

**From:** [Felicia Saunders](#)  
**To:** [City Clerk Group](#)  
**Subject:** Cannabis land use  
**Date:** Thursday, May 23, 2019 5:59:06 PM

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I am strongly opposed to allowing the growing of cannabis near residential areas. This has been a nightmare in Carpinteria, and I would hate to see Goleta plagued with the problems that they have had, including but not limited to

adverse health issues for residents

horrible smell

cannabis near schools and homes

Please do not allow cannabis to be grown near our neighborhoods.

Thank you

Felicia Saunders  
379 Daytona Drive  
Goleta, CA

June 2, 2019

Dear Madame Mayor and Council Members,

Thank you very much for responding to the community's concerns addressed at the last cannabis ordinance hearing. The separation and prohibitive buffer distances are needed and capping retail licenses at six reduces the pressure of having more cannabis retail licenses than the city could reasonably accommodate.

A concern remains the over-concentration of cannabis retail licenses in the Old Town area. Of the six cannabis storefront licenses, three (3) legal non-conforming retail uses are located in the former RDA project area, one west of Fairview and 2 in the Old Town "core" area. These storefronts have been in existence for a while and concentrate 50% of the city's current cannabis retail licenses in an area comprising only 12% of the area of the city (See attachment RDA pdf p.4). With an additional retail license proposed for the area, 75% of the city's storefront licenses would be in the former RDA project area and 50% would in the Old Town "core" area. A planning objective should be to distribute this use throughout the city and not to concentrate them further with 50% of the licenses in one small geographic area of the city, like Old Town.

How many or should any cannabis retailers be located into the Old Town area? To answer this question a recent council staff report from April 16, 2019 provides a possible answer: "At the Feb 6, 2019 workshop, council members discussed the possible need for a visioning process for Old Town prior to taking new policy or ordinance actions that affect the future of Old Town" (my emphasis).

Until this visioning process occurs, one strategy is to prohibit all cannabis uses in the Goleta Old Town Heritage District (GOTHD), an overlay district (see attachment RDA p.5 and attachment GOTHD map). Adopting this overlay would have these benefits:

- a.) reduce the over-concentration of these uses in this section of the city (the 2 legal nonconforming uses are outside the boundaries of the GOTHD),
- b.) preserve the unique neighborhood character of the city's original "mixed use" area where residential and commercial land uses have co-existed and intermingled for many years,
- c.) eliminate any increase in various land use conflicts (noise-a class I impact in the Cannabis EIR, nuisance and parking issues) between residential and commercial land uses in the GOTHD and,
- d.) eliminate the social justice effect of locating a cannabis land uses in a low income area.

The staff proposed distance and restrictive buffers would apply to any areas outside of the GOTHD. Adding the GOTHD prohibitive overlay to the cannabis land use ordinance would provide the best protections for the residential component in the GOTHD. RDA revitalization efforts were directed to "...minimizing impacts on residential areas" (see attachment RDA p. 16). The GOTHD prohibition overlay would minimize impacts to the vulnerable "mixed-use" neighborhoods and not burden them with any new cannabis land uses.

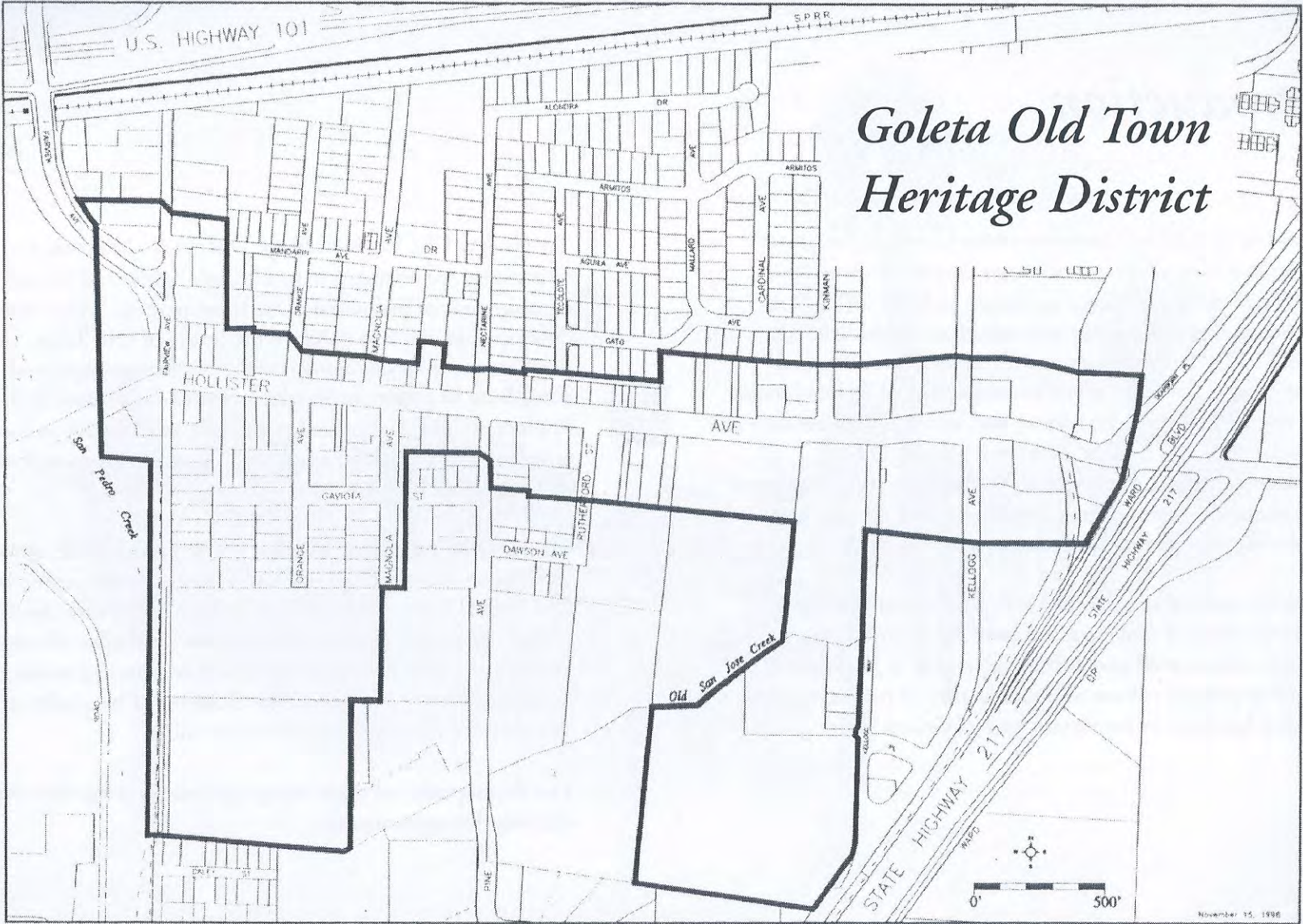
Another benefit of excluding cannabis uses in the GOTHHD is that sensitive receptor sites like the Johnny D. Wallis Neighborhood Park and any youth gathering sites like the dance schools in Kellogg Square and the Goleta School of Ballet in this planning area would be buffered from cannabis land uses. The latter two uses were not previously considered, but deserving of such protection. And any of these uses in the GOTHHD which would have any portion of their site extending outside the GOTHHD exclusion area, like the GVCC, would still have the protections of the sensitive receptor site buffer. Lastly, the GVCC buffer should be renamed the “Youth-Serving Sites Buffer” so that other youth serving sites located throughout the city receive the same buffer protections as those in the GVCC.

