

**From:** Rickie Smith [rickiereynell@gmail.com]  
**Sent:** Thursday, April 25, 2019 6:47 AM  
**To:** Roger Aceves; Stuart Kasdin; James Kyriaco  
**Subject:** Parking Ban Of Recreational Vehicles

Dear Council Members,

I just read that the city is considering banning recreational vehicles on private property via this article: <https://www.keyt.com/news/santa-barbara-s-county/goleta-considers-private-property-parking-ban-for-recreational-vehicles/1072175666>

**As a resident of Goleta I must tell you how appalled I am by this and I strongly urge you to oppose this.** My husband and I own a camping trailer. We live in a townhouse without parking for recreational vehicles, so we had to park it at a lot. That lot, on Ward Boulevard, recently closed last November, forcing us to move the trailer to Lompoc, which is incredibly inconvenient.

As we consider purchasing a new home in Goleta, one of our considerations is the option for parking our trailer. Please don't take away that option.

Due to that lot closure, owners don't have any other options. There isn't enough space in Goleta to park the recreational vehicles owned by people who don't have the option to park in their own property, let alone every single recreational vehicle.

Sincerely,  
Rickie Smith  
Cannon Green Dr.

**From:** Don McDermott [donmcdermott1@gmail.com]  
**Sent:** Sunday, April 28, 2019 11:03 PM  
**To:** Paula Perotte; Kyle Richards; Roger Aceves; Stuart Kasdin; James Kyriaco  
**Subject:** (3) Three Hot Button Issues

Dear Mayor Perotte and Council Members,

1.) Zoning Update: Recreational Vehicles.

I am hoping the city will resist the sizeable but minority group of residents that are organized and lobbying to allow recreational vehicles to further junk-up our neighborhoods. The efforts of the residents to sway the processes has been forceful but I believe most people in the City do not want to change the ordinance. Please do not reward the efforts of this group and their zoning violations. Please do not ignore the problems created by the vehicles, including, safety, blight, ingress and egress issues, sightline problems by adjacent properties and even noise (covered vehicles disturbing neighbors on windy days.) Although the RV group expressed seemingly valid points for the justification of their violations some were really making excuses and blaming their neighbors for their own negligent behaviors, even to the point of suggesting those in disagreement should move. Again please do not legitimize what most of these recreational vehicle owners are doing, again storing their junk, often multiple RVs on our small and unaccommodating residential lots.

2.) Auxillary Dwelling Units:

I was stunned to learn, after the fact, that the State had circumvented local processes. I understand clearly that we have an economic model that creates a housing shortage, if not a crisis. Still I do believe this State mandate will not address the housing problem because the economic model stays the same. And there is no requirement for ADUs to meet any affordability requirement. I beleive the mandate could actually create escalating housing prices while destroying the quality of life we expect to have in the Single Family Residential zone. I understand that the State imposed limitations and restrictions, still I am hoping The City of Goleta will update it's own ordinance with the strictest limitations that can be legally defensible. Lastly I do not think that illegal units should necessarily be grandfathered in, and certainly not without a penalty.

3.) Marijuana Grows:

I am concerned that areas within our City's control as well as our County's jurisdiction may allow commercial grows and processing that will negatively affect air quality with odors. While traveling through Carpinteria I often notice the skunk-like odor and it is my understanding that many residents are finding the odors difficult to live with. It seems to me that a larger buffer zone is necessary unless there is a technical solution.

Thank you all and staff for all you do. I know these issues can be difficult as sorting out the public's sentiments and competing interests can be difficult.

Don McDermott  
484 Cole Pl  
Goleta Ca 93117  
805.680.6309

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Don McDermott  
484 Cole Pl  
Goleta Ca 93117  
805.680.6309

From: Jaime Pierce  
Sent: May 2, 2019  
To: wwinkler@cityofgoleta.org  
anewkirk@cityofgoleta.org

Subject: Planning Commission Hearing on RV/Trailers Ordinance considerations.

My years on the design review boards for the City of Goleta and Santa Barbara City influence me as to how I view the RV/Trailer issue, that being from the perspective of "neighborhood compatibility".

Neighborhood views are important to a lot of people. A person whose used to looking out their kitchen window daily, then suddenly finds they are looking at a RV blocking sunlight and views might likely see this as a big problem and sadly at this point with vague city ordinances and no guidelines it's a problem between neighbors.

Each property is different and should be treated as such, having City "guidelines" available in an effort to reach a more equitable situation between neighbors effected could help everyone involved. Guidelines for the ordinances showing more suitable scenarios for RV/Trailer locations, giving visuals and descriptions of various lot layouts ie: corner, center, end lots, and typical lengths of driveways.

Driveways do seem to be a more desirable place for people to store RV's/trailers in most cases as they are perpendicular to the street, avoiding dominate views of a full length trailer . Having them in the driveway mostly effects the people who own them being that they are not in side yards effecting other neighbor's views.

