

From: donotreply@godaddy.com
To: [Andy Newkirk](#)
Subject: goletazoning.com Public Comments: Form Submission
Date: Wednesday, April 24, 2019 9:25:53 AM

Name:

Ken Symer

Email:

kbsymer@gmail.com

Subject:

RV Parking

Message:

50 years ago my Mom and Dad brought me to Goleta and a new home. Over the years I've seen many changes, some good some bad. I've raised three great kids here in Goleta and we've enjoyed camping in our various RV's since the early 80's. Now adults, all of the kids continue to enjoy outdoor life and camping with their own kids. When I purchased my Goleta home some 17 years ago having space to park my RV was a major consideration. I found the right property, which wasn't in very good shape but had the space that I needed. After countless hours of work on the home and property, as well as thousands of dollars I have a nice property that suits my needs and is not offensive to others, in fact it is much nicer to look at now then it ever was before WITHOUT the RV! I do not wish to see changes that will cause many to be affected for the few that have found (and presented photos of) the worst case scenario. We live here in this great place because of the freedoms it gives us to pursue our active lifestyle, enjoy our kids, grandchildren and hopefully retirement. Thank you for your careful consideration on this important issue.

This message was submitted from your website contact form:

<http://www.goletazoning.com/public-comments.html>

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2481660733

From: Scott Clark [mailto:scott515253@outlook.com]
Sent: Wednesday, April 24, 2019 8:34 AM
To: Jay Ritterbeck <jritterbeck@cityofgoleta.org>
Cc: Anne Wells <awells@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>
Subject: Re: NZO

Hello Mr Ritterbeck,

Last night's workshop discussed paved vs gravel driveways.

I have worked at a lot of remote areas of the county and have driven on many driveways and private roads that were approved by the Santa Barbara County Fire Dept as All Weather driveways/roads.

You can check with these standards.

I believe compacted road base (6" of gravel and sand) over 6' of compacted soil is acceptable still?

Let me know if this is ok for rv parking or if not, why?

Thanks again for your detailed research and expertise,

Scott Clark.

From: donotreply@godaddy.com
To: [Andy Newkirk](#)
Subject: goletazoning.com Public Comments: Form Submission
Date: Thursday, April 25, 2019 9:53:13 AM

Name:

Ken McAllister

Email:

mantel34@gmail.com

Subject:

Zoning ordinance regarding RV/trailer parking

Message:

To : Anne Wells, Planning Manager, City of Goleta I was born and raised in Goleta. Both my parents were born and raised in Goleta. I've lived in my current house since ~ 1960. For the last 40 years, we've always had either a trailer or a boat in the driveway. In all that time, I've never heard the slightest rumor of RV parking restrictions. Why now? I went to great expense in creating a paved section off the driveway to safely store my RV on my private property. Beyond the obvious personal (family) enjoyment of using the RV for it's intended purpose, mine also doubles as a disaster preparedness system. Having my RV parked in some lot and unavailable to me in time of crisis is simply not an option. Living in the SB area, disaster preparedness is not an option but a reality. I specifically purchased an RV that has twice the normal water capacity.... I know all the families in the immediate area are going to be happy when I can offer them some water. I get that using an RV as overflow living space is not a good idea and would support a ban on "living" in an RV, however, during the recent Holiday Fire as well as both the Montecito fire and flood, I was able to offer my trailer as temporary relief for friends. This would not have been possible with the trailer sitting in a storage area. To have someone tell me that I can no longer park my RV on my private property because "it doesn't look pretty"... well, that's just crazy. To be clear, I do not support the City Council passing this ordinance. Respectfully,
Ken McAllister

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<http://www.goletazoning.com/public-comments.html>

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2484752465

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: [Tara Messing](#)
To: [Winnie Cai](#); [Peter Imhof](#); [Anne Wells](#); [Andy Newkirk](#); [Jay Ritterbeck](#); [David Pierucci](#)
Cc: [Linda Krop](#); [Brian Trautwein](#)
Subject: City of Goleta's New ZO and Feasibility Analysis
Date: Thursday, May 02, 2019 12:46:45 PM

Hi All,

In anticipation of the May 7th 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 7th 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

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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

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

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

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

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

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 5th 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.