In conclusion, request the council include the following in the revised cannabis ordinance:

- a.) the distance and restrictive buffers proposed by staff,
- b.) an overlay prohibiting cannabis land uses in the GOTHHD, and
- c.) a renaming of the GVCC buffer to “Youth-Serving Sites” buffer to be applied to designated youth-serving sites in the city

Many thanks to council and to staff for your diligence, efforts, and “stepping up” to craft a more carefully thought out ordinance than what you started with. It will better serve the community and the City in the introduction of this new land use. Thank you for considering my comments.

Best wishes to all,  
Cecilia Brown  
Goleta resident



*Figure 1 - Old Town Heritage District Boundaries*



# **Review of Old Town Revitalization Plan & Other Related Documents**

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## **Presentation to Economic Development & Revitalization Subcommittee**

Vyto Adomaitis, Neighborhood Services & Public Safety Director

Steve Wagner, Public Works Director

Jaime Valdez, Economic Development Coordinator

**July 15, 2013**



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**FINAL  
REDEVELOPMENT PLAN  
FOR THE  
GOLETA OLD TOWN REDEVELOPMENT PROJECT**

**COUNTY OF SANTA BARBARA REDEVELOPMENT AGENCY**

Transmitted by the County of Santa Barbara  
Redevelopment Agency Board of Directors  
Resolution No. 97-256 on June 17, 1997

Revised and Approved by the  
County of Santa Barbara Planning Commission  
Resolution 98-03 on February 25, 1998

Approved and Adopted by the Board of Supervisors  
Ordinance No. 4326 on June 16, 1998

Prepared By  
County of Santa Barbara Planning and Development  
Division of Comprehensive Planning

**SHANNON, DAVIS & ASSOCIATES**  
11150 Santa Monica Boulevard, Suite 200  
Los Angeles, California 90025

**JUNE 1998**

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**— FINAL —  
Goleta Old Town  
Revitalization Plan**



**June 1998**

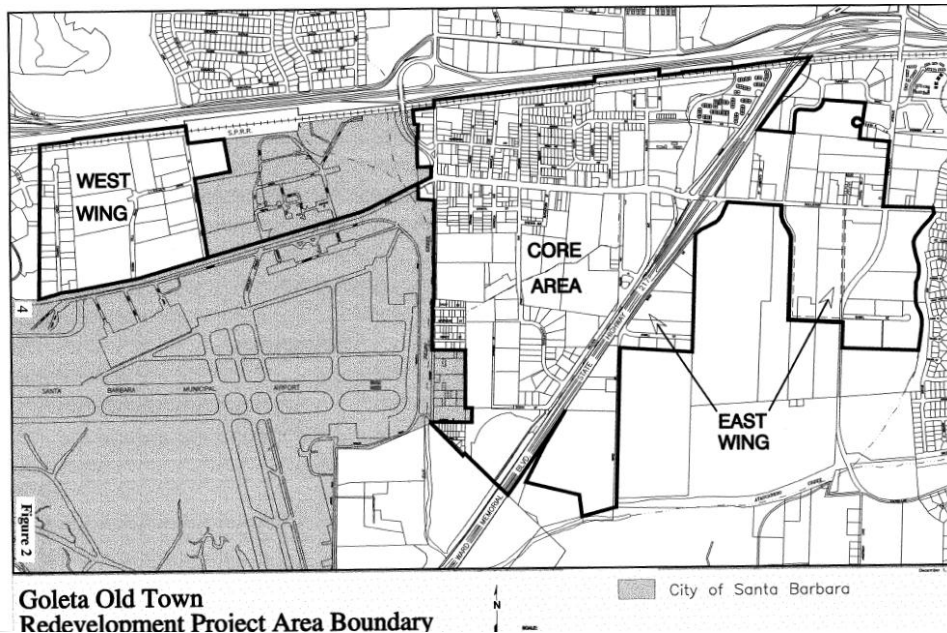
Prepared by County of Santa Barbara • Planning & Development • Comprehensive Planning Division  
123 East Anapamu Street • Santa Barbara, CA 93101 • (805) 568-2000

