

LETTER TO THE GOLETA CITY COUNCIL REQUESTING HELP

Problem:

We have been trying for 6 months to renew our business license after we inadvertently let expire over a year ago, with no help from City Staff.

Background: The property is the old Timbers Restaurant, located at 10 Winchester Canyon Road, which has been sitting vacant for a number of years.

Our Vision:

To provide: a farm to fork experience and be one on the few restaurants that actually grows most of its own Organic Food on the premises.

To provide: a space for the restaurant to show case the unique character of the Timbers and the Goleta Ellwood Area selling items provided by the Historical Society in Goleta as well as featuring the Agricultural history of the area. The Timbers was built from the remains of the old Ellwood Pier that was shelled by a Japanese submarine shortly after the attack on Pearl Harbor. It is a reminder of the only Japanese attack on the continental United States. The Timbers was designated a place of historical importance by the City of Goleta.

To provide a demonstration garden, where by children can visit with their classes and parents, learn about sustainability, Organic growing practices and actually pick the food that our chefs will prepare for them. I already have a handful of volunteers lined up from UCSB. I know Alice Waters and all of the details of her school garden program.

To provide an honor farm stand that provides fresh produce to the neighborhood as well as motorists on 101.

Last Thursday through the diligent work of Jaime Valdez(who I may add is very helpful and a true asset to City Staff), a meeting was held at City Hall, to address what it was going to take to get our business license reissued.

Present at the meeting from the City were:

Albert Torres, Code Compliance Officer,

Lisa Prasse, Current Planning Manager,

Stephanie Spieler, Supervising Building inspector (Contract through Willdan),

Alan Cooper, Senior Building Inspector (Contract through Willdan),

Jamie Vadez, Senior Project Manager, Neighborhood Services and Public Safety Department.

I believed that they brought up at least 8 issues that precluded them from issuing a business license. We were able to work through all but two. But I must add that in the last six months since we applied to renew our business license never once have they documented and sent us a letter outlining what we need to do. After our meeting they said that they would send us a letter but it might take a while because they would have to have it reviewed by the City Attorney first.

With that being said there are two items that I cannot get past and I need the council's help.

They told us that it was zoned wrong and that we would have to **"Till under our vegetables that are currently growing first,** before issuing a business license and **secondly they told us that Public Works had some issue that had to do with the easement through the 76 gas station. The public works person was not present and they were unwilling to provide a name. They have had six months to prepare for a meeting and yet this is what we were told.**

I cannot believe that your planning staff would say this. The Timbers which has been a restaurant and public gathering place since the 1950s. A place that President Regan frequented. A place that when the city was trying to become a city, some of the first meetings were held. "The place is zoned wrong and does not have an easement to enter" and yet here we go. It was illegal for the last 60 years.

The only reason that the place is closed today is because of **your City's Staff being uncooperative** in helping us, in getting permitted.

I promise to you today that if we are allowed to proceed we will have the restaurant open by February 1, 2019

But the topping insult was that they were mocking me, laughing at the concept of farm to fork and telling us to till under the garden, growing vegetables which I use in my other restaurants. My company at one time owned the Fresh Choice Restaurants in California, including on State Street.

My concept provides all of the elements stated in the C-1 Limited Commercial zoning as well as the intent of the LU3.3 Community Commercial (C-C) found in the General Plan/Coastal Land Use Plan. I think it is a true shame that your staff says that

we have to have the entire property down zoned to Agriculture. My landlord will certainly not want that.

Please don't allow them to make us till under our vegetables!

I have enclosed 100 signatures from the surrounding homes in support of what we are doing. These were gathered in one day.

It is interesting that your contractor Stephanie Spieler, (Supervising Building Inspector), would actually laugh to my face and make the statement that "I know all about your little neighborhood petition drive and you are wasting your time."

I will bring these neighbors to the next City Council meeting and let the City Council speak with them.

As a side comment. I would think that you could find locals to fill these department slots rather contracting with folks from out of the state that know nothing of Farm to Fork nor the history of Goleta.