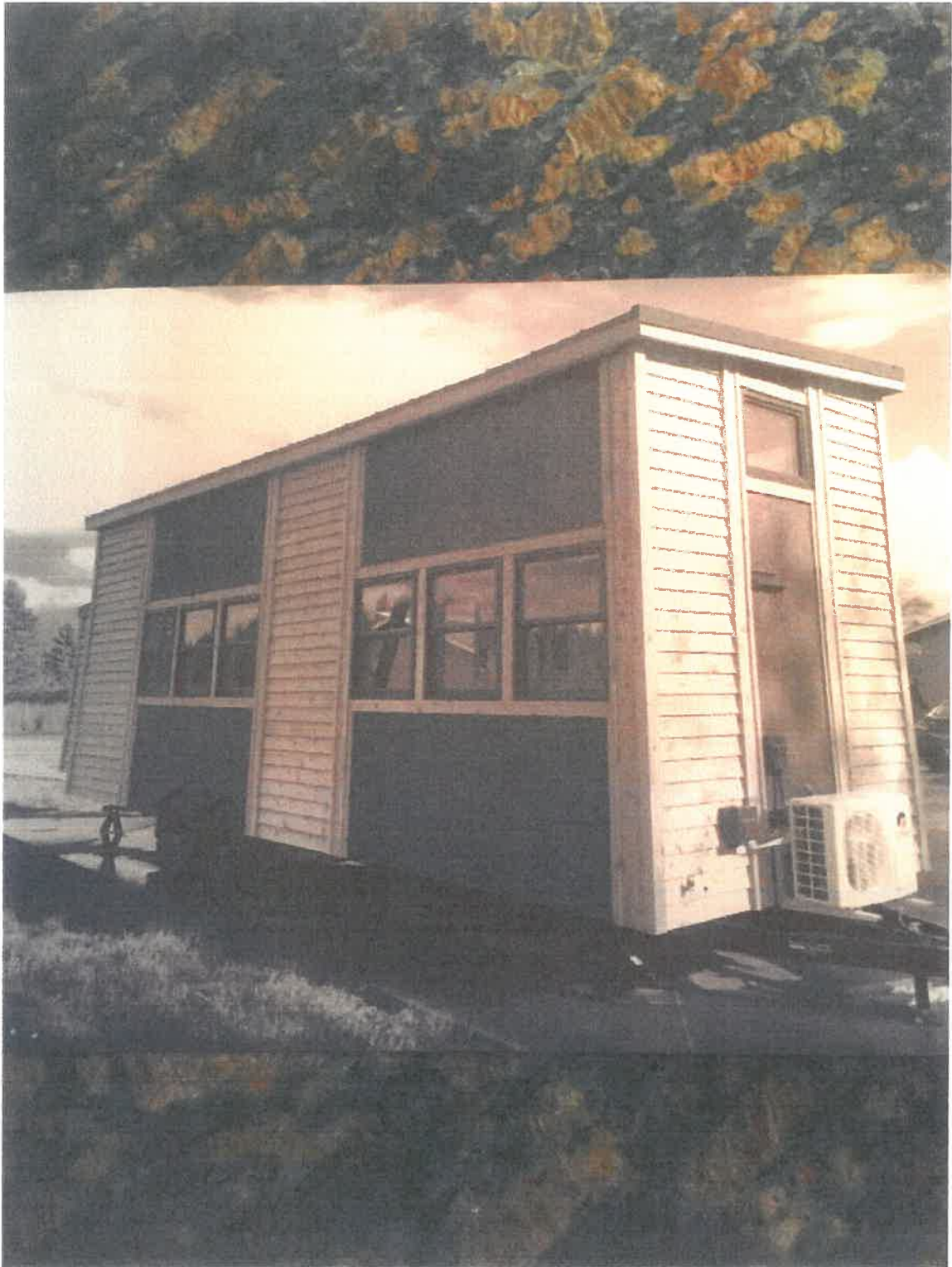
Construction materials for use on the same premises may be stored during the time that a valid permit is in effect for construction on the premises."

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







Subject: FW: No Private Parking ban on RVs/Trailers/Boats

From: Goleta, CA [webmaster@cityofgoleta.org]

Sent: Sunday, May 05, 2019 3:15 PM

To: Jennifer Smith

Subject: No Private Parking ban on RVs/Trailers/Boats

Message submitted from the <Goleta, CA> website.

Site Visitor Name: Adam Smith

Site Visitor Email: adam.smith@passwordrbl.com

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.