# ***DISSOLVED GOLETA RDA-BACKGROUND***

- The County of Santa Barbara (“County”) originally adopted the Redevelopment Plan for the Goleta Old Town Redevelopment Project (“Redevelopment Plan”), on July 7, 1998.
- The Redevelopment Plan provided the general legal context for creating the RDA including boundaries for the project area, proposed development actions, specific powers and methods for financing the Project.
- In concert with the Redevelopment Plan, the Goleta Old Town Revitalization Plan (“Revitalization Plan”) was adopted to provide the specific details on how revitalization would occur in Old Town.
- Both Plans were administered as part of the County’s unincorporated territory until the City of Goleta (“City”) assumed control of the Plans after incorporation in 2002.
- The Council served as the RDA Board up until the RDA was dissolved on February 1, 2012 pursuant to AB 1X 26.
- On January 17, 2012 the City took formal action to assume the role of Successor Agency to wind down the affairs of the former RDA for the City.

# DISSOLVED GOLETA RDA-BACKGROUND

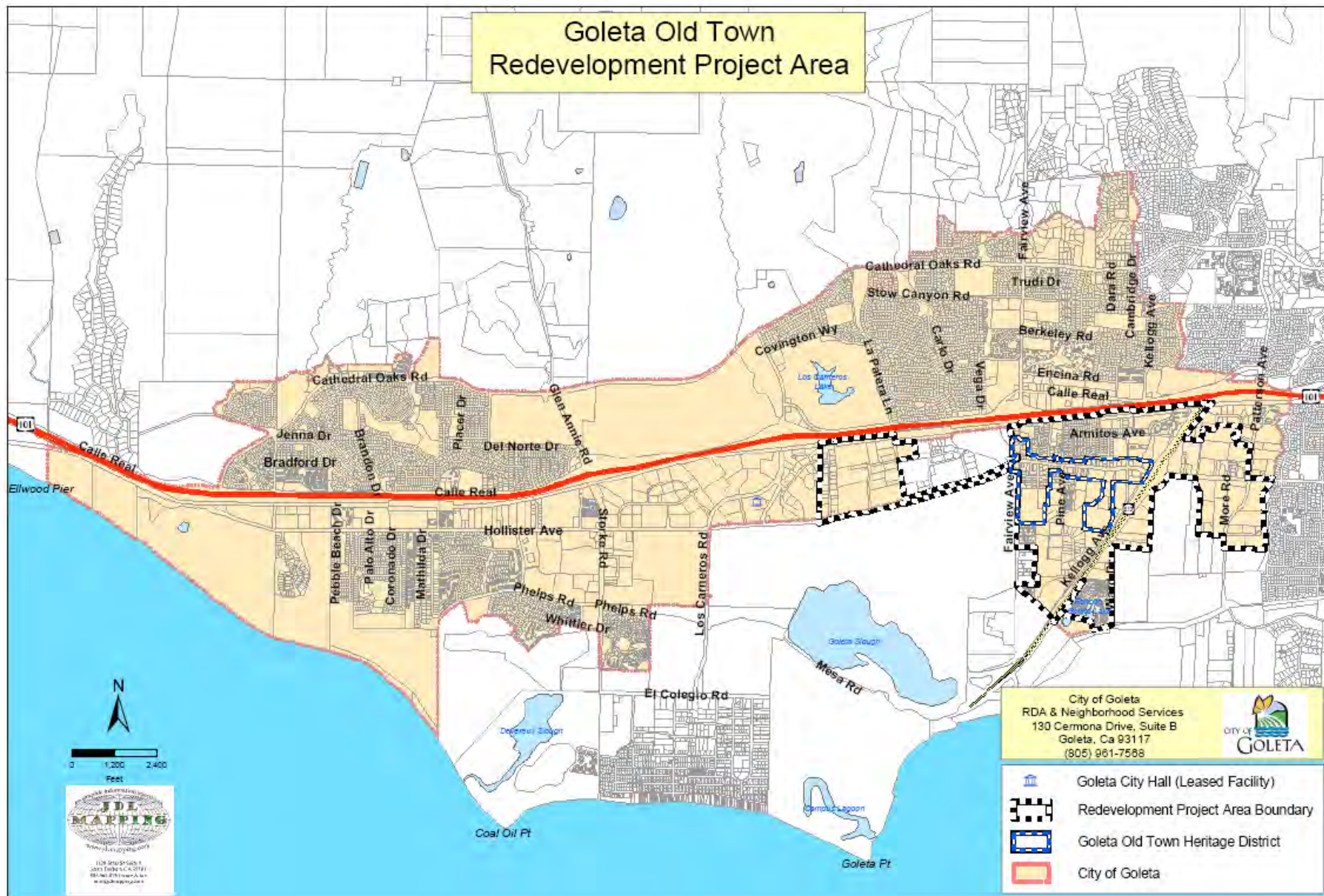
- The Former RDA Project Area, which encompassed Old Town (“Core”) and two other adjacent “wings”, was approximately 595 acres in size, or approximately 12 percent of the total area of the City.



