units on the site, the City multiplied the total parcel size by the maximum allowable residential density.³ However, the total parcel size listed in the sites inventory refers to land area, not the square footage of the existing building that can accommodate residential units. Contrary to respondent's contention, the sites inventory does not account for floor area capacity; the sites inventory lists the height limit of the building, not the number of stories to be converted to residential use. (See, e.g., JR 229 [column name is "Height Limit (stories)," 233 [8500 Wilshire Blvd. described as "8 story building – conversion," but height limit is 3 stories].) As a result, for buildings to be converted to mixed use, the housing element does not demonstrate how the number of units indicated in the sites inventory will be accommodated, as required by section 65583.2(c)(1).

Moreover, as petitioner points out in the reply, most of the sites in the City's sites inventory are not designated as conversions or potential conversions. (JR 229-34.) For sites not indicated as conversions, any construction of residential units is subject to land use and building controls. For example, multi-family developments are subject to height limits from three to five stories. (JR 153-54.) Any building in the Overlay Zone must include commercial uses on the ground floor, and residential uses on the first floor within the first 40 feet from the street are prohibited. (BMMC §§ 10-3-1877(C), 10-3-1879.) Moreover, each multi-family development must have at least 200 square feet for each dwelling unit, excluding front yards, balconies, and pedestrian accessways. (BMMC §§ 10-3-1886, 10-3-2803.)

The sites inventory contains no adjustment based on land use controls for new construction, as required by section 65583.2(c)(2). Rather, like the sites designated as conversions, the number of units for each site is calculated based on the land area multiplied by the maximum residential density. Moreover, the housing element contains no meaningful consideration and analysis of the governmental constraints on the development of housing, as required by § 65583(a)(5). Rather, the City relies on prior approved and proposed developments in arguing in conclusory fashion that "the current standards are not inhibiting development of housing." (JR 158-159, 203-04.) Accordingly, the housing element, including the sites inventory, fails to account for the realistic development capacity for the sites listed in the inventory.

With respect to respondent's contention that the maximum residential density exceeds the density set forth in section 65583.2(c)(3)(B)(iv), this only means that the

³ For example, for 8730 Wilshire Blvd., the parcel size is 11,863 square feet. (JR 233.) There are 1/43,560 acres in one square foot. (See <https://www.britannica.com/science/acre-unit-of-measurement> [43,560 square feet in 1 acre].) 11,863 square feet multiplied by 1/43,560 acre per square foot is 0.27 acres. 0.27 acres multiplied by 79.2 units per acre is approximately 21 units.

City does not have to provide an analysis demonstrating how its adopted density accommodates its share of the regional housing need for lower income households. (§ 65583.2(c)(3)(A-B).) However, the City still must adjust the number of units for each site based on the realistic development capacity of the site under section 65583.2(c)(1) and (c)(2) and provide an “analysis of potential and actual governmental constraints upon the...development of housing for all income levels” under section 65583(a)(5).

Petitioner also argues that the City designated the majority of the sites on the sites inventory as 100% low-income or 100% moderate-income housing without explaining the basis for such designation. (OB at 10:6-7.) Petitioner further argues that the City did not adjust the unit counts based on “typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,” as required by section 65583.2(c)(2). (OB 10:7-8.)

Petitioner, however, does not reference any statute that requires an explanation for the basis for the low-income or moderate-income housing designation. The housing element law only requires that the City specify “the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing” and demonstrate “how the number of units determined for that site...will be accommodated.” (§ 65583.2(c), (c)(1).) The sites inventory indicates the total number of units for each site. (JR 229 [“Total Units” column].) By indicating the number of units that are designated as low-income or moderate-income housing, the City also indicates “whether the site is adequate to accommodate lower income housing [or] moderate-income housing.” (JR 229 [“Lower” and “Mod” columns].) While the City did not explain how the total number of units will be accommodated for the reasons stated above, the designation of housing as low-income or moderate-income is not deficient.

Nevertheless, it is not apparent from the sites inventory whether the City adjusted the numbers for low-income and moderate-income housing based on “typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction.” (§ 65583.2(c)(2).) By multiplying the land area by the maximum residential density of 79.2 units per acre and designating all housing as low- or moderate-income housing, the City assumes that all units built on the site will be low-income or moderate-income housing. The City does not account for the possibility that only a certain percentage of the housing on the site will be designated for residents with low- or moderate-income. A revised housing element would need to contain an adjustment based on typical densities at similar affordability levels.

In sum, with respect to realistic development capacity, the housing element is deficient for the following reasons: (1) for conversions, the sites inventory calculates the total number of units based on a product of land area and the maximum residential density without accounting for the floor area of the building; (2) the sites

inventory does not contain any adjustments based on land use controls for new construction; (3) the housing element contains no analysis of the governmental constraints on the development of housing; and (4) the sites inventory does not contain any adjustments based on typical densities of existing or approved residential developments at similar affordability levels in the City.

2. Nonvacant Sites

For nonvacant sites, the housing element law imposes the following additional requirement:

[T]he city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(§ 65583.2(g)(1).)

Petitioner argues that the City does not explain how its methodology relates to the sites it has included or excluded in the sites inventory. For underutilized nonvacant sites, respondent explains that it selected sites that were more likely to be redeveloped or converted based on evidence of a lack of investment in the property, such as a lack of maintenance or lack of recent upgrades and improvements; parcels with underutilized improvements; and parcels with existing commercial buildings that are higher than 3 stories but whose floor plan is conducive to residential conversion. (JR 202-03, 210-11.) Respondent also explains that existing uses do not constitute an impediment to additional residential development because the creation of the Overlay Zone creates opportunities for residential development; conversion from non-residential to residential use costs less than new construction; and high residential property values in the City create financial incentives for residential development. (JR 209-10.) However, respondent discusses its methodology for determining development potential generally, without engaging in any site-specific analysis.

Respondent contends that it need not engage in an analysis of the methodology of the development potential for each site. The Court disagrees. Section

65583.2(g)(1) states that, for nonvacant sites, “the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.” Reading the subdivision as a whole, the City is required to provide an explanation of the methodology for each site in the sites inventory. Among the factors that the methodology must consider are “the current market demand for the existing use” and “an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development.” (§ 65583.2(g)(1).) These factors necessarily relate to specific sites and cannot be discussed generally. Because the Legislature included these factors, the Legislature surely intended that the City provide “an explanation of the methodology used to determine the development potential” for each site.

Without a site-specific analysis, it is unclear how the methodology was applied. For example, as petitioner points out in the opening brief, the City purports to have excluded commercial buildings that contained medical uses and car dealerships from the sites inventory. (JR 210.) However, the sites inventory includes medical buildings and car dealerships. (*See, e.g.*, JR 229-30 [153 S. Doheny Dr., 239 S. La Cienega Blvd., 8833 W. Olympic Blvd., 8845 W. Olympic Blvd., 9134 W. Olympic Blvd.].) The City does not explain how the existing use does not serve as an impediment to residential development.

For the foregoing reasons, with respect to section 65583.2(g)(1), the housing element is deficient because the City did not provide an explanation of the methodology used to determine the development potential for each site, including a discussion of the factors probative of likelihood of redevelopment set forth in section 65583.2(g)(1).

Further, the sites inventory shows that the City is meeting all of its share of the need for lower-income housing through nonvacant sites. Accordingly, section 65583.2(g)(2), quoted below, is implicated:

In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(§ 65583.2(g)(2).)