Beyond views, a couple safety concerns come to my mind: having some kind of distance between the sidewalk and the RV when parked in the driveway and perhaps another way of thinking about a setback rather than the proposed 20' property line setbacks. **Maybe an opportunity for compromise.** This comes from the concern for needing some distance that could allow a person to move out of the way if the RV started rolling towards the sidewalk. For example if the owner forgot to put tire-blocks down or the RV, had bad breaks, or if a camper fell off its blocks. Perhaps a percentage of a driveway length to be a set-back rule, with a minimum set distance for safety?

Another safety concern is having the proper compaction under a trailer/camper. It is difficult to tell it there is a compacted sub grade under only gravel.

I appreciate the opportunity to speak in letter-form versus feeling compelled to speak at a previous meeting and not having been prepared. It's a daunting task having to consider the needs of the community and keeping neighborhood compatibility in mind. The Board's efforts are appreciated.

Sincerely,  
Jaime Pierce

**From:** [Adam Smith](#)  
**To:** [City Clerk Group](#)  
**Subject:** No Private Parking ban on RVs/Trailers/Boats  
**Date:** Sunday, May 05, 2019 3:15:44 PM

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Attn. City Council & Planning Commission

I am a homeowner in Goleta and I am writing to say NO on a private parking ban on RVs/Trailers/Boats. This is just unacceptable - for numerous reasons.

Firstly, it is private property. The home is private property & so is the RV/Trailer/boat/etc. Secondly, there is ZERO alternative options to park these types of vehicles anywhere in the local area.

We currently live in a condo without room for parking our trailer, so when AAA storage closed late last year, we were forced to start storing it in Lompoc - 1 hour away! This is very inconvenient. We are considering moving to new house where we could park our trailer at home, which means we would NOT choose a home in Goleta.

I am not unreasonable. I understand that neighbors may not like an eyesore in the driveway across the street. So, some restrictions are understandable - such as a requirement for current DMV registration. But there is NO WAY this is acceptable when the closest storage facility is at least an hour away. And would be an added monthly cost for any resident who currently parks at home.

To help put this in perspective, I suggest the City open and operate a residents-only RV/Trailer/Boat storage facility - WITHOUT ANY NEW TAX REVENUE. I suspect you may feel that idea is unreasonable. Perhaps you now understand how we RV/trailer/boat owners feel.

Thank you for your attention,  
Adam

--

Adam J Smith  
[skanpolo@gmail.com](mailto:skanpolo@gmail.com)

**From:** [Francis Wesley Herman](#)  
**To:** [City Clerk Group](#)  
**Subject:** Zoning ordinance  
**Date:** Sunday, May 05, 2019 9:48:16 PM

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Dear Members of the Planning Commission and Goleta City Council,

My name is Wes Herman and I am a retired Santa Barbara County Fire Dept. Captain. I first took up residence in old town Goleta in 1965 as a student at UCSB. I have owned several properties in the Goleta Area. I currently reside in my home on Pismo Beach Circle in the Santa Barbara Shores Tract where I have lived since 1984. I appreciate the opportunity to provide my views on the proposal to revise the zoning ordinance. I am particularly interested in the proposal to change the way we have been able to use our properties for decades here in Goleta. The, "Historical and Traditional," practice of parking our various trailers, RVs, Boat trailers, tool and utility trailers, automobile restoration project vehicles, etc. has been a very valuable enhancement to the use and enjoyment of our homes and private property here in the Goodland. Recently, several storage lots where some folks have paid a monthly stipend to store such trailers and vehicles have been zoned out of existence. Existing lots for that type of storage have raised their prices due to the pressures of supply and demand. The inconvenience of having to travel to remote locations to recover our trailers, RV's, etc. would consume valuable time and result in more road miles traveled to and from those locations. this would increase traffic on our already crowded roadways. There is a principle in law referred to as, "Past Practices and Procedures," which dictates that activities, uses, and long standing practices have a legal standing due to their continued function over time. The City is well over a decade old now. We citizens value and wish to express our appreciation to the founders, the civic officers and employees of our wonderful little city. The time, dedication, energy and intelligence you provide for the good of all of we citizens continues to preserve the intrinsic value of our homes and community here in Goleta. The long standing practice of storing our various vehicles on our own private property here in Goleta is a use we have enjoyed, uninterrupted for decades. It is a use of definite financial value that amounts to thousands of dollars over the years. Were the Planning Commission or City Council to pass an ordinance denying us this long standing use, it would be considered a, "Taking," of value, under California law, or so we have been advised. I have spoken with dozens of my fellow Goletans, and we all agree we would be forced to seek legal counsel and action if a more restrictive ordinance was proposed or enacted by the City. If there was an overriding concern involving dozens of complaints or health and safety issues which had occurred over the past several decades due to the storage of our accessory vehicles on our private properties, we might view this issue differently. In discussions with City personnel we have learned that no great uproar or flood of complaints has occurred over the period of time since the City was incorporated. We sincerely appreciate the City's efforts to codify the ordinances and guidelines which preserve the unique character of our lovely little city. We look forward to working with the Council and Commission as this process is moved forward. Thank you for the opportunity to comment and share the views of myself and hundreds of my fellow Goletans.