- Old Town has been historically underserved with aging and inadequate infrastructure, slum and blight, and in need of economic development and affordable housing.
- Tax increment (“TI”) revenue was generated from increases in the Former RDA Project Area’s total assessed value above the base year value of 1997-98 at \$665,653,295. For context, the Former RDA’s assessed value in FY 2009-10 surpassed the \$1 billion dollar mark.







# Goleta Old Town Redevelopment Project Area



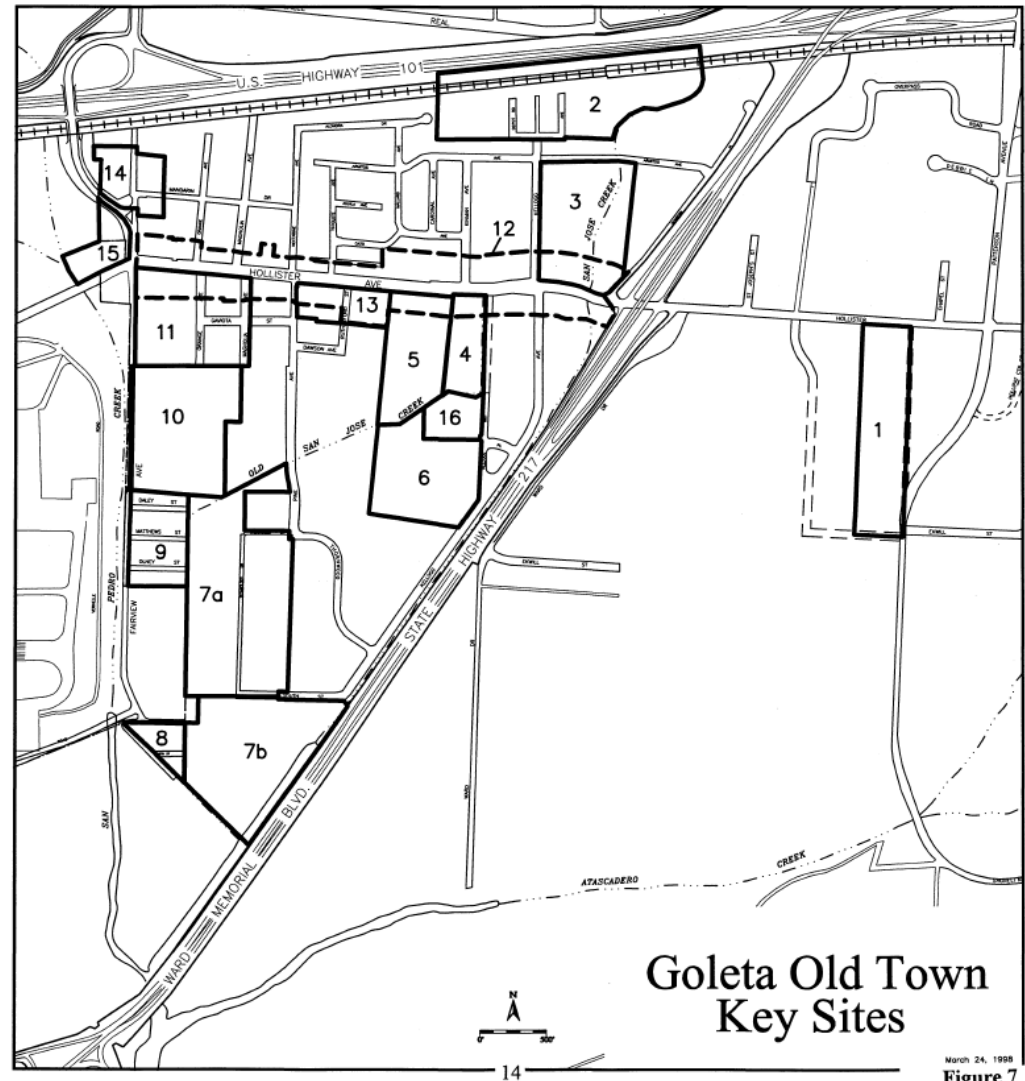
City of Goleta  
RDA & Neighborhood Services  
130 Cermona Drive, Suite B  
Goleta, Ca 93117  
(805) 961-7568



-  Goleta City Hall (Leased Facility)
-  Redevelopment Project Area Boundary
-  Goleta Old Town Heritage District
-  City of Goleta

# FORMER RDA—KEY SITES

- The Revitalization Plan identified 16 Key Sites within the Project Area in an effort to help focus attention to these sites in future new development or redevelopment opportunities.
- The 16 Key Sites total approximately 200 acres.