For nonvacant sites, the “Field Notes/Existing Conditions & Analysis for Keeping/Removing” column in the sites inventory only indicates the existing use of the site and whether the site is designated for conversion or has conversion potential. (JR 229-34.) The City does not engage in any discussion of occupancy rates, lease terms, viability of the business operating at the sites. Nor does the City present any other discussion demonstrating that the existing use for each site “does not constitute an impediment to additional residential development during the period covered by the housing element.” (§ 65583.2(g)(2).) Without any evidence concerning the existing use of each site, the existing use is presumed to impede additional residential development. (*Ibid.*)

Respondent maintains that Culver City and Gardena obtained HCD approval based on a chart similar to its sites inventory. However, unlike Beverly Hills, Gardena’s sites inventory sets forth the existing use of each site and why the existing use is likely to be discontinued during the planning period. (Reply RJN Ex. B; cf. Chen Decl. Ex. B at 71 [listing criteria used in selection of sites].) With respect to Culver City, the sites inventory does not set forth the reason why the existing use is likely to be discontinued. (Chen Decl. Ex. A at Appendix B.) However, elsewhere in the housing element, Culver City discusses sites that present opportunities for development based on positive responses from property owners and developers. (Chen Decl. Ex. A at B-9 to B-10.) Unlike Beverly Hills, Culver City discussed how the existing use at certain sites would not impede residential development. Beverly Hills did not engage in any site-specific analysis concerning how the existing use would not impede additional residential development.

Respondent contends that the Court of Appeal in *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193 determined that no site-specific analysis concerning the methodology used to determine development potential and additional development factors is required. This is not quite accurate. In *Martinez*, the Court of Appeal found that section 65583.2(g)(1) “does not mandate the City ‘specify the additional development potential for each [nonvacant] site within the planning period and ... provide an explanation of the methodology used to determine the development potential’ in the housing element itself.” (*Martinez*, 90 Cal.App.5th at 248-49, emphasis added.) While specification of the additional development potential for each site does not have to be part of the housing element, the City still must demonstrate the additional development potential for each site. In *Martinez*, for example, the City of Clovis provided evidence outside of the housing element to demonstrate the development potential of a nonvacant site. (*Id.* at 249-51.)

Here, there is no analysis of the additional development potential for each site listed in the sites inventory in the housing element or elsewhere. Further, the housing element does not contain findings based on substantial evidence that the existing uses of nonvacant sites are likely to be discontinued, as required by section 65583.2(g)(2).

In sum, with respect to nonvacant sites, the housing element is deficient for the following reasons: (1) the City did not provide an explanation of the methodology used to determine the development potential for each site in the sites inventory, including a discussion of the factors probative of likelihood of redevelopment set forth in section 65583.2(g)(1); and (2) the City fails to demonstrate with substantial evidence that the existing use for each site in the sites inventory does not constitute an impediment to additional residential development during the period covered by the housing element.

C. Specific Sites

Petitioner also contends that certain sites were improperly included in the sites inventory. (OB at 15:6-17:1.) Petitioner maintains that the City did not make the findings based on substantial evidence that are required to rebut the presumption under section 65583.2(g)(2) that the existing use will impede additional residential development. (Reply at 4:13-14.)

However, in contending that additional residential development is not possible on certain sites, petitioner relies on extra-record evidence. For example, for 55 North La Cienega, the sites inventory indicates that the property will have 70 low-income units. (JR 229.) However, petitioner presents a Planning Commission Report and meeting minutes to assert that the City's Planning Commission approved development on the site with only 11 units of very low-income housing. (Gelfand Decl. Exs. C at 1, D at 3-4.)

"[W]here the scope of review of factual findings is substantial evidence, review limited to the administrative record is appropriate because extra-record evidence is irrelevant to whether the agency's decision is supported by substantial evidence." (*Cinema West, LLC v. Baker* (2017) 13 Cal.App.5th 194, 208.) Petitioner cannot challenge the inclusion of sites in the inventory based on extra-record evidence. Ironically, petitioner would have the Court consider the propriety of certain sites based on extra-record evidence, but then bar respondent from presenting extra-record evidence to rebut petitioner's argument. (Reply at 4:18-5:13.)

With respect to sites which petitioner contends are unlikely to disappear based on their existing use (OB at 16:21-17:2; JR 1557-58), the Court already finds that respondent did not make findings based on substantial evidence that the existing use for each nonvacant site in the sites inventory is likely to be discontinued. The City must make such findings in revising the housing element.

VI. Conclusion

The petition is GRANTED. Pursuant to Local Rule 3.231(n), petitioner shall prepare, serve, and ultimately file a proposed judgment and proposed writ of mandate.

Date: September 12, 2023


HON. CURTIS A. KIN

Exhibit 2
Shelby Letters to City of Goleta

July 20, 2023

Beth A. Collins
Attorney at Law
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bcollins@bhfs.com

VIA EMAIL TO: CITYCLERKGROUP@CITYOFGOLETA.ORG

City Council and Planning Commission
City of Goleta
130 Cremona Drive
Goleta, CA 93117

RE: Housing Element 2023-2031 Sites Inventory Rezoning Study Session

Dear Mayor, City Councilmembers, and Planning Commissioners:

Our firm represents numerous clients throughout the City of Goleta ("City") on commercial, mixed use and multi-family development projects. I have been closely monitoring the City's process to develop and obtain certification of its 2023-2031 Housing Element ("Housing Element"). As your Council and Commission are aware, the City's Housing Element update is a crucial opportunity to implement policies and programs that affirmatively further fair housing and support families and businesses within the City in a manner that complies with state law. On behalf of Glynne and Gillian Couvillion and their family, this letter supports the City's identification of potential sites to rezone to accommodate additional housing with the City and encourages the City to take meaningful steps toward rezoning additional land suitable for affordable housing development. This additional housing will help the City address key challenges, including high housing costs, inadequate affordable rental housing, and homelessness.

I. IDENTIFYING SUFFICIENT REZONE SITES THROUGH A ROBUST PUBLIC PROCESS IS NECESSARY TO ENSURE THAT THE CITY CAN ACHIEVE ITS REGIONAL HOUSING NEEDS ALLOCATION

The City's Regional Housing Needs Allocation ("RHNA") identifies the projected housing needs within the City and assigns the City a need to plan for a total of 1,837 units during the Housing Element's eight year planning period. This allocation is divided based on income category with the City needing to plan for 682 very low, 324 low, 370 moderate, and 461 above moderate income housing units.¹ The City must plan for these units in its Housing Element and enact ordinances, policies and standards to promote the construction of affordable housing.

¹ See Draft Housing Element, Table 10-1.

In response to findings from California’s Department of Housing and Community Development (“HCD”) on the draft Housing Element,² staff revised the site inventory and now identifies a **shortfall of 554** lower income units that can be accommodated on existing sites.³ **This increased shortfall is a monumental change from the City’s most recent draft Housing Element which found a surplus capacity of 558 lower income units on vacant and underutilized sites under existing zoning.** The Staff Report further explains that HCD recommends a reasonable buffer of 15 percent, bringing the **currently estimated total shortfall to 637 lower income units.**⁴ **Thus, since the last draft Housing Element, the City has revised its capacity to provide lower income housing units by 1,112 lower income units (or 1,195 units with the buffer).**

The basis for this dramatic change must be clearly explained. The Staff Report, however, only provides a general overview of the revisions to the underutilized site inventory to shift the income categories of units and to remove some underutilized sites due to site constraints.⁵ Although the Attachment 2 to the Staff Report contains a Rezone Candidate Sites Map identifying the existing inventory, it is difficult for the public to understand the vacant and underutilized sites that were removed from the prior draft Housing Element or the basis for the removal of some sites but not others. Further, the Staff Report does not explain why a 15 percent buffer is adequate given the uncertainties associated with the development of affordable housing and that the State has often required local agencies rezone with a more conservative buffer.