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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

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](#)

From: Jennifer Smith [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

From: Tara Messing [<mailto:tmessing@environmentaldefensecenter.org>]
Sent: Monday, May 06, 2019 3:06 PM
To: Jennifer Smith <jsmith@lafsbcc.org>
Cc: Linda Krop <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

From: Tara Messing

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

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

Cc: Linda Krop <lkrop@environmentaldefensecenter.org>; Brian Trautwein <btrautwein@environmentaldefensecenter.org>

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

Hi All,

In anticipation of the May 7th 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 7th 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

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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.¹ The buffer may be increased or

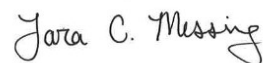
¹ City of Goleta Revised Draft New Zoning Ordinance, Section 17.30.070(B).

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.”² 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

² 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.

From: [Andy Newkirk](#)
To: [Andy Newkirk](#)
Subject: FW: Zoning Comment
Date: Tuesday, May 07, 2019 2:10:28 PM

From: Skona Brittain <skona@skonasb.net>
Sent: Tuesday, May 07, 2019 12:12 PM
To: Peter Imhof <pimhof@cityofgoleta.org>
Subject: Zoning Comment

Please include my comment amongst your public input:

I highly approve of the change in the ordinance about home occupation that gets rid of the artificial limit of 5 clients on the premises at a time and replaces it with conditions about not disturbing neighbors.

Thanks you,

Skona Brittain
Goleta

CHILDREN'S



RESOURCE & REFERRAL

OF SANTA BARBARA COUNTY

The mission of Children's Resource & Referral of Santa Barbara County is to develop strong and healthy families by providing education, care, and resource systems to children, their parents, and caregivers, with a special emphasis on low income and under-represented children and families.

www.sbfcc.org

5/6/2019

Goleta City Council
Goleta Planning Commission

Dear City Council and Planning Commission members,

As a local child advocate, I want to let you know how thrilled I am that you are reviewing ways that the city can help pave the way for more child care in Goleta. It is desperately needed, not just for residents, but for the employees of the existing and future businesses that operate here. We know that working parents want only the best for their children. Child care can be one of the greatest challenges that you will have in raising your child. We know that you want your children to be safe and have fun while they learn at their child care. Nothing is worse than worrying about your child when you are at your job. Family Child Care Steps to Quality Program is designed to support a provider's commitment to creating a high quality child care program. Research shows that children thrive in high quality child care. In an effort to increase high quality child care in Santa Barbara County, Children's Resource & Referral has created this Program to focus on four elements of success: Education of the Provider; High Quality Environments; Strong Business Practices; and Relationships.

At Children's Resource & Referral, we are often witness to the many obstacles that prevent potential Child Care Providers in obtaining their license such as start-up costs, certifications, permits...etc. Not to mention, the challenges families face in finding affordable, high-quality child care programs for their children (specifically infants). Children's Resource & Referral works diligently to support Providers and Families, but continue to face challenges with cost and accessibility.

Specifically, I strongly support:

- Making large family child care "by right" like small family child care
- Allowing child care centers in more zones, and reducing the permit requirements as much as possible.
- Including child care in the Beneficial Projects category
- The City's focus on child care policies, and identifying ways to encourage more child care.

The changes that are being made now, with the changes to the zoning policies and development fees and the assignment of planning staff time will certainly have an impact that will provide a benefit for a long time. Please continue to go deeper to really make a difference. There are many experts in this county, and many models you can follow that will help ensure the policies are solid, and actually do increase child care spaces.

I urge you to continue to review all the ways that the city can influence the development of child care resources in the community.

Thank you

Jacqui Banta, M.S.
Chief Operating Officer

SANTA MARIA OFFICE
124 W. Carmen Lane, Suite C
Santa Maria CA 93458
805.925.7071 805.925.2084 fax

SANTA BARBARA OFFICE
4141 State Street, #D - 1.4
Santa Barbara CA 93110
805.963.6631 805.963.8292 fax

CRR THRIFT STORE
613 E. Main Street
Santa Maria CA 93454
805.349.3711

ADMINISTRATION 124 W. Carmen Lane, Suite C, Santa Maria, CA 93458 805.925-6701 805.925.3768 fax

*Children's Resource & Referral of Santa Barbara County is a dba of Santa Barbara Family Care Center
Santa Barbara Family Care Center is a 501(c)(3) tax-exempt charitable organization*

"ARCHITECTURAL FEATURES"
HAM ANTENNA - 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.

From: donotreply@godaddy.com
To: [Andy Newkirk](#)
Subject: goletazoning.com Public Comments: Form Submission
Date: Wednesday, May 08, 2019 11:35:18 AM

Name:

Heidi Jones, SEPPS, Inc.