# KEY SITES #1-6 UPDATE

Key Site		RDA Plan Estimate Buildout and Land Use Designation/Zoning	Current Zoning and General Plan Land Use	Current Status
1	<b>General Research</b> 12.59 ac. 164,970 sf	Office and Professional, 20,000 sf <i>Zoning: PI</i>	Zoning: PI Professional & Institutional  GP Land Use: Office and Institutional  <i>Airport Approach Zone Constraints</i>	Two-story Class A Space with 81,956 sf on northern parcel built in 1995. Dilapidated building 71,393 sf building on southern parcel built in 1968.
2	<b>Kellogg Ready Mix</b> 17.96 ac. 64,000 sf	45,000 sf <i>Zoning: General Industry, Open Space/ M-1, Rec</i>	Zoning: M-1 Light Industry  GP Land Use: General Industrial	One current approved proposal for 111,730 SF self-storage facility (Schwann Self-Storage)
3	<b>Hollister/Kellogg</b> 14 ac. 1,875 sf 24 units	120 room hotel (88,125 sf) and 15 units west of creek and 37 units and 1.5 acre park east of creek (assumes a portion of the site is rezoned to C-2) <i>Zoning: Res., Gen. Commercial, Scenic Buffer/DR-10, DR-20, C-2</i>	Zoning: DR-10 Design Residential (10 units/acre), DR-20 (20 units/acre), C-2 Retail Commercial  GP Land Use: Planned Residential, Open Space/Active Recreation, Old Town Commercial, Future Park Site	Slated for future Hollister/Kellogg ("Old Town" Park). Awaiting California Department of Finance disposition ruling through redevelopment dissolution.
4	<b>Sanders</b> 4.76 ac. 2 units	100,000 sf retail and 10 units residential <i>Zoning: General Commercial/C-2</i>	Zoning: C-2 Retail Commercial, DR-14 (14 units/acre)  GP Land Use: Old Town Commercial, Medium Density Residential	Hampton Inn (98 rooms) and Residential (37 townhomes)
5	<b>Goleta Valley Community Center</b> 9.84 ac. 27,717 sf	30,000 sf addition, Recreation Facilities <i>Zoning: General Commercial, Civic Center/ C-3, PI</i>	Zoning: PI Professional & Institutional, C-3 General Commercial  GP Land Use: Public/Quasi-Public	Civic Center Feasibility Study (in progress)
6	<b>Page</b> 12.36 ac. Vacant	Hotel/Conference Center, retail and conference facilities <i>Zoning: General Commercial/ CV</i>	Zoning: C-V Resort/Visitor Serving Commercial  GP Land Use: Visitor Serving  <i>Possible Airport Approach Zone Constraints</i>	City Council approved initiation of a General Plan Amendment for a proposed residential and live/work development set for July 2, 2013.

# KEY SITES #7-10 UPDATE

Key Site		RDA Plan Estimate Buildout and Land Use Designation/Zoning	Current Zoning and General Plan Land Use	Current Status
7a	<b>Thornwood Drive</b> 26.1 ac Vacant 10,000 sf	102,300 sf M-1, 222,200 sf M-S-GOL (open storage yard as approved) <i>Zoning: Light Industry/M-1, M-S-GOL</i>	Zoning: M-1 Light Industry, M-S-GOL Service Industry Goleta  GP Land Use: General Industrial, Service/Industrial  <i>Airport Clear Zone Constraints</i> <i>Coastal Zone</i>	No active cases on these parcels. Recent conceptual proposal included development of an Old Town Industrial Center (13 buildings totaling 158,400 sf)
7b	<b>Drive In</b> 16 ac. 9,600 sf	4,400 sf Car rental facility, 113,700 sf M-1, 24,800 sf M-S-GOL <i>Zoning: Light Industry, General Industry/M-1, M-S-GOL</i>	Zoning: M-1 Light Industry, M-S-GOL Service Industry Goleta  GP Land Use: Service/Industrial  <i>Airport Clear Zone Constraints</i> <i>Coastal Zone</i>	No current case. Existing swap meet and drive-in uses. Previous conceptual proposals included a Lowe's home improvement store.
8	<b>Corta Street</b> 2.07 ac 5,000 sf 15 units	25,000 sf <i>Zoning: Light Industry/M-S-GOL</i>	Zoning: M-1 Light Industry  GP Land Use: General Industrial  <i>Airport Approach Zone Constraints</i> <i>Coastal Zone</i>	No active cases on these parcels.
9	<b>Daley, Matthews, and Olney</b> 6.39 ac 53,100 sf, 11 units	25,600 sf <i>Light Industry/ M-1</i>	Zoning: M-1 Light Industry  GP Land Use: General Industrial  <i>Airport Approach Zone Constraints</i> <i>Coastal Zone</i>	No active cases on these parcels.
10	<b>Airport Plaza</b> 17.16 ac 193,200 sf	256,000 sf (56,800 sf new) <i>Zoning: Industrial Park/ M-RP</i>	Zoning: M-RP Industrial Research Park  GP Land Use: Business Park	No active cases on these parcels.



# KEY SITES #11-16 UPDATE

Key Site		RDA Plan Estimate Buildout and <i>Land Use</i> <i>Designation/Zoning</i>	Current Zoning and General Plan Land Use	Current Status
11	<b>South-East Hollister/Fairview Ave.</b> 9.93 ac 116,400 sf, 34 units	13,400 sf <i>Zoning: General Commercial/ C-2 and C-3</i>	Zoning: C-2 Retail Commercial, C-3 General Commercial  GP Land Use: Old Town Commercial, General Commercial	Fairview Business Center: Class A Office space totaling 70,566 sf built in 2009.
12	<b>Hollister Corridor</b> 48 ac. 365,400 sf	33,600 sf office 57 units <i>Zoning: General Commercial, Residential, Civic Center/C-2, DR-16, DR-10, PI Mixed Use Overlay</i>	Zoning: C-2 Retail Commercial (vast majority), PI (front of GVCC), C-3 (front of GUSD Bus Yard), DR-10 (one parcel), DR-16 (one parcel)  GP Land Use: Old Town Commercial (majority), Public / Quasi-Public (GVCC/Bus Yard), Open Space/Active Recreation, Medium Density Residential	No active cases on these parcels.
13	<b>Central Hollister</b> 4 ac. 46,300 sf, 1 unit	Minor infill of 6,200 sf <i>Zoning: General Commercial/ C-2, C-3</i>	Zoning: C-2 Retail Commercial, C-3 General Commercial  GP Land Use: Old Town Commercial, General Commercial	No active cases on these parcels.
14	<b>North Fairview Industrial</b> 39,800 sf 29 units	5,000 sf retail, 21 units <i>Zoning: General Commercial, Residential/C-1, C-3, DR-30</i>	Zoning: C-1 Limited Commercial, C-3 General Commercial, DR-30 Design Residential (30 units/acre)  GP Land Use: Old Town Commercial, General Commercial, High Density Res.	No active cases on these parcels.
15	<b>Gerard Triangle</b> 3.19 ac Vacant	10,700 sf, 6 units <i>Zoning: General Commercial/ C-2</i>	Zoning: C-2 Retail Commercial  GP Land Use: Old Town Commercial	Has been approved for 6,885 sf mixed use building (9,250 sf retail space, 6,110 sf office space and 2 units)
16	<b>Storage Yard</b> 10,000 sf 2 units	52 units, 9,200 sf <i>Zoning: Industrial Park, Residential/ DR 12.3, M-RP</i>	Zoning: DR-12.3 Design Residential (12.3 units/acre), M-RP Industrial Research Park  GP Land Use: Planned Residential, Business Park	Sold in June of 2011. No active cases on these parcels. Potential senior housing is being considered by the property owner.