Sincerely

Wes Herman

05/06/2019

SUBJECT: RV Storage in residential areas in Goleta

To the following:

**Planning Commission:** Ed Fuller, Katie Maynard, Robert Miller, Bill Shelor and Jennifer Smith

**Design Review Board:** Scott Branch, Erin Carroll, Karis Clinton, Jennifer Fullerton, Craig Shallanberger, Dennis Whelan and Alfred Smith

**City Council:** Paula Perotte, Kyle Richards, Roger Aceves, **Stuart Kasdin** and James Kyriaco

**Planning Department:** Peter Imhof, Anne Wells, Andy Newkirk and J. Ritterback

I am again writing regarding the proposed zoning for RV parking and storage in Goleta. My objections to RV parking within setbacks and front yards have previously been expressed. Setbacks were created to provide space between homes for distance, privacy, airflow and a feeling of openness. We have lived in our 60 year old home on a small lot for 40 years, which was certainly not designed with RV storage in mind, let alone considering the size of RV's today.

I had also previously stated that we were owners of a 33 foot 5<sup>th</sup> wheel trailer which we purchased in the Fall of 2005 and owned until November 2018, which was ALWAYS stored off site, the last 3 years at Lake Cachuma's storage facility. We never parked it on the street unless loading or unloading for a trip, and only during allowable hours and obtained a permit from the City to do so after the parking ordinance went into effect a few years ago requiring this, which I am sure is documented in City records under our name. When we purchased our RV we never intended to park it on our property and understood that this would greatly impact the aesthetics of our neighborhood as well as the small amount of setback space we currently have between our homes.

Additionally, an individual who I will not name unless requested to do so, stated in a recent letter to the City, based on false information he received, that our RV was stored on the street, which was completely false. Any neighbor on our street could attest to this that this information was false.

I would also like you to consider the following in your decision making process:

Since the new zoning proposal would allow RV's to be parked within setbacks, both side and front, as well as front yards, it would also allow Tiny Homes on Wheels to be parked there as well. Tiny Homes on Wheels (3 examples attached) qualify as



RV's, are towable, therefore can be used for trips, meet size standards, are registered through the DMV, and do not require permitting. This would allow individuals to use them as extra buildings on property, obscure the wheels with shrubbery so they look like a house or cabin, not have to go through a permit process or planning department review for building, and pay no fees to the city. This would allow individuals to have an additional building (or buildings) on their property without having to go through any permitting. This also opens the door for individuals who do not own RV's to request other uses for setbacks as well.

As I asked when speaking before the Planning Commission on April 8, 2019, will individuals who do not live in the city of Goleta be able to park them on property of homes in Goleta? Is there a limit on the amount of RV's that can be stored on property in Goleta?

This proposed ordinance affects all of us, not just the RV owners who are not the majority of Goleta residents. Because individuals got together as a special interest group to voice their concerns regarding changing the already existing and UNINFORCED ordinance does not mean they are the majority of home owners in Goleta who want this change.

When speaking before the Planning Commission on April 8, 2019, I read the City of Santa Barbara's current ordinance and there was a little laughter. I find that even though we live in Goleta, we are part of Santa Barbara and I would like to see the beauty of our neighborhoods remain unchanged and not become overburdened storage yards. The City of Santa Barbara's ordinance states as follows as of 4/8/2019:

*"OUTDOOR STORAGE: No portion of any front yard or any setback, required open yard or front porch shall be used for storage or parking of motor vehicles, trailers, airplanes, boats, parts of any of the foregoing appliances, loose rubbish or garbage, junk, tents, building materials, compost pile or any similar item for a period of 48 hours or more consecutive hours except as provided below:*

*Storage established as a permitted use with a permit or approval provided in this Title.*