Public participation in preparation of the Housing Element is a cornerstone of Housing Element Law.⁶ One joint session of the City Council and Planning Commission with an abbreviated staff report and one week’s notice is not enough to ensure adequate public review of the site inventory and potential rezones. The public must have the opportunity to review and understand the identified sites, the basis for the site inventory and the calculated shortfall. This public review is critical to ensure that the existing site inventory appropriately identifies the shortfall of lower income units. For example, if public review of the existing site inventory identifies further sites that do not have the realistic possibility for housing development during the planning period or the buffer is not supported, the City may be required to rezone additional sites to have HCD certify its Housing Element.

² HCD found that the Housing Element, among other things, does not (1) identify sufficient sites that have the realistic potential for redevelopment with housing under existing zoning; (2) adequately analyze the development potential of nonvacant sites with lower income housing; (3) evaluate the extent the City’s land use controls constrain housing; and (4) assess the City’s permit processing and procedures to improve the certainty, timing and feasibility of residential projects. Based on the above, the HCD concluded that the City has not established the “adequacy” of existing sites and zoning to accommodate housing and “the City may need to add or revise programs to address a shortfall of site or zoning available to encourage a variety of housing types.” (See Staff Report, Attachment 1.)

³ Staff Report, p. 4; see HCD Letter, p. 2; Gov. Code, § 65583.2(g)(2).

⁴ Staff Report, p. 4.

⁵ Staff Report, p. 4.

⁶ Gov. Code, §§ 65583(c)(9), 65585(b)(1).

Absent more information on the reasoning that supports the changes made to the existing site inventory, the City Council and Planning Commission cannot make informed decisions about the extent of the potential rezone sites needed to meet the City's RHNA demand. Until this information is presented, the City Council and Planning Commission should take a conservative approach and identify more than sufficient potential rezone sites to accommodate its lower income housing needs with a robust buffer. Otherwise, the City risks not receiving certification of its Housing Element and, more importantly, will be less likely to provide enough affordable housing for working families.

II. THE STAFF PROPOSAL IS A STEP FORWARD, BUT MORE IS NEEDED TO ENSURE THE CITY HAS A REALISTIC POSSIBILITY OF ACHIEVING ITS RHNA.

The Staff Report identifies ten candidate sites for rezones in Table 1 and an additional seven alternative sites for rezones in Table 2.⁷ As noted in the Staff Report, the Table 1 sites only provide a maximum potential of 583 lower income units, which is insufficient to meet the City's lower income units shortfall with a fairly low buffer of 15 percent. Even with the inclusion of all the alternative sites, the City only would have the potential to develop 911 lower income affordable housing units based on the City's current zoning proposal.⁸ Providing the capacity to develop 911 lower income units may seem sufficient to meet the City's RHNA; however, in light of the significant uncertainty associated with the City's existing site inventory along with the challenges facing affordable housing development, including permitting requirements, existing uses, local opposition, increased construction costs, and financing challenges, development of these units is uncertain at best.

First, the tables propose to rezone eight underutilized sites for residential uses for a total of 643 units and an unclear number of lower income units.⁹ As noted above, HCD remains skeptical of the redevelopment of underutilized sites during the planning period given the high costs to convert existing commercial square footage into housing. This is evidenced by the fact that only one significant redevelopment of existing commercial square footage into housing has recently been permitted or constructed in the City.¹⁰ One of the underutilized sites includes a potential redevelopment project by Yardi for primarily employee housing, but this one project—which has not been applied for, let alone approved—does not provide sufficient evidence that these underutilized sites will realistically be developed with lower income housing in the next eight years.

⁷ Staff Report, pp. 5-6.

⁸ This 911 lower income unit estimate is based on the sum of the 583 lower income units associated with Table 1 and the 328 lower income units associated with Table 2. (Staff Report, pp. 5-6.)

⁹ Staff Report, pp. 5-6.

¹⁰ See Old Town Village (Winslowe) Project in Table 10A-29 of the Draft Housing Element. The Winslowe Project, however, was highly controversial and approved at lower densities (17.8 units/acre) than proposed under the rezones.

Second, the tables propose to rezone 15 of the 17 sites for RH Residential – High Density (RH) for projects developing at 15 to 30 units per acre.¹¹ The prior draft Housing Element, however, indicates that the City did not develop any RH zoned properties during the prior 2015-2023 Housing Element planning period.¹² Also, only two of the recent projects (Heritage Ridge and Cortona Apartments) were developed at more than 20 units per acre, well below the maximum density allowed under RH zoning.¹³ The City thus does not have a proven track record of approving high density projects under the City’s RH zoning. As a result, the Planning Commission and City Council should support considering additional candidate sites for potential rezones, at a variety of residential densities, to ensure there are a realistic number of sites for the City to achieve its RHNA for lower income units.

Thus, we urge the City Council and Planning Commission to take a conservative approach toward moving forward with the rezones and select all the proposed sites. Selecting all the proposed sites for potential rezones will allow staff and the public to review the adequacy of these sites to support affordable housing, to identify potential constraints or opportunities to promote affordable housing development on these sites, and to understand how staff arrived at the proposed unit counts, including those identified for the lower income category. More information is needed to understand whether these rezone sites at the densities proposed in the Staff Report have a realistic possibility for affordable housing development within the planning period. This information can be developed and publicly presented by moving forward with all the potential rezone sites and will help the City show whether it can meet its lower income RHNA obligations consistent with Housing Element Law.

Moreover, the Staff Report expressly notes that “[e]xceeding the shortfall has value if HCD does not support particular sites as counting toward the lower income need.”¹⁴ As such, including all the sites in Tables 1 and 2 for potential rezones—as well as identifying additional sites—will further support certification of the Housing Element and reduce the housing challenges facing the City’s residents.

III. THE SHELBY RESIDENTIAL PROJECT SITE IS ANOTHER VACANT SITE—EXEMPT FROM MEASURE G—THAT COULD ASSIST THE CITY WITH MEETING ITS LOWER INCOME HOUSING NEEDS.

The Shelby Residential Project Site (“Shelby Site”) is a vacant site that is noticeably absent from the Staff Report. The Staff Report identifies three key criteria for its process to select candidate sites: (1) property owner interest; (2) located along or near major arterials in the City’s urban area; and (3) are not Measure G-protected agricultural sites.¹⁵ The Shelby Site meets all three of these criteria.

¹¹ See Goleta Municipal Code, § 17.07.020.

¹² See City, Draft Housing Element, Tables 10A-27 & 10A-29.

¹³ See City, Draft Housing Element, Table 10A-29.

¹⁴ Staff Report, p. 6.

¹⁵ Staff Report, p. 5.

First, the Shelby Site, located at 7400 Cathedral Oaks Road, is a vacant 14.38 acres (gross) property that has had a pending application for the Shelby Residential Project with the City for the development of a market rate 56 single-family residential subdivision project since 2005. (See Exhibit – Property Aerial.) The Shelby Residential Project has already undergone significant planning and environmental review pursuant to the California Environmental Quality Act. The pending project applications have been before the City for over 18 years and demonstrate a firm commitment to residential development and should streamline the City’s process to review and approve a housing project on the Shelby Site. The Couvillion family, the long-time owner, recognizes the significant unmet affordable housing needs within the City and has interest in revising the project to provide more dense, multi-family housing and a significant number of lower income units. The Couvillion family welcomes the opportunity to coordinate with the City to rezone the Shelby Site for higher density affordable housing.

Second, the Shelby Site is located along Cathedral Oaks Road, a two and four lane arterial roadway in the City’s urban area connecting it to key job centers along Calle Real and Hollister Avenue. It also has existing water and wastewater main facilities. Two bus stops with two different service lines are within a half mile of the Shelby Site as well. The majority of the site has limited ecological value and is within walking distance of Dos Pueblos High School and two elementary schools—making it an ideal housing site for teachers and families.