Email:

Heidi@sepps.com

Subject:

Draft NZO Comments

Message:

On behalf of Suzanne Elledge Planning and Permitting Services, Inc., we appreciate the opportunity to provide comments on the City's Draft NZO Chapter 17.01 – Introductory Provisions, Section 17.01.040, Applicability (E. Project Vesting) The proposed language in this section does not refer or speak to discretionary project approvals (i.e. CUP, Development Plan, etc.). As land use professionals, it is important to define at which point a discretionary action is vested prior to the effective date of the NZO. This section seems to only speak to application of vesting for follow-up building permits. We recommend adding clarification or a separate definition that relates to discretionary actions and vesting of those approvals. Chapters 17.07 -17.12 (Base Zone District Standards and Allowed Uses For all base zone district sections of the draft NZO, the Land Use Regulations sections have redlined/removed language relating to "where specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclasses not listed in the table or not found to be substantially similar to the uses below are prohibited." We believe a similar statement must be incorporated back into the NZO to allow the Director to define uses and classifications not specifically listed and/or have the ability to determine that a use conforms with the intent of said zone district. Further, the current Zoning Ordinance includes language in the allowed uses section that stated "uses, buildings, and structures incidental, accessory, and subordinate to permitted uses" which is critical language to include in the NZO as it allows reasonable flexibility in the defined allowed uses that otherwise would have no path forward for consideration. A similar use definition should be added to all land use categories. With over 25 years of land use experience, we at SEPPS have come to understand that each site and each project is unique and often found that not all uses classifications can be explicitly defined and strongly recommend the City maintain the ability to assess a specific project or proposed use classification that is not explicitly listed and be able to make a determination as to its appropriate or similar use or classification. Chapter 17.09 Land Use Regulations – Office Districts, Use Table The land use regulations table, specifically the Office Institutional uses section, does not allow any type of indoor warehousing and storage. There are existing, permitted, office uses within the OI zone district that also have an R&D and technology component (which is allowed in both the BP and OI zone districts). Those components often require some type of indoor warehousing and storage. We believe the table should be revised to add the p4 note which would allow some level of appropriate and associated indoor storage uses within the OI zone district "only if it is in association with a permitting use". We recommend change remains consistent with the Office Institutional (OI) defined purpose and intent "to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation of the General Plan". Further, the City's General Plan OI general purpose is "intended to provide appropriate locations for a range of employment-creating economic activities, from those based on advanced technology to storage and warehousing, while seeking to minimize traffic congestion, visual, and other impacts on the surrounding residential areas."

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<http://www.goletazoning.com/public-comments.html>

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2527215040

From: donotreply@godaddy.com
To: [Andy Newkirk](#)
Subject: goletazoning.com Public Comments: Form Submission
Date: Wednesday, May 08, 2019 11:36:31 AM

Name:

Heidi Jones, SEPPS, Inc.

Email:

Heidi@sepps.com

Subject:

Draft NZO Comments, cont....

Message:

Chapter 17.09 Land Use Regulations – Office Districts, Use Table The land use regulations table, specifically the Office Institutional uses section, does not allow any type of indoor warehousing and storage. There are existing, permitted, office uses within the OI zone district that also have an R&D and technology component (which is allowed in both the BP and OI zone districts). Those components often require some type of indoor warehousing and storage. We believe the table should be revised to add the p4 note which would allow some level of appropriate and associated indoor storage uses within the OI zone district “only if it is in association with a permitting use”. The recommend change remains consistent with the Office Institutional (OI) defined purpose and intent “to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation of the General Plan”. Further, the City’s General Plan OI general purpose is “intended to provide appropriate locations for a range of employment-creating economic activities, from those based on advanced technology to storage and warehousing, while seeking to minimize traffic congestion, visual, and other impacts on the surrounding residential areas.” Chapter 17.09 Land Use Regulations – Office Districts, Use Table The land use regulations table, specifically the uses section, allows residential facilities, assisted living uses with approval of a Conditional Use Permit (CUP). Senior Residential Living uses are completely omitted from the draft NZO. We suggest the City consider allowing both of these uses, or define a “Combined Independent/Assisted living facilities” use (without a CUP requirement) given the current zoning designation allows these types uses. The recommended change would remain consistent with the intent of the General Plan given assisted living residential uses are an allowed use in the I-OI General Plan designation. Chapter 17.55 Land Use Permits The draft NZO does not include a Time Limits section in the LUP chapter. We recommend the City define in detail a time limits section of this chapter. Chapter 17.57 Conditional Use Permits The draft NZO does not include a Time Limits section in the CUP chapter. We recommend the City define in detail a time limits section of this chapter. Chapter 17.59 Development Plans, Section 17.59.040 (Time Limit) The proposed time limits noted in the Development Plan chapter do not account for long-term master plan projects. For those projects that require a Development Plan approval, there are often long-term, comprehensive master plans associated with them (i.e. private educational or institutional uses) that are phased and built out over 15-30 years’ time. The time limits as noted do not discuss the approval vesting obtained with follow-up land use or coastal development permits that typically secure said approvals. We recommend the City define in greater detail the time limits section of this chapter. We thank you for the opportunity to participate in the public review of the draft NZO document.