# THREE MAJOR CIP COSTS: THEN AND NOW

## GOLETA OLD TOWN REVITALIZATION PLAN

property owners participating in upgrades to their buildings, it is doubtful that overall business conditions would abruptly rally and property values increase. Finally, revitalization of Goleta Old Town is dependent on significant public expenditures from a variety of sources and will require commitment and vision on the part of decision-makers and support from the community.

The table below lists projects, their estimated costs and provides general information regarding the type of funding proposed. This scope of projects proposed to be implemented over the first ten years of a Revitalization Program accounts for the County's establishment of the Goleta Old Town Redevelopment Project Area.

**TABLE 5**  
**Preliminary Projects, Estimated Cost and Funding Comments**

PROJECT DESCRIPTION	ESTIMATED COST	FUNDING COMMENTS
Ekwill Street and Fowler Road Extensions	\$17 million	Funded through a grant program formerly referred to as Flexible Congestion Relief
Flood Control Improvements at Hollister/San Jose Creek	\$3.0 million	Redevelopment and other sources
Hollister Reconstruction	\$6.0 million	Primarily Redevelopment
Remediation of soil and groundwater contamination	Unknown	Financed through a mix of sources or paid for as needed
Housing renovation and mixed use residential additions	Extent of loan/grant program is driven by availability of Redevelopment funding	Funded from Redevelopment tax increment for affordable housing activities.
Loans/grants to assist renovations, facade improvements, mixed use, etc.	Extent of loan/grant program is driven by availability of Redevelopment funding	Funded annually through Redevelopment.
Administration of the Project Area	\$237,000/year	Funded annually through Redevelopment.
Lease of existing private parking lots for public parking.	\$50,000/year	Funded annually through Redevelopment

In addition to the proposed projects listed above, progress has been made on the following Old Town projects:

- **Fowler Road Extension:** A Project Study Report has been completed for this project and includes preliminary engineering, cost estimates, and an assessment of alternative alignments. This extension would allow direct access to and from the S.B. Municipal Airport and various commercial and industrial sites in Old Town. Improvements include a signalized intersection at

Project	Cost Estimate	Shortage
Ekwill & Fowler Roads Extension: Including Hollister/217 Intersection Improvements	\$17.2 Million	\$1.0 Million
SJC Capacity Improvement and Fish Passage	\$25 Million	\$1.6 Million
Hollister Avenue Redesign	\$8 Million	\$8.0 Million

# CIP IN OLD TOWN—STATUS UPDATE

## EKWILL & FOWLER ROADS EXTENSION: INCLUDING HOLLISTER/217 INTERSECTION IMPROVEMENTS



- **Description**

- This project will construct Ekwill Street and Fowler Road extensions across Old Town Goleta from Kellogg Avenue to Fairview Avenue. The new streets will have two travel lanes with left turn pockets, Class II bike lanes, and sidewalks/parkways. The project will also incorporate intersection capacity improvements (roundabouts) at the Hollister Avenue and Route 217 ramp intersections.

- **Purpose and Need**

- The existing roadway system within Old Town Goleta has inadequate east-west circulation both North and South of Hollister Avenue and lacks direct access into the southern portions of Old Town Goleta and the Santa Barbara Airport. This project will relieve regional congestion, improve traffic circulation in Old Town Goleta, and improve access within Old Town Goleta and to the airport.

- **Current Phase**

- The project is in the Final Design and Permitting Phase and now with the California Coastal Commission for a needed permit. Construction is planned for fiscal year 2014/15.

- **Funding Sources**

- Funding for this project has been a combination of Redevelopment Agency (RDA) (prior to dissolution), Old Town Reserve Bond Funds Measure A and State Transportation Improvement Program (STIP) funds.

- *The project is currently going through the permitting process and project approval requirements by the California Coastal Commission could increase project costs and mitigation costs, leaving this project potentially underfunded by \$1,000,000.*

# CIP IN OLD TOWN—STATUS UPDATE

## SAN JOSE CREEK CAPACITY IMPROVEMENT AND FISH PASSAGE PROJECT



- **Description**

- This project will construct capacity improvements to the San Jose Creek Channel that will increase the design storm from a 25 year to a 100 year storm event. The new channel will be 50 feet wide with vertical walls and an articulated concrete revetment bottom. The revetment will include fish passage. The project will require the reconstruction of the entire channel and the replacement of the Hollister Avenue Bridge over San Jose Creek. The bridge project (Phase II) will begin after the channel portion is completed (Phase I).