Third, the Shelby Residential Project is exempt from Measure G. The Shelby Residential Project has a vested tentative map that exempts the project from Measure G; and should the project proceed under the Builder’s Remedy it would not need a General Plan Amendment or a rezone, and thus Measure G would not be triggered.¹⁶ Although the Shelby Site is currently zoned for agriculture and has an agriculture general plan land use designation, the site is not in agriculture use, and has not been for decades. In fact, when Dr. Couvillion acquired the property, it was zoned for residential development.¹⁷ Including the Shelby Site in the potential rezone list would simply return the property to its original residential zoning. Accordingly, the Shelby Site is not an agricultural site subject to Measure G and the City should elect to rezone the site to meet its RHNA obligations.

¹⁶ The Shelby Residential Project’s application for a vesting tentative map was deemed complete in 2011, vesting it with then applicable general plan, zoning and development standards. Measure G did not pass until 2012; therefore the Shelby Residential Project is exempt from Measure G.

¹⁷ The parcel was originally zoned residential from the 1950s through 1982. The County rezoned the property to agriculture in 1982 in response to no-growth movements in 1982. However, the original 30 acre parcel was subdivided in connection with the extension of Cathedral Oaks Road after which the County rezoned the south parcel for residential and it was developed with single family homes. The subdivision of the parcel, development of Cathedral Oaks, the golf course, and adjacent residential developments, however, has extremely limited the Shelby Site’s viability for agriculture use and the site has not been in use as productive agriculture for decades.

In summary, we urge the City Council and Planning Commission to recommend the Shelby Site for inclusion in the list of potential rezone sites since it meets each of the City's three criteria for potential rezone sites, in addition to other positive aspects. The site could be rezoned with RM Residential – Medium Density and RS Single Family Residential to allow for a more dense, affordable housing project that still aligns with the overall character of the surrounding neighborhood. The City Council and Planning Commission can and should consider all potential options to prepare a revised Housing Element that complies with state law and promotes realistic affordable residential development to house essential workers and low income residents. We are confident that if included in the City's rezone proposal, the Shelby Site can be developed with significant affordable housing for lower income local families within the planning period.

We do not wish to delay the City moving forward with much needed efforts to promote affordable housing development through certification of its Housing Element and the related rezones. Thus, **we respectfully request that the City Council and Planning Commission move forward with all the potential rezone sites—and add the Shelby Site—through a transparent public process that allows for thorough review of the City's existing site inventory and potential rezone sites. We firmly believe that this public process is necessary to comply with state Housing Element Law and promote sustainable, affordable housing development within the City.**

Thank you for your careful consideration of these comments as you deliberate on the potential rezone sites and future actions to support the development of affordable housing in the City of Goleta.

Sincerely,



Beth A. Collins

Cc: Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner

EXHIBIT – SHELBY SITE PROPERTY AERIAL



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P.N.

SHELBY PROPERTY
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APN 077-530-019
CITY OF GOLETA, CA

July 31, 2023

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VIA EMAIL TO: CITYCLERKGROUP@CITYOFGOLETA.ORG

City Council and Planning Commission
City of Goleta
130 Cremona Drive
Goleta, CA 93117

**RE: Third Meeting on Housing Element 2023-2031 Sites Inventory Rezoning Study Session,
Second Meeting on July 31, 2023**

Dear Mayor, City Councilmembers, and Planning Commissioners:

This letter follows my letter from Thursday, July 20, 2023 regarding the sites inventory for rezoning necessary for the City to obtain certification of its draft 2023-2031 Housing Element ("Housing Element"). We respectfully request that the City Council and Planning Commission carefully consider the following comments during their deliberations on the rezones for the Housing Element's site inventory.

I. THE BASIS FOR STAFF'S CALCULATION OF THE CITY'S UNIT SHORTFALL HAS STILL NOT BEEN PROVIDED TO THE PUBLIC OR DECISIONMAKERS

As staff detailed in the first meeting on July 20, 2023, "after revisions to address HCD 3/20/23 comments" the City now reportedly has a shortfall of sites for low and very low income categories. But the basis for these numbers has never been shared – with the public or decisionmakers. Despite weeks of meetings, no one has seen the analysis supporting the almost 1,200 unit swing in the City's shortfall of units in the site inventory. As explained in our July 20, 2023 letter, the City's most recent draft Housing Element reported a surplus capacity of 558 lower income units on vacant and underutilized sites under existing zoning (see Housing Element, Table 10-1 below), but now staff estimate a 583 shortfall, plus staff seek a 15 percent buffer (for a total of 637 lower income units).¹

¹ Housing Element 2023-2031 Site Inventory Rezone Study Session, p. 4 (July 20, 2023).

**TABLE 10-1
SUMMARY OF HOUSING UNIT POTENTIAL IN GOLETA (2023–2031)**

	Income Category				Total
	Very Low	Low	Moderate	Above	
RHNA	682	324	370	461	1,837
Approved projects	59 76	9 85	0	2 35	64 396
Vacant sites	25 149		32	380 143	663 324
Underutilized sites	1,146		542	47	1,735
Future ADUs	108		10	34	152
Total estimated capacity	1,564		584	466 459	2,60744
Surplus (deficit)	558		214	(2) 5	7707
Notes: For the analysis of housing site capacity, the very-low and low income categories are combined because the zoning standards are the same for these categories. Source: City of Goleta, 2023					

This swing of approximately 1,200 lower income units (from +558 to -637 lower income units) is the starting point for the City Council and Planning Commission’s decision about whether the City is identifying sufficient sites to rezone in its Housing Element, yet the reasoning behind that baseline has not been vetted. The assumptions about the development potential of these sites – both the existing sites plus the potential rezone sites – on the site inventory lies at the foundation of the City’s Housing Element. Public participation in understanding the basis for these numbers is particularly valuable because the public has information that the City Council and Planning Commission and staff do not have about the viability of potential development over the next cycle. Decisionmakers should have the information now as you all consider potential rezones to address the City’s shortfall. Without that information, vetted by the public, City Council and Planning Commission cannot know if the shortfall you are currently seeking to address is actually much higher, and the City needs to identify even more sites to rezone.

Without the information, the City Council and Planning Commission should apply a significantly larger buffer to ensure the City will rezone sufficient sites to meet its legal requirements, retain local control, and most importantly, provide enough affordable housing for working families in Goleta.

II. THE COMMENTS AT THE WORKSHOPS MAKE CLEAR THAT MORE SITES ARE NEEDED

The hearings have demonstrated that there are many, many forces at work to stop and reduce development at all of these sites. We heard concerns about higher density development and height on the proposed sites being incompatible with surrounding development, concerns about impacts to views archaeology, biology, environmental setbacks, traffic, noise, and interest in protecting certain neighborhoods and distributing development across the City (while also focusing it near schools and

other development).² But very few comments pushed for more density, more height, more development at any of these sites. Almost none. Plus, as many commenters and decision-makers acknowledged it is incredibly unlikely that the City will meet the 100 percent affordable projections for a number of the sites.

That means that the City needs to rezone and upzone more sites. Waiting to do it only once the City starts falling behind as we move through the eight-year housing element cycle will put the City far behind. As we know, development projects take years to entitle. It is better to rezone additional sites now and let as many projects as possible start moving through the design and preapplication process, and allow the projects to be modified as needed in response to site specific constraints. Additional sites are necessary especially in light of factors outside the City's control that can slow or halt development projects, such as economic downturns, inflation and interest rate increases, natural disasters and other global disturbances, and a water moratoria. To ensure housing is developed as needed in this cycle, this City needs to get as many viable sites moving forward through the development process as possible, as soon as possible. The City Council and Planning Commission should not support a hollow exercise to rezone the minimum number of sites to receive certification of its Housing Element when it is clear that approach would not truly achieve the community's workforce housing needs.