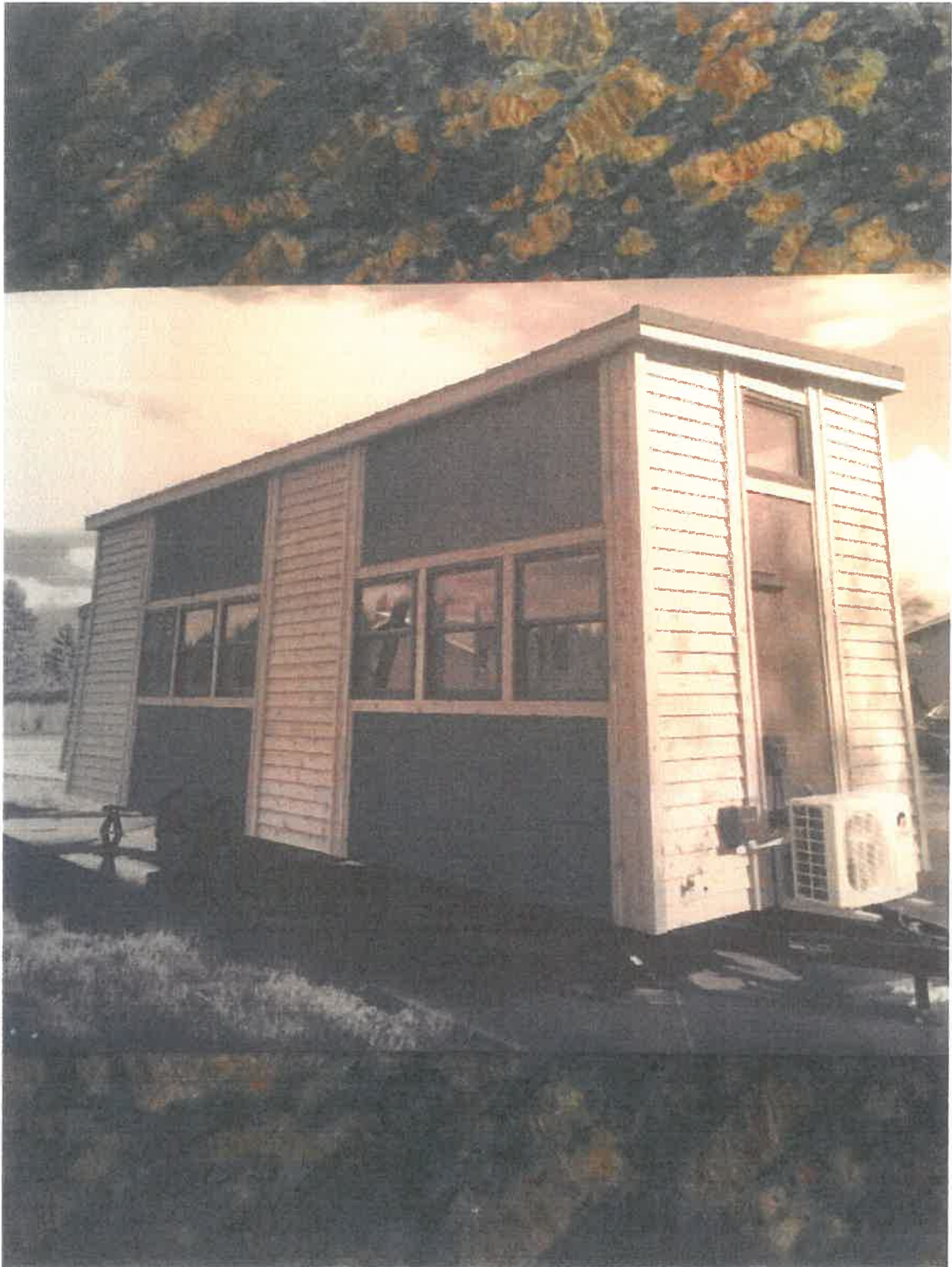
*Construction materials for use on the same premises may be stored during the time that a valid permit is in effect for construction on the premises."*

Therefore, I am urging you to keep the current codified ordinance maintained and "ACTIVELY" enforce it rather than to relax the standard and rely on "COMPLAINT DRIVEN" enforcement which is not only ineffective, but pits neighbor against neighbor. Relaxing the standard grants additional property rights to some residents who are RV owners, but at the same time degrades the existing property rights currently applicable to the entire community.

Thank you for your consideration of my request.

*Michele Fox*  
Michele Fox









**From:** [Andy Newkirk](#)  
**To:** [Andy Newkirk \(anewkirk@cityofgoleta.org\)](mailto:anewkirk@cityofgoleta.org)  
**Subject:** FW: City of Goleta's New ZO and Feasibility Analysis  
**Date:** Monday, May 06, 2019 6:30:00 PM  
**Attachments:** [EDC letter re draft ZO sec 17.30 2019 03 08.pdf](#)

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**From:** Jennifer Smith [[jsmith@lafsbcc.org](mailto:jsmith@lafsbcc.org)]  
**Sent:** Monday, May 06, 2019 3:07 PM  
**To:** Jennifer Smith  
**Subject:** FW: City of Goleta's New ZO and Feasibility Analysis

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**From:** Tara Messing [<mailto:tmessing@environmentaldefensecenter.org>]  
**Sent:** Monday, May 06, 2019 3:06 PM  
**To:** Jennifer Smith <[jsmith@lafsbcc.org](mailto:jsmith@lafsbcc.org)>  
**Cc:** Linda Krop <[lkrop@environmentaldefensecenter.org](mailto:lkrop@environmentaldefensecenter.org)>  
**Subject:** City of Goleta's New ZO and Feasibility Analysis