I feel the property is zoned properly and the permit should be issued. The usage falls both under the C-1 uses.

Sec 35-224A C-1 Limited Commercial

Purpose and Intent

The purpose of C-1 zone district is to provide areas for commercial activities, including both retail and service commercial activities that serve the local community. This zone district allows diverse uses, yet restricts the allowable uses to those that are also compatible to the neighboring residential land uses...

Permitted Uses pg 83 Para 3

Restaurants and cafes, including outdoor restaurant, café, or tea room

Pg 84 item 11 Accessory uses, building and structure which are customarily incidental, to any of the of the above provided uses provided

- a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments
- b. (growing food in a farm to fork restaurant seems to meet this condition)

An argument raised by another of your contractors, Mr. Allen Cooper Senior Building inspector was the question of washing vegetables could be thought of as "Processing the vegetables" and therefore not zoned appropriate for C-1 zoning. The thought of washing vegetables being a processing under the code is absurd.

Why do your people have to act this way? We came there to only get help!

The Goleta General Plan/Coastal Land Use Plan backs this up with even more detail See attachments.

Thank you for taking the time to read this. I look forward to speaking today at the public meeting.

If you have any doubts as to what I have said or the comments stated by your contract staff, Please ask Jaime Vadez Senior Project Manager, Neighborhood Services & Public Safety Department. He takes very detailed notes.

Best regards

Sandy Boyd



Timbers

10 Winchester Canyon Road

Goleta

510-693-5915

Attachments:

Goleta General Plan/Coastal Land Use Plan sections 2-12.2-13,
2-14 including table 2-2

Article III- Inland Zoning Ordinance Sec 35-224A C-1 Limited
Commercial pgs 83-84

Sec. 35-224A. C-1 Limited Commercial.

(Added by Ord. 4145, 2/8/94, amended by Ord. 4319, 6/23/96)

Sec. 35-224A.1. Purpose and Intent.

The purpose of the C-1 zone district is to provide areas for commercial activities, including both retail businesses and service commercial activities, that serve the local community. This zone district allows diverse uses, yet restricts the allowable uses to those that are also compatible with neighboring residential land uses in order to protect such uses from any negative impacts such as noise, odor, lighting, traffic, or degradation of visual aesthetic values.

Sec. 35-224A.2. Processing.

1. No permits for development including grading shall be issued except in conformance with Sec. 35-314. (Land Use Permits).
2. Prior to the issuance of any land use permit for buildings and structures which exceed 5,000 square feet in gross floor area, a Final Development Plan shall be approved as provided in Sec. 35-317. (Development Plans).
3. Prior to the issuance of any land use permit for buildings or structures, all final plans of buildings and structures shall be approved by the Board of Architectural Review, as provided in Sec. 35-329. (Board of Architectural Review.)

Sec. 35-224A.3. Permitted Uses.

1. Retail stores, shops or establishments supplying commodities for residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning substations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.

4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-224.6, Minimum Lot Size, and in Section 35-219 (R-1/E-1). (Amended by Ord. 4319, 6/23/98)
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.
10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration.
11. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

Sec. 35-224A.4. Uses Permitted with a Major Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed, soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.
2. Hotels and Motels.

Sec. 35-224A.5. Uses Permitted with a Minor Conditional Use Permit.

1. Automobile service station, provided no gasoline is stored above ground.
2. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
3. Community Center.

and sold as separate lots to individual mobile home unit owners. The intent is that mobile home park sites be planned as a whole, with an adequate internal vehicular and pedestrian circulation system, adequate common and individual parking, common open space and recreation facilities, and other common amenities. Mobile homes usually provide a more-affordable housing alternative, and this designation is intended to preserve and protect existing mobile home parks in the city. The Mobile Home Park designation is intended to provide for development of residential units at densities ranging up to a maximum of 15.0 units per acre. Assuming an average household size of 2.0 to 3.0 persons, this use category allows population densities between 30.0 persons per acre and 45.0 persons per acre.