III. THE SHELBY SITE PROVIDES A WONDERFUL POTENTIAL REZONE SITE FOR AFFORDABLE HOUSING

As noted in my July 20, 2023 letter, the Shelby Site has a (a) willing owner (with a demonstrated dogged commitment to building residential units on this site), (b) surrounded by other urban uses, and (c) a pending residential project that is exempt from Measure G. It is located walking distance to schools and close to transit. The Shelby Site also is a vacant site, which is highly valued by HCD when evaluating the City's Housing Element because it is more likely to be developed with housing during next eight-year planning period.

The 14-acre Shelby Site is surrounded by urban uses and cannot be used for agriculture. The Shelby Site would also not have some of the impacts to surrounding neighbors that some of the other sites in the inventory may have because the property is naturally buffered from surrounding neighbors (single family homes south of Cathedral Oaks and condominiums to the west across Northgate Drive). The Shelby Site could also provide an affordable project designed to minimize potential impacts to surrounding neighbors with setbacks and variation in building heights. The Shelby Site also helps distribute new housing development more around the City. As such, the Shelby Site is an ideal

² These comments similarly apply to the already identified sites in the site inventory that remain unvetted.

candidate site for rezoning and demonstrating the City Council's commitment to support affordable housing development within the City.

In summary, we urge the City Council and Planning Commission to rezone all the sites proposed and add the Shelby Site to the potential rezones. The Shelby Site could be rezoned with RM Residential – Medium Density and RS Single Family Residential to allow for a more dense, affordable housing project that still aligns with the overall character of the surrounding neighborhood.

Thank you for your careful consideration of these comments.

Sincerely,



Beth A. Collins

Cc: Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner

Exhibit 3
Proposed Settlement Agreement

July 31, 2023

Beth A. Collins
Attorney at Law
805.882.1419 direct
bcollins@bhfs.com

**PRIVILEGED – SETTLEMENT OFFER
EVID. CODE, § 1152 ET SEQ.**

VIA EMAIL TO: Megan.Garibaldi@bbklaw.com

City Council
City of Goleta
130 Cremona Drive
Goleta, CA 93117

RE: Shelby Residential Project – Settlement Offer for a Revised Affordable Housing Project

Dear Mayor and City Councilmembers:

As you are aware, the Couvillion family has been seeking approvals from the City of Goleta (“City”) for the Shelby Residential Project located at 7400 Cathedral Oaks (the “Shelby Site”) since 2005. The pending applications propose a 56-home market-rate single-family residential subdivision project with a vesting tentative map which was deemed complete in 2011.¹ The original project was designed to conform to the single family residences in the existing neighborhood along the southern side of Cathedral Oaks.

Since the original Shelby application in 2011, times have changed. California, including the Central Coast, now faces an epic housing crisis that harms working families and the vibrancy and economic vitality of the City. Recognizing the need for affordable housing, the Couvillion family wants to work with the City on a path forward for a modified Shelby Residential Project (“Affordable Project”) that meets the community’s need for affordable housing. The Affordable Project also would help the City demonstrate its commitment to affordable housing and show it can achieve its regional housing needs with the California Department of Housing and Community Development (“HCD”).

The Couvillion family has options to proceed with residential development on the Shelby Site, but ultimately it would prefer to cooperate with the City on a path forward. A settlement agreement for an Affordable Project provides a significantly better option for the City to move forward collaboratively with the Couvillion family to develop much-needed affordable housing within the City.

¹ The pending applications include a (1) General Plan Amendment (05-154-GPA), (2) a rezone (05-154-RZ), (3) a zoning ordinance text amendment (05-154-OA), (4) a Vesting Tentative Map (05-154-VTM), (5) a Development Plan (05-154-DP), and (6) a Development Agreement (05-154-DA).

It helps the Couvillion family realize the goal of developing housing on the vacant Shelby Site. It helps City Council provide lower income housing to meet its regional needs and the needs of working families.

The Couvillion family hopes to create a legacy Affordable Housing Project that the City and family can be proud of rather than face delays or disputes with the City. To that end, we propose the following settlement agreement options for the City Council's consideration:

(A) rezone the Shelby Site before February 2024 at the same time the City approves Shelby's modified vesting tentative map with two parcels (one parcel approximately 6 acres zoned RP – Planned Residential and one parcel of approximately 8 acres zoned RS – Single Family Residential) so that the City can take credit for the units which will be developed on the property in its 2023-2031 Housing Element ("Housing Element"), or

(B) allow the Couvillion family to proceed with an Affordable Project to meet part of the City's regional housing needs.

Both options allow the City Council to collaborate with the Couvillion family on a viable affordable housing project and avoid unnecessary litigation.

Option A. Applicant Modifies Its Vesting Tentative Tract Map to Create Two Lots Which Can Be Rezoned to Allow for Multi-Family and Single-Family Housing to Support the City's Housing Element Sites Inventory.

The Couvillion Family offers to modify the Shelby Residential Project, reducing its pending vesting tentative map to only two parcels: an approximately 8 acre multi-family zoned parcel (RP – Planned Residential) and an approximately 6 acre single-family zoned parcel (RS – Single Family Residential). No actual development would be proposed, or approved, with the rezone and map. However, since the rezone/General Plan Amendment could be approved at the same time as the modified vesting tentative map, the rezone/General Plan Amendment would not be subject to Measure G.

Option A would allow the City to include the Shelby Site in its rezone efforts supporting the Housing Element. By doing so, the City could rely on the Shelby Site's development potential to demonstrate the City's ability to meet part of its lower income regional housing needs allocation in its Housing Element.

Once rezoned, the Couvillion family would then proceed with a separate, subsequent application for an Affordable Project in accordance with the Shelby Site's new residential zoning designations. The Couvillion family has proposed two different potential versions of such a project, which are discussed further below. This separate application would proceed through the City's standard development review process, including environmental review. The City, Couvillion family and community would

provide input on the Affordable Project's design through the City's tradition development review process.

We believe Option A is a sensible solution for everyone. It provides the City with a more defensible Housing Element because it allows the City to rezone a significant vacant property, located along a major arterial and with utility services, within the City's urban area to include in the site inventory. It helps ensure the Shelby Site is developed with more residential units, and more deed-restricted affordable units (since the current project only contemplates 56 market rate, single family homes). It also ensures the development will be done in compliance with the City's new zoning code (which has more stringent inclusionary housing and other requirements). The Shelby Site also gives the City more flexibility for its other rezone sites or provides an addition buffer in case the projects identified in the Housing Element do not develop at the density and unit composition proposed.

Option B. Shelby Residential Project Revises Its Vesting Tentative Map to Accommodate an Affordable Housing Project with City Council Support

Alternatively, under Option B, the Couvillion family would modify its Shelby Residential Project and vesting tentative map for either a 101 or 129-unit multi-family and single-family affordable housing project on the Shelby Site. Copies of the preliminary designs for these potential Affordable Projects are attached hereto as **Exhibits A** (101-unit project) and **B** (129-unit project).

Under Option B the City Council would similarly rezone a portion of the Shelby Site to accommodate the multi-family portion of the Affordable Project. Both Affordable Projects can be refined to comply with all applicable development standards for the necessary underlying zoning. The Couvillion family is willing to work with the City on either proposed Affordable Project to design a project that meets both parties' needs for the Shelby Site.