- **Purpose and Need**

- The project will reduce flooding and related impacts within Old Town Goleta by increasing the capacity of the channel to accommodate a 100 year storm event. The project will result in a redrawing of the FEMA flood plain maps to remove approximately 200 parcels from the flood plain.

- **Current Phase**

- The Contractor completed the first year of project construction, and the project is essentially 66% complete. Construction resumed in the channel in the spring of this year. Materials such as the remaining walls and the articulated concrete revetment bottom are stored on site waiting for the “dry season” to begin which will allow the contractor to get back into creek. Construction Phase I will be completed by 2014. Phase II will begin in 2015 and will take 18 to 24 months to complete.

- **Funding Sources**

- Funding for this project has been a combination of Redevelopment Agency (RDA) (prior to dissolution), Old Town Reserve Bond Funds, Santa Barbara County Flood Control District, Goleta Valley Land Trust and California Fish and Game Fisheries Restoration Grant (FRGP) and Proposition 84 grant funds.
- *Due to potential claims received from the contractor and additional right of way costs, Phase I of the project is underfunded an estimated \$1,000,000, and the Bridge Replacement (Phase II) is underfunded by approximately \$600,000 for a total of \$1,600,000.*



# CIP IN OLD TOWN—STATUS UPDATE

## HOLLISTER AVENUE REDESIGN PROJECT

- **Description**

- This project involves the redesign and reconstruction of Hollister Avenue from Fairview Avenue to Kellogg Avenue in Old Town Goleta. This project will evaluate the number of vehicle travel lanes, center turn lane, median landscaping and redesign, sidewalk redesign, amenities and landscaping, lighting, accommodation of alternative transportation, striped bike path area, and on-street parking. The design will also correct drainage issues.

- **Purpose and Need**

- Hollister Avenue in Old Town Goleta carries a large volume of daily traffic, resulting in congestion. Residents and business owners in Old Town Goleta want to have a more pedestrian and bicycle friendly corridor that would be more attractive to customers, especially in the evening when commuter traffic passes through town. Improving traffic flow, enhancing pedestrian and bicyclist safety and convenience, and making aesthetic improvements will further that goal.

- **Current Phase**

- Since the dissolution of the RDA the project has been placed on hold. The project was suspended in the Design Phase. Many useful items of work were completed, such as a drainage study, parking study and lane utilization analysis.

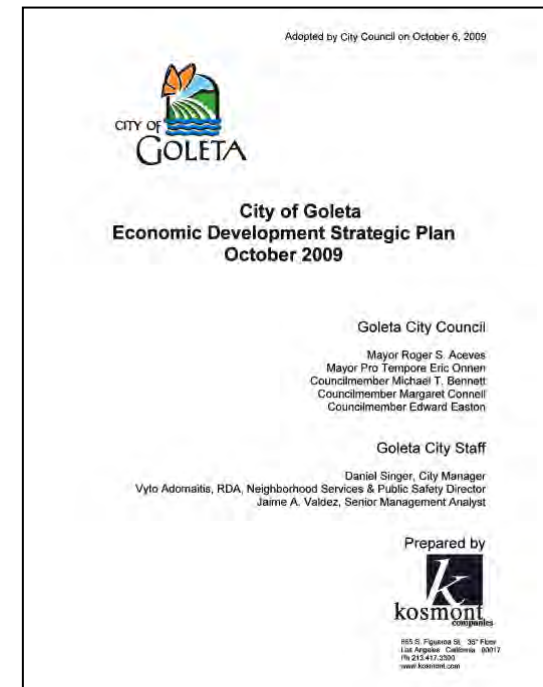
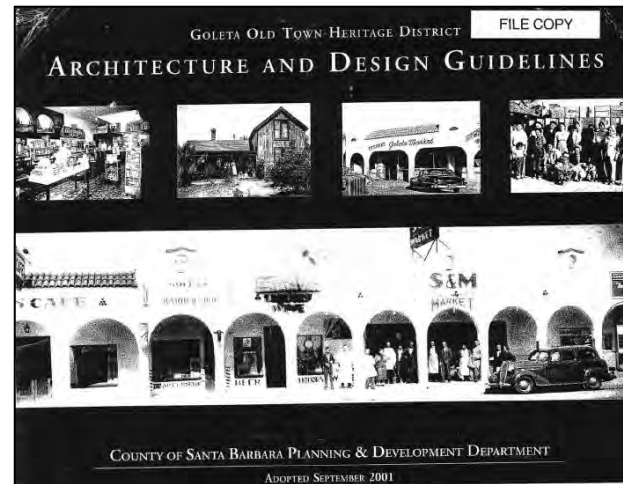
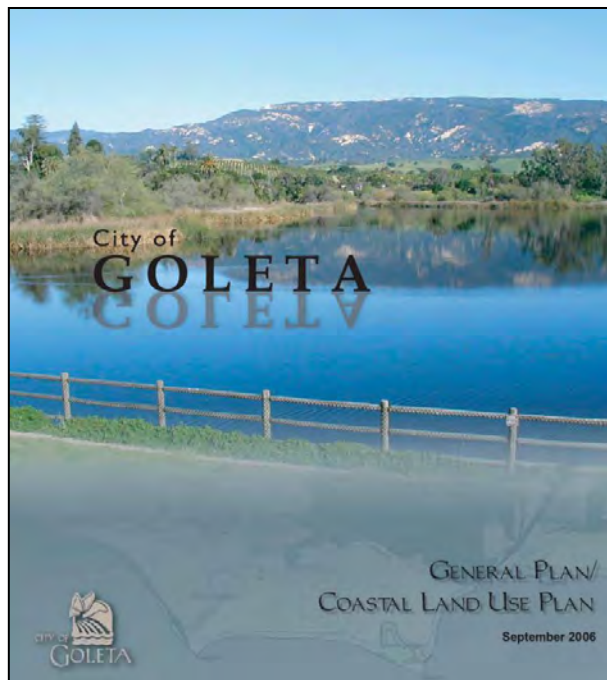
- **Funding Sources**