Dear Planning Commissioner Smith,

I am writing on behalf of the Environmental Defense Center ("EDC") and the Santa Barbara Urban Creeks Council ("UCC"). As you may know, EDC is representing UCC and ourselves to advocate for the adoption of a strong creek protection ordinance in the City's New Zoning Ordinance. We submitted a comment letter dated March 8, 2019 that details our position and includes redline revisions to the provision concerning Streamside Protection Areas, Section 17.30.070 in the New Zoning Ordinance. For your convenience, I have attached our comment letter. We have been meeting with planning staff and the City attorneys about our proposed language, emphasizing that the suggested revisions will likely mirror what the California Coastal Commission will suggest later in the adoption process. On April 11, 2019, we had a very productive meeting with EDC, planning staff, and the City attorneys, Winnie Cai and David Pierucci. At that meeting, Peter Imhof suggested that EDC's language, or something similar, may be better suited as a standalone, general provision in the New Zoning Ordinance so that the language could be more broadly applicable. Section 17.30.070 could then cite to this separate section. EDC agreed to this approach as well.

However, after a conversation with the City attorney on May 1, 2019, we realized that additional follow up may be necessary to dispel any concerns. Please see the below email that I sent to the City attorneys and planning staff to address any remaining concerns about EDC's proposed language. The main takeaway is that the California Coastal Commission is going to recommend language similar to EDC's revisions when it comes time for the Commission to certify the New Zoning Ordinance. Incorporating this language now will save the City and its constituents a great deal of time and resources.

If you have any questions, please feel free to give me a call at 805-963-1622. Also, please let me know if you prefer that I use a different email address in the future.

Best regards,

Tara

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**From:** Tara Messing

**Sent:** Thursday, May 2, 2019 12:47 PM

**To:** Winnie Cai <[wcai@cityofgoleta.org](mailto:wcai@cityofgoleta.org)>; Peter Imhof <[pimhof@cityofgoleta.org](mailto:pimhof@cityofgoleta.org)>; Anne Wells <[awells@cityofgoleta.org](mailto:awells@cityofgoleta.org)>; Andy Newkirk <[anewkirk@cityofgoleta.org](mailto:anewkirk@cityofgoleta.org)>; Jay Ritterbeck <[jritterbeck@cityofgoleta.org](mailto:jritterbeck@cityofgoleta.org)>; David Pierucci <[David.Pierucci@bbklaw.com](mailto:David.Pierucci@bbklaw.com)>

**Cc:** Linda Krop <[lkrop@environmentaldefensecenter.org](mailto:lkrop@environmentaldefensecenter.org)>; Brian Trautwein <[btrautwein@environmentaldefensecenter.org](mailto:btrautwein@environmentaldefensecenter.org)>

**Subject:** City of Goleta's New ZO and Feasibility Analysis

Hi All,

In anticipation of the May 7<sup>th</sup> Joint Planning Commission-City Council meeting, I spoke with Winnie yesterday to touch base after our meeting on April 11, 2019. Based on this conversation, I wanted to provide some points of clarification with regards to our position, most of which is set forth in our comment letter dated March 8, 2019.

First, adopting a provision in the new Zoning Ordinance that sets forth a process for making feasibility determinations would not require planning staff to make takings determinations. Legal counsel would still make a recommendation to the decision-making entity as part of the project review process. Nevertheless, it is still important for the Zoning Ordinance to provide guidance as to these determinations because such a provision would ensure that adequate information is considered consistently in every case and it would provide applicants with a clear understanding of what information must be submitted.

Second, our proposed language mirrors the California Coastal Commission's ("CCC") Suggested Modification No. 13 to the Eastern Goleta Valley Community Plan ("EGVCP") LCP Amendment, which was adopted. Furthermore, the EGVCP references the Economically Viable Use Determination language set forth in detail in the County's Coastal Zoning Ordinance at Sections 35-192.4 through 35-192.6.

Finally, incorporating language previously recommended by the CCC is strategic because the CCC will have to certify whatever the City proposes. For this reason, in crafting the new Zoning Ordinance, it is important for the City to consider what language the CCC will require later in the adoption process in order to avoid future delays and unexpected surprises.

We look forward to continuing to work with you all and speaking with you further at the May 7<sup>th</sup> meeting. Please let me know if you have any questions.