Option B, however, would take additional time to process given the need to update environmental review for the specific Affordable Project selected. This delay would mean the City may have a difficult time claiming credit toward meeting its lower income housing obligations in its Housing Element. Although ultimately, after the project is approved, the Affordable Project's lower income units would of course count toward meeting the City's regional housing need obligations during this housing element cycle, Option B will not be as helpful to the City in obtaining certification of its Housing Element from HCD.

Option B however does present another viable option for the development of an Affordable Project on the Shelby Site through a collaborative effort with the Couvillion family.

Benefits of an Affordable Project over Status Quo

Under any of these Options, the Shelby Site is a special opportunity for the City. The Shelby Site aligns with all the key criteria for a potential rezone: the Couvillion family is a willing property owner with a demonstrated commitment to housing development (in fact, the owner has shown a persistent commitment to developing the site over decades); the Shelby Site is located near major arterials within the City's urban area, near public transit and three schools; and rezoning of the Shelby Site with the pending vested tentative map is vested against Measure G.

The Shelby Site also is a vacant site, which is highly valued by HCD when evaluating the City's Housing Element because it is more likely to be developed with housing during next eight-year planning period. The 14-acre Shelby Site is surrounded by urban uses and cannot be used for agriculture. The Shelby Site would also not have some of the impacts to surrounding neighbors that some of the other sites in the inventory may have because the property is naturally buffered from surrounding neighbors (single family homes south of Cathedral Oaks and condos to the west). The design also minimizes potential impacts to surrounding neighbors with setbacks and variation in building heights. The Shelby Site also helps distribute new housing development more around the City. As such, the Shelby Site is an ideal candidate site for rezoning and demonstrating the City Council's commitment to support affordable housing development within the City.

As mentioned above, the Couvillion family's existing Shelby Residential Project contains 56 market rate, single family residences. The existing Shelby Residential Project has been analyzed through two environmental impact reports (EIR), prepared under the California Environmental Quality Act (CEQA). It is the closest to shovel ready and need not be modified to proceed under its vesting tentative map. The vesting tentative map allows the Shelby Residential Project to proceed under the City's Old Zoning Code and City development standards that existed as of March 10, 2011. Therefore, it does not need to comply with Measure G, nor the City's recent inclusionary housing requirements. The Couvillion family may proceed with this vesting project in the near future for City Council consideration, but doing so would forfeit the opportunity to provide more, much needed affordable and market rate housing to the community.

The Couvillion family also can proceed with a Builder's Remedy project under the Housing Accountability Act with minor modifications to the existing Shelby Residential Project due to the City's noncompliance with state Housing Element Law.² (Gov. Code, § 65589.5(d).) The City Council would be

² Government Code section 65589.5(d) constrains the City's ability to deny or render infeasible qualifying affordable housing development projects unless the City can make one of four other findings based on a preponderance of the evidence. However, the City Council cannot make any of these findings for an Affordable Project on the Shelby Site. Subdivision (d)(1) only applies if the City has a certified housing element and has met its regional housing needs obligations; neither of which the City has satisfied. Subdivision (d)(2) does not apply because the City cannot make a finding that an Affordable Project will have a "specific, adverse impact upon the public health or safety", as an Affordable

prohibited from denying the Shelby Residential Project based on any inconsistency with the City's zoning code and general plan land use designations, including Measure G. In fact, Measure G would not be triggered at all because the Shelby Site would not need a rezone or a General Plan Amendment to build an Affordable Project. The scenario would result in very few affordable units, and would subject the City to significant legal risks should the City seek to block or deny the project.

Similarly, the Couvillion family retains the right to submit for either the 101-unit or 129-unit Affordable Projects described above under the Builder's Remedy. In this scenario, the City Council would similarly not be able to deny either Affordable Project based on inconsistencies with the City's zoning and general plan land use designations, including Measure G. The City Council would have limited discretion over either proposed Affordable Project and would face litigation if it chose to deny or unreasonably condition either project.

Rather than proceed with the one of the above methods to develop a residential project, the Couvillion family prefers to collaborate with the City on a path forward through a settlement agreement that provides much-needed affordable housing on the vacant Shelby Site.

Additional Settlement Agreement Benefits

Under either Option A or B, the Couvillion family remains open to City Council input on a proposed Affordable Project. For example, the Couvillion family remains open to allowing City Council input on the following potential Affordable Project features:

- Number of for-sale and for-rent affordable units;
- Size and type of affordable units;
- Percentage of affordable units by income category;
- Other potential project features and amenities; and

Project will not result in any "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." Inconsistency with the City's zoning ordinance and general plan land use designations is not sufficient. (Gov. Code, § 65589.5(d)(2)(A).) Subdivision (d)(3) does not apply because an Affordable Project would not result in any violation of "specific state or federal law." Subdivision (d)(4) also does not apply because the Shelby Site is not surrounded on two sides by land *being used for agriculture or resource preservation* but rather it is surrounded by a recreational golf course and/or will be surround by land zoned for housing should Santa Barbara County move forward with rezoning Glenn Annie Golf Course for its housing element. The Shelby Site also has adequate water or wastewater *facilities* to support an Affordable Project given it is within the Goleta Water District and Goleta Sanitary District service areas, and they both have facilities that can readily serve the site. (Gov. Code, § 65589.5(d)(4).) Further, to the extent the City believes this language refers to water *supply* instead of facilities, Goleta Water District plans to lift its new connection moratorium before the Affordable Project would be approved and, even if the District does not lift the moratorium, an Affordable Project has other water supply options. Therefore, the City Council would be required to approve an Affordable Project on the Shelby Site under the Builder's Remedy.

- Processing under the City's New Zoning Ordinance rather than the City's Old Zoning Ordinance.

The Couvillion family remains willing to negotiate the above features, among others, to come to a financially and politically viable project. We offer these potential terms in an effort to avoid litigation, since the Couvillion family wants to prioritize permitting and building affordable housing.

Proposed Settlement Agreement Terms

The following provides a preliminary list of key terms for the City Council's consideration. The terms of the settlement agreement may change depending on the City Council's preferred Option. We welcome further coordination with the City Council and City Attorney's Office to finalize a mutually agreeable settlement agreement that benefits the Couvillion family, the City and the community.

- City confirms Couvillion family will modify its proposed vesting tentative map for the Shelby Residential Project consistent with applicable law and preserve its vesting against Measure G.
- The Couvillion family will submit a Senate Bill 330 Preliminary Application for a Builder's Remedy project to the City for the Shelby Site, which the City accepts while also agreeing that the Couvillion family may retain the vesting associated with Vesting Tentative Map. City then holds the Builder's Remedy application in abeyance, while the Couvillion family and City proceed with an Affordable Project under a settlement agreement.
- The Couvillion family will modify its vesting tentative map for the Shelby Residential Project to proceed with Option A or B. The City initiates any new General Plan Amendment or rezone as required to support the RP – Planned Residential zoning of and multifamily development on a portion of the Shelby Site.
- The City and Couvillion family agree to collaborate in good faith on the selected Option, such as timely processing of the modified vesting tentative map and Affordable Project features.
- The City Council retains discretionary review authority over selected Option, and agree that no entitlement is issued with this settlement agreement and the City will comply with CEQA at the time that any actual rezone, General Plan Amendment, other entitlement or permit is granted or permit is approved.
- The Couvillion family retains the right to proceed with (a) its original Shelby Residential Project with its vesting tentative map or (b) its Builder's Remedy project at any time before the Shelby Site receives the necessary approvals contemplated in Options A or B.
- The City and Couvillion family reserve all legal arguments with respect to the City Council's decisions on the Shelby Residential Project and Builder's Remedy project following termination

of the settlement agreement, except the City forfeits the right to assert that the Couvillion family lost its right under the vesting tentative map for the Shelby Residential Project or the Builder's Remedy project by agreeing to the settlement agreement and proceeding as described in the settlement agreement.