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<http://www.goletazoning.com/public-comments.html>

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From: [Andy Newkirk](#)
To: [Andy Newkirk](#)
Subject: FW: Federal and State preemption of city ordinances restricting ham antennas...
Date: Wednesday, May 08, 2019 2:50:35 PM

From: Denis Franklin, MD <denisfranklin@uchicago.edu>
Sent: Wednesday, May 08, 2019 1:48 PM
To: Kyle Richards <krichards@cityofgoleta.org>; Roger Aceves <raceves@cityofgoleta.org>; ikyriaco@cityofgoleta.org; Paula Perotte <pperotte@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>
Cc: Anne Wells <awells@cityofgoleta.org>
Subject: Federal and State preemption of city ordinances restricting ham antennas...

Both Federal and Stat Law Partially Preempt the Right of Cities to Restrict the Existence and the Size of Ham Radio Antennas

Wednesday, May 8, 2019

To the Mayor(s), council, commissioners and planning staff,

First, let me apologize if I seemed to stop my explanation abruptly at the joint meeting of the Council and Planning Commission at last evening's meeting. Unfamiliar with the timing process, when I heard the one-minute warning tone I thought my time was up that I had to stop speaking.

Had I used my final minute I would have explained that I spoke not as a hobbyist, but as a Ham operator with fifty years experience in emergency and disaster communications, including about twenty years of membership on the sheriff's communications teams in Alameda and Maricopa counties. In San Mateo County, because of then being both an emergency physician and a radio technician and operator, in the mid-1970's I was the Project Director of the Emergency Medical Services Project that introduced EMT's, Paramedics, central dispatch and ambulance-to-hospital radio telemetry in san Mateo County

Here I will try to be succinct. The subject is a bit complicated, both legally and technically, but I will do my best to be informative without wasting your time.

I provide the following information because after only two meetings it is clear to me that you are genuinely dedicated to trying to balance the needs of individual property owners against their collective need as citizens of Goleta.

I'm sure you all know that Ham radio is used almost every day somewhere in the country for disaster and emergency communications when other more vulnerable systems are damaged and fail. It is being called upon this very day, for example, in areas affected by floods in the midwest. And for more than three months after the hurricane in Puerto Rico, the only communications of any kind were provided by teams of Ham operators who went there, twenty at a time, to help. Therefore, the case of ham radio antenna regulation is very different from that of communications antennas in general. Because of this fact, both the FCC, and the State of California have mandated the following:

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.)

This constraint relates specifically to the current changes to Goleta's zoning ordinances. The Ninth Circuit Court of Appeals, in *Howard v. City of Burlingame*, and citing *Evans v. Commissioners, City of Boulder* and *Bodony v. Incorporated Village of Sands Point*, said, "... those [ordinances] which establish absolute limitations on antenna height [are] thus facially inconsistent with PRB-1." (The language of the Federal Code of Regulations in FCC rule PRB-1 is that which is repeated above in the California law.)

Following passage of the law, a number of court cases have held that cities may not impose a fixed height limit for all ham antennas in a given zone, but must consider such things as the terrain, obstructions and the physical dimensions required to allow ham radio operations on ham wavelengths. Moreover, the federal court of appeals has specifically held that applications for ham antennas must be decided on an individual, case-by-case basis after considering the relevant factors. The federal interest stems from the fact that hams often help in emergencies far from their home cities or states, and that each represents therefore not merely a local, but also a national resource.

Here I will describe, for those who may wish to understand why hams go to the trouble and expense of putting large antennas up on towers: why ham antennas are the size they are.