Policy LU 3: Commercial Land Uses [GP/CP]

Objective: *To provide lands in locations that are suitable, functional, attractive, and convenient for an appropriate mix and scale of residential- and business-serving commercial uses, including business and professional offices, retail trade, business services, and residential mixed uses.*

LU 3.1 Commercial Land Use Categories. [GP/CP] Table 2-2 shows the permitted uses and recommended standards for building intensity in each of the commercial land use designations. The commercial use categories are intended to provide appropriate locations for business uses that serve neighborhoods, the community, the region, and the traveling public while seeking to minimize traffic congestion, visual, and other impacts on surrounding residential areas. The intent of each use category is further described in the following sections. *(Amended by Reso. 08-30, 6/17/08)*

LU 3.2 Regional Commercial (C-R). **[GP]** This category is intended to provide for a wide range of retail commercial uses, including, but not limited to, larger scale commercial uses that serve the community, the region, and the traveling public. These uses are typically land-extensive. The Regional Commercial use designation provides for commercial uses that require large sites or attract large volumes of activity, such as "large box" retail uses, restaurants, high-volume retail businesses, and professional, personal, and financial services. In order to limit regional traffic impacts, lands designated in this category shall be limited to existing locations of "large-box" uses as of 2005, shown on the Land Use Plan map in Figure 2-1, and no additional areas shall be designated.



Regional Commercial at the Camino Real Marketplace

LU 3.3 Community Commercial (C-C). **[GP]** The Community Commercial category is intended to allow relatively small commercial centers that provide convenience goods and services to serve the everyday needs of the surrounding residential neighborhoods