- The Couvillion family will support the City's efforts to obtain certification of its Housing Element.

Thank you for your careful consideration of these comments as you deliberate on the proposed settlement agreement. We hope to support the development of affordable housing in cooperation with the City of Goleta and firmly believe that a settlement agreement provides the best path forward for affordable housing construction on the Shelby Site.

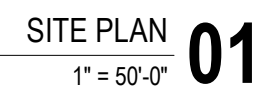
Sincerely,



Beth A. Collins

Cc: Winnie Cai, Assistant City Attorney
Peter Imhof, Planning & Environmental Review Director
Anne Wells, Planning Manager

Exhibit A



	DESCRIPTION	# OF BEDS	SQ. FT.	FOOTPRINT	# OF UNITS
	TWO-STORY TOWNHOME	2 OR 3	1600 SF.	35' X 50'	23
	STACKED FLAT	2	1250 SF.	25' X 50'	28
	LOW INCOME FLAT	2	800 SF.	20' X 40'	20
	TWO-STORY PERIMETER SFR	2 OR 3	VARIABLES	VARIABLES	30
				TOTAL	101

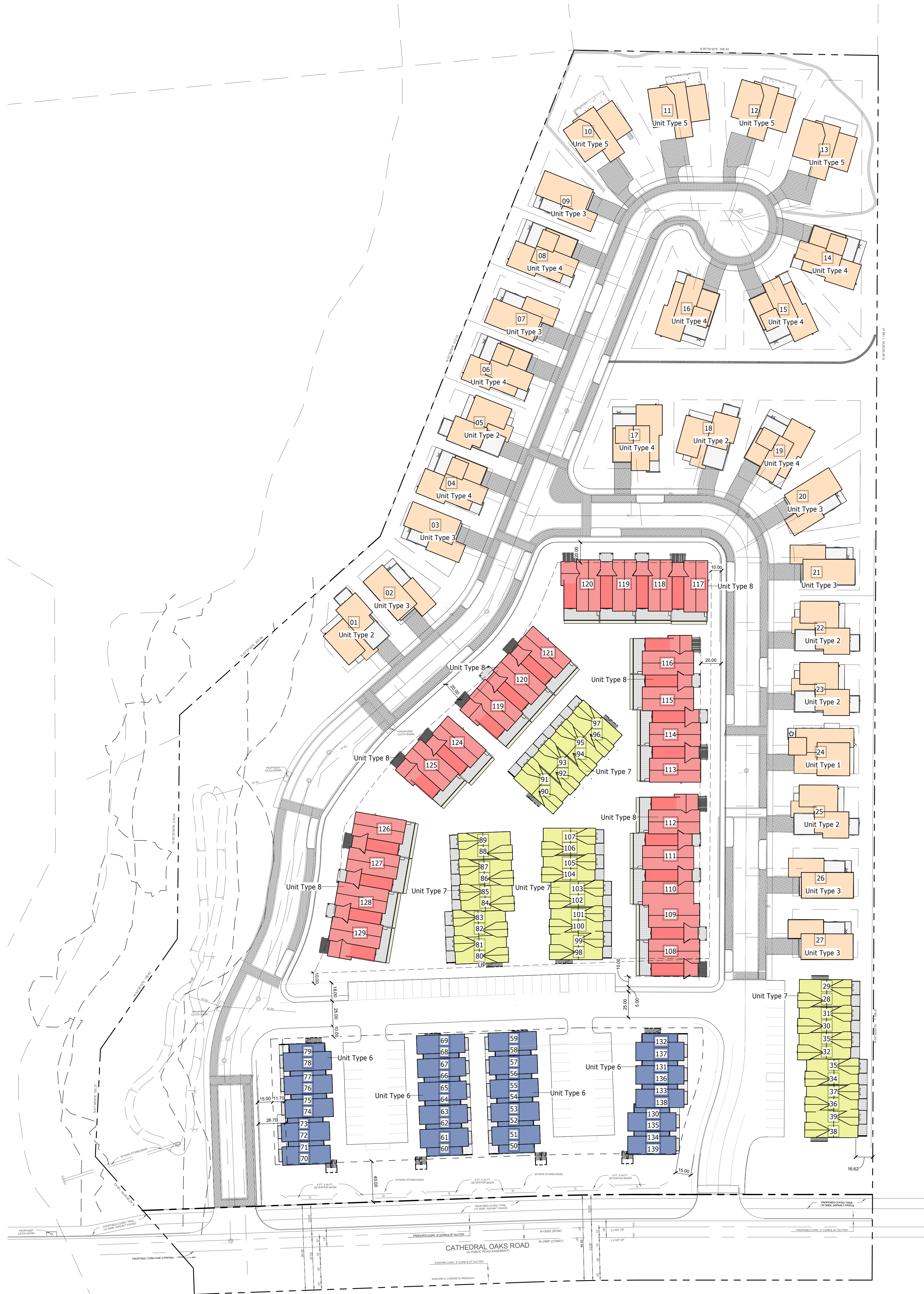
PROPERTY LINES

SETBACKS

0	13'	25'
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1"=50'