The length of antennas, and their height above ground are related to the lengths of the radio waves involved. Radio signals are actual ripples or waves, in the electrical and magnetic fields all around us. Like ocean waves, radio waves have an actual physical length, peak-to-peak or valley-to-valley. To send or receive radio signals, an antenna must be exactly half of one wavelength long. Under federal law and by international agreement, 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.

Normal police, fire and other municipal radio systems, using wavelengths of about one foot, will only travel as far as the eye can see. Using "repeaters" on mountain-tops can extend the useful range to perhaps fifty miles.

By using wavelengths of fifty or sixty feet, however, Ham operators generate signals that can "skip" like a flat rock on water, back and forth between earth and a layer of the ionosphere up about 200 miles, and thus travel great distances, including all the way around the earth. More to the point, ham signals can reach outside the area of even a widespread natural disaster, to provide communications with those in unaffected areas who can provide help. If a Ham antenna, looking something like a big TV antenna, is mounted too low to the ground, it's signals are reflected straight up in the air by the ground, and do not travel, skipping, along the surface of the earth. As in skipping a rock on water, the angle has to be rather flat for it to work. For waves to travel more horizontally, the antenna must be mounted a wavelength or so above the ground. In the case of the frequencies hams must use for emergency and disaster communications, that height is often fifty to eighty feet above the ground. It is this that is referred

to in federal and California law as, “*heights and dimensions sufficient to accommodate amateur radio service communications*”.

I am sorry to burden you with this technical and legal information at this late stage of your process, but I fear that unless the problem is addressed in the final ordinance and ham antennas are treated as separate from other kinds of antennas, the city may lose costly lawsuits in the future, suits that could have been avoided.

If I can provide any further technical information, please feel free to contact me at the above e-mail address or by phone or text.

Denis Franklin, MD
707-291-2200

From: donotreply@godaddy.com
To: [Andy Newkirk](#)
Subject: goletazoning.com Public Comments: Form Submission
Date: Wednesday, May 08, 2019 8:21:42 PM

Name:

Jim Henry

Email:

jhenry@west.net

Subject:

City Lighting Public Works LED options

Message:

I see no requirement for directionality of lighting; i.e. hooding to illuminate the street, but avoid light pollution. In my neighborhood, recent drought has resulted in the loss of many trees that used to "hood" the existing street lamps. Without the mature trees, my yard and home is flooded with light from the streetlights across the street and others within line of sight. This seems in conflict with guidelines about light pollution.

This message was submitted from your website contact form:

<http://www.goletazoning.com/public-comments.html>

Use your free GoDaddy Email Marketing Starter account to follow up with contacts who agreed to receive email campaigns! Click [here](#) to get started.

2528071310



6 May 2019

City of Goleta
Advance Planning Division
630 Cremona Drive
Goleta, CA 93117

RE: **Draft New Zoning Ordinance (NZO) – Public Comments**

On behalf of Suzanne Elledge Planning and Permitting Services, Inc., we appreciate the opportunity to provide comments on the City's Draft NZO dated January 2019. The draft document, key issues guide and public workshops have been well publicized and circulated. We believe the draft document is nicely organized, user friendly and the released red-lined/tracked changes version of the document was very helpful in understanding the changes proposed for the document from the prior 2015 draft. We provide the following public comments which are organized in order of the draft NZO, by section, for City review and consideration:

Chapter 17.01 – Introductory Provisions, Section 17.01.040, Applicability (E. Project Vesting)

The proposed language in this section does not refer or speak to discretionary project approvals (i.e. CUP, Development Plan, etc.). As land use professionals, it is important to define at which point a discretionary action is vested prior to the effective date of the NZO. This section seems to only speak to application of vesting for follow-up building permits. We recommend adding clarification or a separate definition that relates to discretionary actions and vesting of those approvals.

Chapters 17.07 -17.12 (Base Zone District Standards and Allowed Uses

For all base zone district sections of the draft NZO, the Land Use Regulations sections have redlined/removed language relating to *"where specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclasses not listed in the table or not found to be substantially similar to the uses below are prohibited."* We believe a similar statement must be incorporated back into the NZO to allow the Director to define uses and classifications not specifically listed and/or have the ability to determine that a use conforms with the intent of said zone district.

Further, the current Zoning Ordinance includes language in the allowed uses section that stated *"uses, buildings, and structures incidental, accessory, and subordinate to permitted uses"* which is critical language to include in the NZO as it allows reasonable flexibility in the

defined allowed uses that otherwise would have no path forward for consideration. A similar use definition should be added to all land use categories.