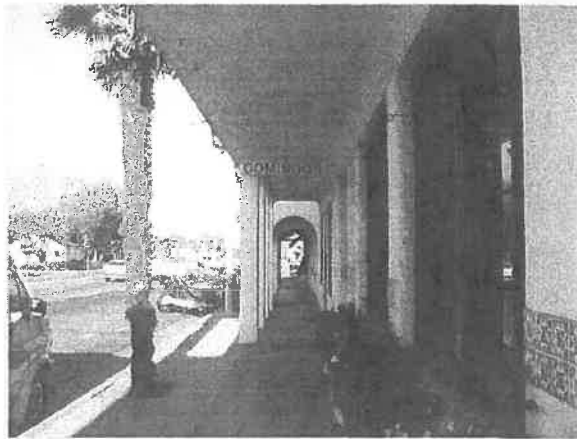
**TABLE 2-2
ALLOWABLE USES AND STANDARDS FOR COMMERCIAL USE CATEGORIES**

Allowed Uses and Standards	Commercial Use Categories					
	C-R	C-C	C-OT	C-VS	C-I	C-G
Retail Trade						
Large-Scale Retail Establishments	X	X	-	-	-	-
General Merchandise	X	X	X	-	-	X
Food and Drug Stores	X	X	X	-	X	X
Apparel and Specialty Stores	X	X	X	-	-	X
Building/Landscape Materials and Equipment	X	X	X	-	-	X
Eating and Drinking Establishments	X	X	X	X	X	X
Other Retail Trade Establishments	X	X	X	X	-	X
Coastal-Related Commercial	X	X	X	X	-	-
Services (Including Offices)						
Finance, Insurance, and Real Estate	X	X	X	-	-	X
Personal Services	X	X	X	-	-	X
Business Services	-	X	X	-	-	X
Information Technology Services	-	-	-	-	-	X
Professional Services	-	X	X	-	-	X
Medical and Health-Related Services	X	X	X	-	-	-
Educational Services	-	-	X	-	-	X
Entertainment and Recreation Services	X	X	X	X	-	-
Building and Construction Services	-	-	-	-	-	X
Other Services	X	X	X	X	X	X
Transient Lodging and Services						
Resorts	-	-	-	X	-	-
Hotels, Motels, Bed and Breakfast Inns	X	X	X	X	-	-
RV Parks	-	-	X	X	-	X
Other Visitor Services and Attractions	-	-	-	X	-	X
Auto-Related Uses						
Retail – Automotive Sales and Rentals	-	-	X	-	-	X
Auto Repair and Painting	-	-	-	-	-	X
Auto Wrecking Yard/Junk Yard	-	-	-	-	-	X
Auto Service (Gas) Station	X	-	X	-	X	X
Car Wash	-	X	X	-	X	X
Wholesale Trade and Storage						
General Wholesale Trade	-	-	-	-	-	X
Warehousing – General	-	-	-	-	-	X
Warehousing – Self-Storage	-	-	-	-	-	X
Outdoor Storage	-	-	-	-	-	X
Residential Uses						
Residential Units	-	X	X	-	-	-
One Caretaker Unit	X	X	X	X	-	X
Assisted-Living Residential Units	-	-	-	-	-	X
Other Uses						
Religious Institutions	-	X	X	-	-	X
Public and Quasi-public Uses	X	X	X	-	X	X
Wireless Communications/Telecommunications	X	X	X	X	X	X
Standards for Density and Building Intensity						
Recommended Standards for Density						
Maximum Residential Density	N/A	12/acre	20/acre	N/A	N/A	20/acre
Recommended Standards for Building Intensity						
Structure Height	35 feet	35 feet	30 feet	35 feet	25 feet	35 feet
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A	N/A	N/A
Notes:						
1. Use Categories: C-R – Regional Commercial; C-C – Community Commercial; C-OT – Old Town Commercial; C-VS – Visitor Commercial; C-I – Intersection; Commercial; C-G – General Commercial.						
2. X indicates use is allowed in the use category; – indicates use not allowed.						
3. General Note: Some uses requiring approval of a conditional use permit are as set forth in text policies, and others are specified in the zoning code.						
4. Wholesale trade is permitted within the C-R use category, provided that it is an integral part of a retail trade use.						
5. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.						
6. N/A = Not applicable.						
(Amended by Reso. 08-30, 6/17/08 and Reso. 09-32, 5/19/09)						

while protecting the residential character of the area. Uses that may attract significant traffic volumes from outside the Goleta Valley are discouraged. Mixed-use, including residential, development at densities up to 12 units per acre may be permitted subject to approval of a conditional use permit in appropriate locations provided that it is compatible with adjacent uses, does not break up the continuity of commercial use at the sidewalk level, or is not within the airport approach zone as designated in the Safety Element. All community commercial development shall be designed to facilitate and promote pedestrian circulation in and to the area, as well as to link these areas to other activity centers. Noise levels and hours of operation may be regulated to avoid any potential conflict with adjacent residential uses. The size of any mixed-use developments shall be consistent with street and utility capacities. The Fairview Shopping Center and Calle Real Center are included in this designation.

LU 3.4 Old Town Commercial (C-OT). [GP] This designation is intended to permit a wide range of local- and community-serving retail and office uses. A major purpose is to enhance the physical and economic environment for existing businesses and uses of the Old Town commercial district, the historic center for the Goleta Valley situated along Hollister Avenue between Fairview Avenue and State Route 217 (SR-217). The following criteria and standards shall apply to lands designated Old Town Commercial:

- a. Management of this area shall emphasize improving and reinforcing the character of the area as a pedestrian-oriented retail business area with a mix of businesses and services.
- b. "Large box" uses shall not be permitted within this use designation.
- c. Visitor-serving commercial uses, including transient lodging, may be permitted by conditional use permit.
- d. Existing heavy commercial uses (including printing and auto services and repair) are permitted uses although significant expansion of these activities shall be allowed only by conditional use permit if the expansion is compatible with adjacent uses.
- e. Allowed uses include retail uses; professional and business office uses; public uses, including governmental administration activities; restaurants; entertainment; cultural activities; personal, financial, and small business services; and various other public and quasi-public uses. See Table 2-2 for a complete listing of permitted uses.