Best,  
Tara

**TARA C. MESSING**

STAFF ATTORNEY

906 Garden Street

Santa Barbara, CA 93101

805.963.1622 x 104

[www.EnvironmentalDefenseCenter.org](http://www.EnvironmentalDefenseCenter.org)

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March 8, 2019

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

**Re: Revisions to Section 17.30.070 of the City of Goleta's Revised Draft New Zoning Ordinance Regarding Streamside Protection Areas**

Dear Anne:

The following comments are submitted by the Environmental Defense Center ("EDC") on behalf of EDC and Santa Barbara Urban Creeks Council ("UCC") regarding proposed revisions to Section 17.30.070 the City of Goleta's ("City") Revised Draft New Zoning Ordinance concerning Streamside Protection Areas ("SPAs"). Attached hereto are EDC's proposed revisions to Section 17.30.070, which are based in large part on the California Coastal Commission's ("CCC") Suggested Modifications to the Eastern Goleta Valley Community Plan Local Coastal Program ("LCP") Amendment.

UCC is a non-profit grassroots organization dedicated to protecting and restoring streams and watersheds in Santa Barbara County. Over the past thirty years, UCC has partnered with a number of organizations on creek restoration projects and has been committed to educating people of all ages about the values of creeks. UCC has 3,000 members, including many families who live and recreate in Goleta and Santa Barbara. EDC is a non-profit, public interest law firm that protects and enhances the environment in Santa Barbara, Ventura, and San Luis Obispo counties through education, advocacy, and legal action.

Section 17.30.070 of the City's Revised Draft New Zoning Ordinance requires a minimum 100-foot SPA upland buffer on both sides of a creek, as is consistent with the requirements under Policy CE 2.2 of the City's General Plan.<sup>1</sup> The buffer may be increased or

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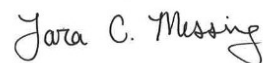
<sup>1</sup> City of Goleta Revised Draft New Zoning Ordinance, Section 17.30.070(B).

decreased upon a finding that (1) “[t]he project’s impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream, and” (2) “[t]here is no feasible alternative siting for development that will avoid the buffer.”<sup>2</sup> As presently drafted, however, Section 17.30.070 is void of any process or standards by which to determine whether these factors are met. For this reason, UCC and EDC advocate for clear zoning ordinance language which effectively implements Policy CE 2.2. To do so, Section 17.30.070 must set forth a process, required findings, and evidentiary requirements to inform the City’s determination of significant adverse effects and infeasibility. This clarity and transparency will benefit not only City decisionmakers, but also applicants and interested members of the public.

In accordance with the CCC’s Suggested Modification No. 13 to Eastern Goleta Valley Community Plan LCP Amendment, EDC has drafted proposed revisions to Section 17.30.070. CCC’s recommended language is directly relevant and instructive in crafting the City’s creek protection ordinance, especially with regards to determining when creek setbacks reductions may be permitted. EDC also recognizes that its proposed language may be applicable to other sections such that the language should have more general applicability. As long as it is clear that the requisite findings and evidence applies to Section 17.30.070 as well, EDC is open to other approaches for incorporating this language in the City’s new Zoning Ordinance.

For the foregoing reasons, we respectfully request that the City consider EDC’s revisions and amend Section 17.30.070 based on EDC’s proposed language.

Sincerely,

A handwritten signature in cursive script that reads "Tara C. Messing".

Tara C. Messing  
Staff Attorney

Attachments:

A - Redline version of EDC proposed revisions to Section 17.30.070

B - Clean version of EDC proposed revisions to Section 17.30.070

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<sup>2</sup> City of Goleta Revised Draft New Zoning Ordinance, Section 17.30.070(B)(1)(a)-(b).

## 17.30.070 Streamside Protection Areas

- A. **Purpose and Applicability.** The purpose of a streamside protection area (SPA) designation in the General Plan is to preserve the SPA in a natural state, in order to protect the associated riparian habitats and ecosystems as well as the water quality of streams. The SPA must include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area, ~~based upon the following:~~
- B. **Buffers.** The width of the SPA upland buffer must be 100 feet outward on both sides of the creek, measured from the top-of-bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The Review Authority may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review.
1. The ~~Planning Commission~~ Review Authority may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, subject to approval of a Major Conditional Use Permit. ~~Any~~ decision to decrease the 100-foot buffer shall be based on ~~the Initial Assessment and Biological Report, if needed, and~~ a finding that:
    - a. The project's impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream, and
    - b. There is no feasible alternative siting for development that will avoid the SPA upland buffer.
  2. A SPA upland buffer must not be adjusted downward unless the Review Authority makes affirmative findings of fact in writing supported by substantial evidence with respect to subsections (a) and (b) above.
    - a. The Review Authority must make one or more written findings for each potentially significant adverse effect on streamside vegetation or the biotic quality of the stream, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
      1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect.
      2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
    - b. Any and all findings required by the above sections shall be supported by substantial evidence derived from a City-approved, third-party biologist review and consideration of the application, project plans, Initial Assessment and Biological Report, public testimony, reports, and other relevant materials presented to the Review Authority.
    - c. The Review Authority may decrease the 100-foot buffer only if the Review Authority makes the following findings in addition to the findings required in Title V for approval or denial of a project and for the issuance of a Major Conditional Use Permit:

1. Based on a City-approved, third-party economic consultant's review and consideration of the economic information provided by the applicant, as well as any other relevant evidence, adherence to the 100-foot SPA upland buffer would not provide an economically viable use of the applicant's property.
  2. Application of the 100-foot SPA upland buffer would unreasonably interfere with the applicant's investment-backed expectations.
  3. The use proposed by the applicant is consistent with the applicable zoning.
  4. The use and project design, siting, and size are the minimum necessary to avoid a taking.
  5. The project is the least environmentally damaging alternative and is consistent with all provisions of the Zoning Ordinance other than the provision for which the exception is requested.
  6. The development will not be a public nuisance or violate other "background principles of the State's law of property," as that phrase was used in the U.S. Supreme Court's decision in *Lucas v. South Carolina Coastal Council*, 505 U.S. 20 1003, 1028-30 (e.g., public trust doctrine). If it would violate any such background principle of property law, the development shall be denied.
  7. The project is located on a legally created lot.
  8. The project is consistent with all other applicable biologic goals, objectives, policies, actions and development standards from the Goleta General Plan, Local Coastal Program, and Zoning Ordinances.
- d. A finding of infeasibility must be supported by substantial evidence based upon a City-approved, third-party biologist and economic consultant's review and consideration of the application, project plans, Initial Assessment and Biological Report, public testimony, reports, and other relevant materials presented to the Review Authority. The applicant shall also provide the following information, unless the Review Authority determines that one or more of the particular categories of information is not relevant to its analysis:
1. The date the applicant purchased or otherwise acquired the property, and from whom.
  2. The purchase price paid by the applicant for the property.
  3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time.
  4. The general plan, local coastal program, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
  5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection 4

- above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
  7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
  8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
  9. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
  10. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
  11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
  12. Any additional information that the Review Authority requires to make the determination.

2.3. If this provision above would result in any legally created lot being made unusable in its entirety, exceptions to the foregoing may be made to allow a reasonable economic or beneficial use of the lot, subject to the approval of a Major Conditional Use Permit.

### 17.30.070 Streamside Protection Areas

- A. **Purpose and Applicability.** The purpose of a streamside protection area (SPA) designation in the General Plan is to preserve the SPA in a natural state, in order to protect the associated riparian habitats and ecosystems as well as the water quality of streams. The SPA must include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area.
- B. **Buffers.** The width of the SPA upland buffer must be 100 feet outward on both sides of the creek, measured from the top-of-bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The Review Authority may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review.
1. The Review Authority may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, subject to approval of a Major Conditional Use Permit. A decision to decrease the 100-foot buffer shall be based on a finding that:
    - a. The project's impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream, and
    - b. There is no feasible alternative siting for development that will avoid the SPA upland buffer.
  2. A SPA upland buffer must not be adjusted downward unless the Review Authority makes affirmative findings of fact in writing supported by substantial evidence with respect to subsections (a) and (b) above.
    - a. The Review Authority must make one or more written findings for each potentially significant adverse effect on streamside vegetation or the biotic quality of the stream, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
      1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect.
      2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
    - b. Any and all findings required by the above sections shall be supported by substantial evidence derived from a City-approved, third-party biologist review and consideration of the application, project plans, Initial Assessment and Biological Report, public testimony, reports, and other relevant materials presented to the Review Authority.
    - c. The Review Authority may decrease the 100-foot buffer only if the Review Authority makes the following findings in addition to the findings required in Title V for approval or denial of a project and for the issuance of a Major Conditional Use Permit:
      1. Based on a City-approved, third-party economic consultant's review and consideration of the economic information provided by the applicant, as well as any other relevant evidence, adherence to

- the 100-foot SPA upland buffer would not provide an economically viable use of the applicant's property.
2. Application of the 100-foot SPA upland buffer would unreasonably interfere with the applicant's investment-backed expectations.
  3. The use proposed by the applicant is consistent with the applicable zoning.
  4. The use and project design, siting, and size are the minimum necessary to avoid a taking.
  5. The project is the least environmentally damaging alternative and is consistent with all provisions of the Zoning Ordinance other than the provision for which the exception is requested.
  6. The development will not be a public nuisance or violate other "background principles of the State's law of property," as that phrase was used in the U.S. Supreme Court's decision in *Lucas v. South Carolina Coastal Council*, 505 U.S. 20 1003, 1028-30 (e.g., public trust doctrine). If it would violate any such background principle of property law, the development shall be denied.
  7. The project is located on a legally created lot.
  8. The project is consistent with all other applicable biologic goals, objectives, policies, actions and development standards from the Goleta General Plan, Local Coastal Program, and Zoning Ordinances.
- d. A finding of infeasibility must be supported by substantial evidence based upon a City-approved, third-party biologist and economic consultant's review and consideration of the application, project plans, Initial Assessment and Biological Report, public testimony, reports, and other relevant materials presented to the Review Authority. The applicant shall also provide the following information, unless the Review Authority determines that one or more of the particular categories of information is not relevant to its analysis:
1. The date the applicant purchased or otherwise acquired the property, and from whom.
  2. The purchase price paid by the applicant for the property.
  3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time.
  4. The general plan, local coastal program, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
  5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection 4 above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.