With over 25 years of land use experience, we at SEPPS have come to understand that each site and each project is unique and often found that not all uses classifications can be explicitly defined and strongly recommend the City maintain the ability to assess a specific project or proposed use classification that is not explicitly listed and be able to make a determination as to its appropriate or similar use or classification.

Chapter 17.09 Land Use Regulations – Office Districts, Use Table

The land use regulations table, specifically the Office Institutional uses section, does not allow any type of indoor warehousing and storage. There are existing, permitted, office uses within the OI zone district that also have an R&D and technology component (which is allowed in both the BP and OI zone districts). Those components often require some type of indoor warehousing and storage. We believe the table should be revised to add the p4 note which would allow some level of appropriate and associated indoor storage uses within the OI zone district *"only if it is in association with a permitting use"*.

The recommend change remains consistent with the Office Institutional (OI) defined purpose and intent *"to provide areas for existing and future office-based uses by implementing the Office and Institutional (I-OI) land use designation of the General Plan"*. Further, the City's General Plan OI general purpose is *"intended to provide appropriate locations for a range of employment-creating economic activities, from those based on advanced technology to storage and warehousing, while seeking to minimize traffic congestion, visual, and other impacts on the surrounding residential areas."*

Chapter 17.09 Land Use Regulations – Office Districts, Use Table

The land use regulations table, specifically the uses section, allows residential facilities, assisted living uses with approval of a Conditional Use Permit (CUP). Senior Residential Living uses are completely omitted from the draft NZO.

We suggest the City consider allowing both of these uses, or define a "Combined Independent/Assisted living facilities" use (without a CUP requirement) given the current zoning designation allows these types uses. The recommended change would remain consistent with the intent of the General Plan given assisted living residential uses are an allowed use in the I-OI General Plan designation.

Chapter 17.55 Land Use Permits

The draft NZO does not include a Time Limits section in the LUP chapter. We recommend the City define in detail a time limits section of this chapter.

Chapter 17.57 Conditional Use Permits

The draft NZO does not include a Time Limits section in the CUP chapter. We recommend the City define in detail a time limits section of this chapter.

Chapter 17.59 Development Plans, Section 17.59.040 (Time Limit)

The proposed time limits noted in the Development Plan chapter do not account for long-term master plan projects. For those projects that require a Development Plan approval, there are often long-term, comprehensive master plans associated with them (i.e. private educational or institutional uses) that are phased and built out over 15-30 years' time. The time limits as noted do not discuss the approval vesting obtained with follow-up land use or coastal development permits that typically secure said approvals. We recommend the City define in greater detail the time limits section of this chapter.

We thank you for the opportunity to participate in the public review of the draft NZO document. Should you have any questions or require additional information, please contact our office at 966-2758.

Sincerely,

SUZANNE ELLEDGE

PLANNING & PERMITTING SERVICES, INC.

A handwritten signature in black ink, appearing to read "Heidi Jones", with a stylized flourish at the end.

Heidi Jones, AICP
Senior Planner

From: [Andy Newkirk](#)
To: [Andy Newkirk](#)
Subject: FW: Comments for Thursday pc hearing
Date: Thursday, May 09, 2019 2:52:20 PM

From: Cecilia Brown <brownsknight1@cox.net>
Sent: Wednesday, May 08, 2019 9:12 PM
To: Ed Fuller <efuller@cityofgoleta.org>; Jennifer Smith <jsmith@cityofgoleta.org>; Bill Shelor <bshelor@cityofgoleta.org>; Robert Miller <rmiller@cityofgoleta.org>; Katie Maynard <kmaynard@cityofgoleta.org>
Cc: Andy Newkirk <anewkirk@cityofgoleta.org>; Jay Ritterbeck <jritterbeck@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Cecilia Brown <brownsknight1@cox.net>
Subject: Comments for Thursday pc hearing

Dear Chair Smith and Planning Commissioners,

Before the pc Thursday night is a consideration of setting a color temp standard for city streetlights. I believe this is a matter for public works, not the planning commission. The zoning ordinance deals with land use matters, not lamp standards for city owned street lights.

Please explain the basis for your review. Lacking in your packet/staff report is any info on this topic other than showing of manufactures availability for streetlight lamps of a certain color temperature. This is insufficient information upon which to base any discussion or even make a recommendation.