Exhibit B



SITE PLAN
1" = 50'-0"
01

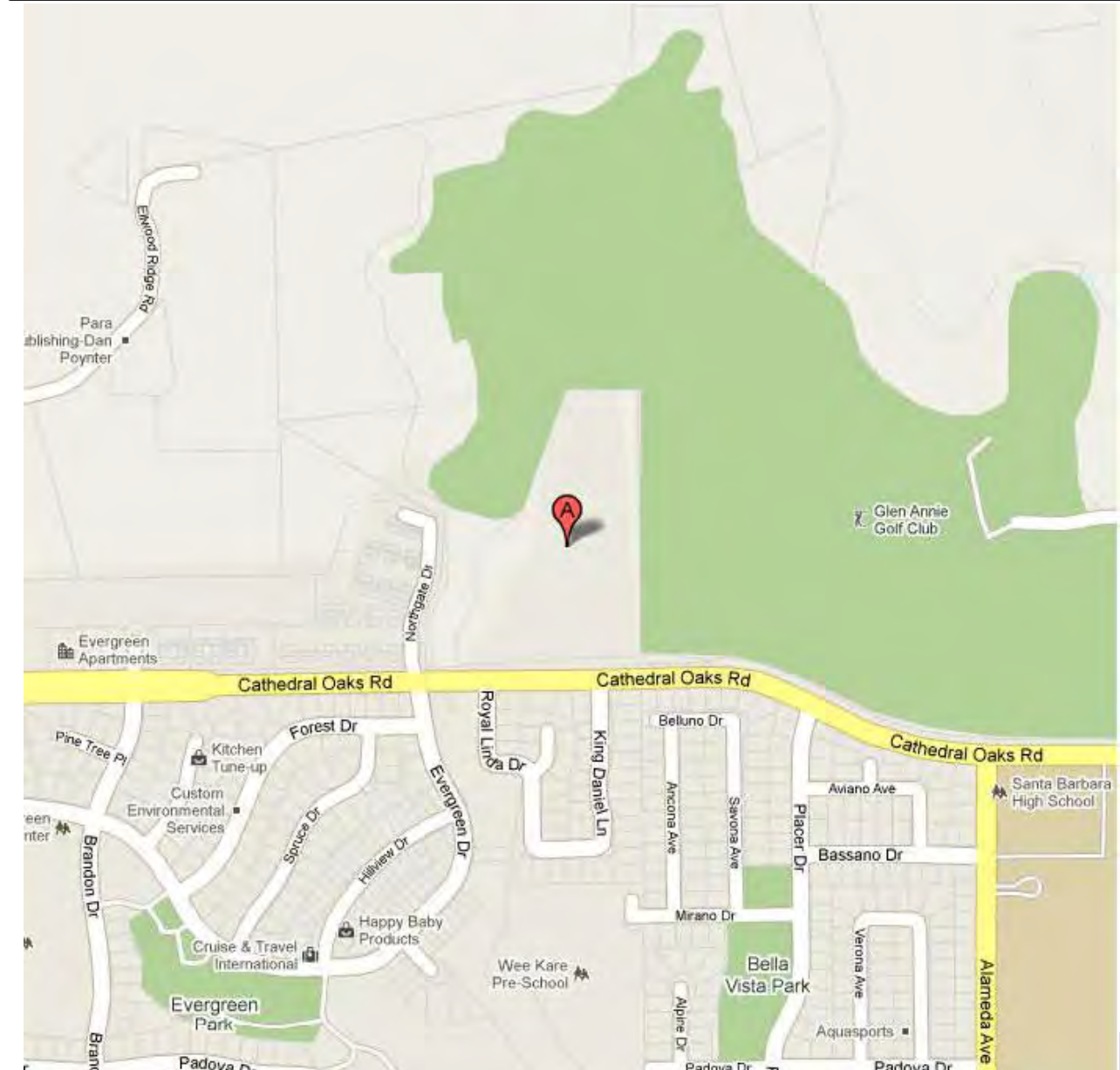
UNIT STATISTICS

UNIT TYPE	DESCRIPTION	# OF BEDS	SQ. FT.	FOOTPRINT	# OF UNITS
1-5	TWO-STORY PERIMETER SFR	2 OR 3	VARIES	VARIES	27
6	LOW INCOME FLAT	2	840 SF.	23' X 37'	40
7	STACKED FLAT	2	1200 SF.	25' X 50'	40
8	TWO-STORY TOWNHOME	3	3000 SF.	35' X 50'	22
% AFFORDABLE					31
TOTAL					129

LEGEND

PROPERTY LINES - - - - -
SETBACKS - - - - -

VICINITY MAP



Tract Map No. 32,045

7400 Cathedral Oaks
Goleta, California

PROJECT #: 22C112

NO.	DESCRIPTION	DATE
MF Scheme 01		01/06/2023
MF Scheme 02 - 30%		04/12/2023

AS101

SITE PLAN

SCALE: 1"=50'

NOT FOR CONSTRUCTION

From: Maureen McFadden <mcmpr101@gmail.com>
Sent: Tuesday, December 5, 2023 11:34 AM
To: City Clerk Group <cityclerkgroup@cityofgoleta.org>
Subject: Housing element vote

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor & City Council,

I want to emphasize to please keep the 100 ft setback to creeks.

Allow no amendments or revisions to the 100 feet the City Council established. It's so little to ask for the wildlife that has been there for many more years than we humans.

Please remember the birds, lizards, rabbits and other creatures big & little that depend on the creeks and the living canopy covering the creek sides or the mud banks for the swallows.

Appreciate the opportunity to be heard. As an Audubon member - local & national - I believe I speak for all who love nature in Goleta.

Thank you.

Maureen 'Mo' McFadden
Rancho Goleta resident & wildlife advocate

945 Ward Drive
93111

Dancing across the ether to you from my iPhone.

-----Original Message-----

From: Lorena Santamaria <lsantamaria271@yahoo.com>

Sent: Tuesday, December 5, 2023 2:14 PM

To: City Clerk Group <cityclerkgroup@cityofgoleta.org>

Subject: 60 Colusa Ave 077-155-004

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Hi I live at 49 Colusa Ave and I'm in opposition of the proposed new development of the vacant land across the street from me. This intersection and my street is congested enough as it is. The distance between Glen Annie and Winchester too great. Most everyone uses the Glen Annie off/on ramps instead of Winchester. I live extremely close to the fwy on and off ramps and sometimes it takes me 10 mins just to get on the fwy & 25 mins to get to Target or the marketplace on the other side of the fwy because of the traffic and congestion.

Best, Lorena Santa

Sent from my iPhone

From: [Margaret Santamaria](#)
To: [City Clerk Group](#)
Subject: Development on Colusa and Del Norte
Date: Tuesday, December 5, 2023 5:06:23 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live at 49 Colusa Ave and iam opposed to the development proposal for the vacant land across the street. The area has high traffic as is with the freeway off-ramp and high school as is with the narrow street it is often hard to back out of the driveway already. The amount of congestion this would cause as this is the only route to that area. Thank you for taking the time to read the above.

-Margaret santamaria
Sent from my iPhone

From: [Conrad Metzenberg](#)
To: [City Clerk Group](#)
Subject: public comment/speaking D.3 23-586 C.
Date: Tuesday, December 5, 2023 5:13:54 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

I request permission to address the Council regarding D.3 23-586 Paragraph C.

I strongly advise against the rezoning and development of 449 and 469 Kellog. This property is home to A-AA Santa Barbara RV Storage - DBA El Toro Holdings, LLC. This is one of the few remaining properties in SB Goleta area to store a boat, RV, trailer, or vehicle for recreational or commercial use. Eliminating this facility would greatly impact a number of people who would have no other place to put their equipment. The next closest options with availability are in Ventura or Lompoc. Taking this facility away would disproportionately impact the working class.

I don't see a zoom link to speak at.

Conrad M. Metzenberg

805.705.6202

cmetzenberg@gmail.com

From: [Lee DeAnda](#)
To: [City Clerk Group](#)
Subject: 7264 Calle Real (Kenwood Village - APN 077-130-006) -Opposed to rezoning for high density housing
Date: Tuesday, December 5, 2023 5:49:53 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Council Members,

I am writing to express my **strong objection** to allowing high density housing at 7264 Calle Real (Kenwood Village - APN 077-130-006).

Reasons:

Safety - Calle Real is single lane in each direction and cars constantly pass, slower cars and cars turning, by encroaching on the opposite side of the road which is the lane that is the oncoming traffic. **This is a danger for cars, cyclists, and pedestrian traffic.**

Additional Safety Concern: There is a possibility that the property might be used for a retirement facility. I used to live next to Friendship Manor in Isla Vista and there would be ambulances called there very often, sometimes multiple times a day and all hours of the day and night. The ambulance would park in the lane of traffic and since it was a two lane in each direction there was still a lane for cars to pass. Such would not be the case on Calle Real further creating an unsafe situation.

Too much Congestion at the Storke overpass already, please do not add to the problem by bringing high density housing to a single family residential neighborhood.

Lower property values: The neighborhood is single residential housing and it needs to stay that way. It will lower the property value for nearby properties if a massive multiple acre high density housing project is allowed to be developed.

Better use of the subject property would be to use it as a launch pad for a **bicycle and pedestrian freeway overpass**. This was discussed many years ago and it would greatly benefit the neighborhood and be beneficial for the environment as many of us would be able to bike or walk to the Costco, Camino Real Shopping Center and the Albertson's shopping center and the Smart and Final shopping center.

Friendship Manor: There are many students who volunteer there and being located in Isla Vista, the students can walk or bike there and volunteer their time. Very few students are going to come to 7246 Calle Real to volunteer their time since it is much further away and that would lower the quality of life for the residents of Friendship Manor.

I am also concerned about the **potential increase in drug use and crime** that is often associated with high density housing. I grew up in Los Angeles and moved to Goleta to get away from that type of living so please do not bring high density housing to the single family residential community of El Encanto Heights. It does not belong here!

Thank you,
Lee DeAnda