Old Town Commercial

Policy LU 5: Public and Quasi-Public Land Uses [GP/CP]

Objective: To provide land areas for governmental administration and operations, schools, fire stations, and other public and institutional uses within the city.

LU 5.1 General. [GP/CP] Table 2-4 shows the permitted uses and recommended standards for building intensity for the Public and Quasi-Public land use category. (Amended by Reso. 08-30, 6/17/08)

LU 5.2 Public and Quasi-Public Use (P-QP). [GP]

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



Dos Pueblos High School

Policy LU 6: Park and Open Space Uses [GP/CP]

Objective: To provide land areas for public parks, recreation, and open space land uses and private recreational lands within the city and recognize the importance of their contribution to the overall quality of life in Goleta.

LU 6.1 General. [GP/CP] Table 2-4 shows the Park and Open Space use categories, including permitted uses and recommended standards for building intensity for each category. The two use categories are intended to identify appropriate locations for parks and other active recreational uses and for open space and passive recreation. The intent of each use category is further described in the following sections. (Amended by Reso. 08-30, 6/17/08)

LU 6.2 Open Space/Passive Recreation. [GP/CP] This use category is intended to identify and reserve areas with significant environmental values or resources, wildlife habitats, significant views, and other open space values. It may be used to designate both private and public open space areas. The category includes areas reserved for natural drainage courses that may be managed as part of the City's stormwater management program. The following criteria and standards shall apply to lands within this designation:

Petition for Timbers Farm Stand

The Timbers farm stand offers organic, sustainable, free and low cost produce to the northern Goleta area. The land is being farmed in a way that is regenerative to the land that it is on and supports the surrounding community. Please sign to indicate your continued support for this neighborhood farm and farm stand.


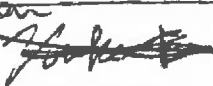
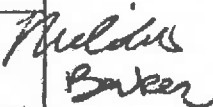
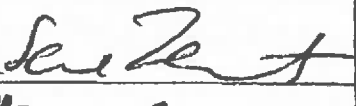
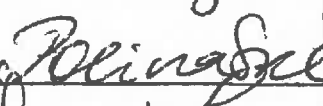
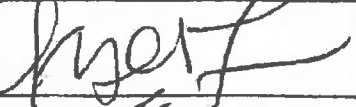
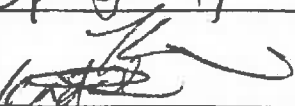
Signatures on following pages

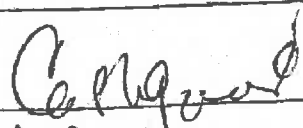

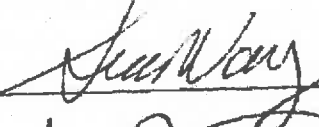

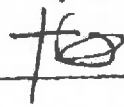
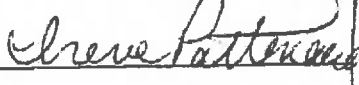


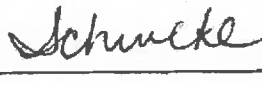
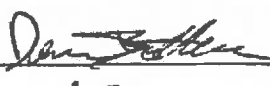


Bill Neibon


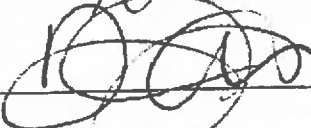



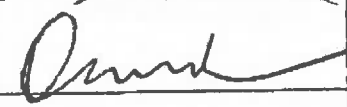


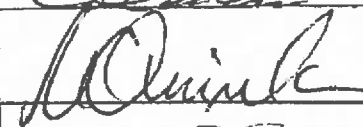
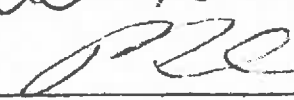
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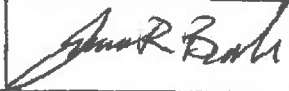
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