6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
  7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
  8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
  9. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
  10. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
  11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
  12. Any additional information that the Review Authority requires to make the determination.
3. If this provision above would result in any legally created lot being made unusable in its entirety, exceptions to the foregoing may be made to allow a reasonable economic or beneficial use of the lot, subject to the approval of a Major Conditional Use Permit.



HAM ANTENNA - "ARCHITECTURAL FEATURES"  
PARTIAL FED. + STATE PREEMPTIONS  
CA Govt Code § 65850.3 (2017)

Any ordinance adopted by the legislative body of a city or county that regulates amateur radio station antenna structures shall allow those structures to be erected at heights and dimensions sufficient to accommodate amateur radio service communications, shall not preclude amateur radio service communications, shall reasonably accommodate amateur radio service communications, and shall constitute the minimum practicable regulation to accomplish the city's or county's legitimate purpose.

It is the intent of the Legislature in adding this section to the Government Code, to codify in state law the provisions of Section 97.15 of Title 47 of the Code of Federal Regulations, which expresses the Federal Communications Commission's limited preemption of local regulations governing amateur radio station facilities.

*(Added by Stats. 2003, Ch. 50, Sec. 1. Effective January 1, 2004.)*

In *Howard v. City of Burlingame*, 1991, the 9th Circuit Court of Appeals distinguished the Burlingame ordinance from those of other cities that were preempted by PRB-1, by saying, "Burlingame's ordinance is clearly distinguishable from those which establish absolute limitations on antenna height and are thus facially inconsistent with PRB-1." See, e.g. *Evans v. Commissioners. City of Boulder and Bodony v. Incorporated Village of Sands Point*.

If Goleta's proposed zoning ordinance specifies a blanket prohibition on antennas, as an "architectural feature", exceeding 20% more than the building height limit for the property, that constitutes an absolute limitation on height for that property, and as such, is forbidden by federal and state versions of PRB-1.

DENIS FRANKLIN, MD  
707 291-2200

The 9th Circuit Court of Appeals declined to construct specific dimensional guidelines for handling, "... future applications (for ham antennas) in accordance with PRB-1, and agreed with the F.C.C. that municipalities must evaluate **each application** on its own merits".

I suggest that in the new zoning ordinance, ham radio antennas should not be lumped with "antennas" as an "architectural feature", which suggests that the only consideration may be aesthetic, but that an opportunity for "reasonable accommodation" for the physical requirements\*\* for radio communications, e.g. in emergencies and disasters, be specified in the ordinance.

\*\* The length of antennas, and their height above ground are related to the wavelengths of the radio waves involved. Ham radio operators are assigned the use of wavelengths from a fraction of an inch to more 500 feet long, with the most commonly used wavelengths for day-time, long-distance communications being about sixty feet long.

In no universe is 42 feet a sufficient height above ground for an antenna intended for long-distance communications — for instance, communication with stations outside the immediate zone of a natural disaster.

**Skip:** In a disaster or widespread emergency — fire, flood, earthquake — long-distance communications are often essential. For example, because radio waves often "skip" over the immediate area of the transmitter, locals may not be able to talk to one another, but all may be able to talk to a distant station for the relay of information.

My name is Cheri Diaz, founding director of Hope 4 Kids Early Learning Centers.

First, thank you for listening to us during the last council meeting. I was pleasantly surprised and filled with hope that our thoughts and words landed on such open minds and hearts. I appreciate your work for Goleta and am impressed and excited that child care is on the agenda again.

1. **Remove fees** and, in fact, provide incentives, subsidies or building/financial grants to directors or business owners wanting to start a child care business. *1 A. Eliminate zoning issues for schools.*
2. **Eliminate permits**, the permitting process, the fees, anything that detours, delays or prevents a child care operator from starting a child care center.
3. **Provide housing assistance** to early childhood education teachers who meet a certain educational standard (12 ECE units, maybe an AA in Early Childhood) AND can provide evidence that they have been working at a local child care facility for a certain amount of time. Maybe there is a reconfirmation process every 6 months or so based on paycheck stubs or a letter from the employer.
4. Lastly, **promote respecting the very field of early childhood education**. We are not babysitters. We are highly educated professionals who shape the minds, the thoughts, the actions, the planning, the very executive function of the brains that will one day lead this city. So help me and help all early childhood education professionals be seen, respected and treated as the educated, trained, and hard-working professionals we are.