Here is what I know: I attended the public works hearing before city council several months ago dealing with replacing the high pressure sodium SCE lights in the neighborhoods with city owned LED ones where the topic of color temperature was raised. At that time, public works staff indicated they understood the desire for 2800K temp for the neighborhoods for the new streetlights. And that a higher color temp lamp for street lights at intersections and other places needing the bluer, whiter light was warranted. It wasn't the case that one standard would apply citywide anyway. Thus the one standard of 3000k temperature you are considering isn't necessarily appropriate.

Lastly, It is my understanding that the color temp standard is undergoing review and could be changed based on several factors according to city engineer with whom I spoke today. Therefore I don't believe it warrants your further consideration at this time.

However, if the planning commission feels the need to provide public works with a recommendation outside of the zoning ordinance consideration or even to the city council which will be making a decision on the streetlight issue, it should be of a broad nature to reflect the public testimony during your hearings about dark sky lighting standards in the lighting ordinance and the preference for using using color temperatures appropriate to the particular setting of where the light is to be used and not overlighting the area.

Or you could just dismiss this issue as not being applicable to your purview. And have a shorter meeting. You deserve it. Thank you for considering my comments.

Cecilia Brown

Pls provide me background info/authority for pc making this recommended.

Thank you.

Sent from my Galaxy Tab® A

Ken Alker
290 Winchester Canyon Road
Goleta, CA 93117
(805) 685-2030
ken@impulse.net
May 9, 2019

ZONING: RS ZONE DISTRICT MAXIMUM HEIGHT

Anne Wells
City of Goleta Planning Manager
130 Cremona Drive
Goleta, CA 93117

Dear Anne,

Per the Planning Commission April 18th workshop regarding maximum building height, Commissioners supported up to 35% allowance for single family and 20% for multi-family. Additionally, there was a suggestion to consider if the property is in a canyon, lot size, etc.

The property where I live in Goleta is in the DR zone district which has a maximum building height of 35'. I purchased my property with the ability to build to this height, and I would like to continue to have the right to build to this height. I am on a large parcel where I need to store tractors and utility equipment. All four of my immediate neighbors have barns. I store my tractors outdoors, but would like to build an accessory structure when I can afford to do so one day. I would like to be able to build to 35'. I am in a canyon and am surrounded by trees that are much taller than 35'. There are no views to preserve, and no one has access to my land even if there were views to preserve. I am NOT the only person in Goleta in this situation.

I understand from a past workshop that it may have been more appropriate to have rezoned properties that are in the DR zone district into the new RP zone district rather than the RS zone district, but the fact is, that was not done, so our properties are now being lumped in with all the smaller lots where some people feel it might not be appropriate to build as high. Requesting a rezone, as was implied, is expensive, requires a general plan change, and takes a long time. This is simply not a practical solution for a home owner who wants to build a 35' accessory structure, ADU, or second home on their property.

I still believe that my suggested approach to height as detailed in my May 27, 2016 letter (please re-read that letter) is the best approach. Based on my letter, I feel that people in the RS district should be able to build to at least 33' in order to have attractive gabled two story homes (rather than flat roofs) in order to preserve, and even enhance, the character of Goleta. If the strategy outlined in my 2016 letter is not chosen, and a 25' base height is chosen for the RS zone district, I respect and appreciate the Planning Commission's willingness to allow modifications to 30% (if not 35% as one Commissioner suggested, or even just 32% which gets to the 33' described in my letter).

In any case, I request that you add a stipulation that allows building to 35' (or 40% higher than the base district, if using a percentage is more desirable) "by right" on lands that are in the DR zone district. If it is

not practical to single out these parcels by creating an overlay, then I suggest allowing 35' on any land that is greater than some minimum size, such as 10,000 square feet as most DR parcels are likely greatly than this and most other parcels that will end up in the RS zone are probably 7,000 square feet, or less. This figure could certainly be made bigger; perhaps 15,000 or even 20,000 square feet.

Staff's response to Planning Commission Comments Version 2 (posted 4/29/19) page 33 speaks to a 20-30% modification of height perhaps with higher height modifications allowed in the RS zone district. This doesn't consider the 35% suggestion from one Planning Commissioner nor does it address the suggestion of allowing even higher heights based upon land location and/or lot size, etc. Please consider these suggestions from our Commissioners as well as my above suggests for the new zoning ordinance.

Sincerely,

A handwritten signature in black ink that reads "Ken Alker". The signature is written in a cursive, flowing style.

Ken Alker