- Funding for this project was a combination of Redevelopment Agency (RDA) and Regional Surface Transportation Program (RSTP) funds. It was always anticipated that the RDA would fund this project, since other significant funding sources have not been identified. Since the dissolution of the RDA the project has been placed on hold. Goleta Transportation Improvement Program (GTIP) funds may be used on a limited basis for congestion relief.
- ***This project is currently estimated to be underfunded by \$8,000,000.***

# ***Post-RDA—OTHER GUIDING DOCUMENTS***

- The City/Former RDA adopted the following documents which consist of or include policies and plans associated with the revitalization of Old Town listed in chronological order:
  - Former RDA's Revitalization Plan (adopted in July 1998)
    - Former RDA's Old Town Heritage District Map (included in the Revitalization Plan)
  - Former RDA's Goleta Old Town Heritage Architecture and Design Guidelines (adopted in September 2001)
  - Former RDA's 5-Year Implementation Plans (last adopted in June 2008 and amended in March 2011)
  - City's General Plan (adopted in September 2006)
  - City's Economic Development Strategic Plan (adopted in October 2009)
  - City's Strategic Plan (last updated in November 2012)
- It is prudent to examine these documents and decide whether and to what degree the City edits, deletes, or revises these documents in light of the dissolution of the Former RDA.
- The Council has tasked the Economic and Revitalization Committee with working with staff on the review of these documents in light of the loss of the RDA.

# Post-RDA—OTHER Guiding Documents



# ***GUIDING DOCUMENTS—GENERAL PLAN***

- The General Plan divides the City of Goleta into eight individual sub-areas, which are listed below:
  1. Old Town
  2. Central Area
  3. Southwest Residential Community
  4. Coastal Resource Area
  5. Northwest Residential Community
  6. Central Resource Area
  7. Northeast Residential Community
  8. Northeast Community Center
- Old Town is recognized as a unique asset and the historic center of town. Revitalization efforts are directed toward enhancing the physical and economic environment, improving the pedestrian experience, managing traffic, and minimizing impacts on residential areas.



# GUIDING DOCUMENTS—GENERAL PLAN

- **LU 1.3 Goleta Old Town.** [GP] The City and the **RDA** shall continue to develop and implement programs to revitalize the Old Town area. When considering development proposals, *lots designated for commercial or multifamily residential use that are less than 6,000 square feet shall be encouraged to be combined with any adjacent small lots to provide adequate parking and circulation, minimize driveway cuts on Hollister Avenue and other busy streets, and maximize design potential.*
- **LU 1.11 Multiple-Use Development.** [GP/CP] New larger developments, including multifamily, commercial, retail, office, and industrial uses, *shall be designed to incorporate features that enable a choice of various alternative modes of travel, such as transit, biking, and walking. Mixed-use development, where certain commercial and residential uses are provided in a single integrated development project, shall be allowed in appropriate areas, including, but not limited to, the Hollister corridor in Old Town.*
- **VH 4.2 Old Town.** [GP] Old Town is a unique asset and the historic center of Goleta. Accordingly, all design shall *maintain and enhance the historic character and be consistent with the Goleta Heritage District Architecture and Design Guidelines, where applicable.*
  - Superior materials and architectural detailing shall be used. Development shall *continue to reflect Goleta's small-scale character, promote individual identity, and avoid uniformity or a false historic look.* The Design Review Board shall evaluate applicable proposals for new development within the Heritage District to achieve variation in heights of structures along the Hollister corridor to avoid a “canyonization” effect. The *pedestrian experience shall be supported and enhanced by provision of street trees; landscaped passageways; human-scale entries; and amenities such as benches, bicycle racks, trash containers, and public art.*
  - Transitional areas between residential neighborhoods and adjacent commercial and industrial areas shall be established and maintained by use of *increased setbacks and heavy landscaping.*

# GUIDING DOCUMENTS—GENERAL PLAN

- **LU 3.4 Old Town Commercial (C-OT).** [GP] This designation is intended to *permit a wide range of local- and community-serving retail and office uses*. A major purpose is to *enhance the physical and economic environment for existing businesses and uses of the Old Town commercial district*, the historic center for the Goleta Valley situated along Hollister Avenue between Fairview Avenue and State Route 217 (SR-217).
- The following criteria and standards shall apply to lands designated Old Town Commercial:
  - a. Management of this area shall emphasize *improving and reinforcing the character of the area as a pedestrian-oriented retail business area with a mix of businesses and services*.
  - b. “Large box” uses shall not be permitted within this use designation.
  - c. Visitor-serving commercial uses, including transient lodging, may be permitted by conditional use permit.
  - d. Existing heavy commercial uses (including printing and auto services and repair) are permitted uses although significant expansion of these activities shall be allowed only by conditional use permit if the expansion is compatible with adjacent uses.
  - e. Allowed uses include retail uses; professional and business office uses; public uses, including governmental administration activities; restaurants; entertainment; cultural activities; personal, financial, and small business services; and various other public and quasi-public uses.
  - f. *Any new development in the Old Town Commercial category shall include buildings, pedestrian plazas, design amenities, and facilities that are consistent with the Goleta Old Town Heritage District architecture and design guidelines.*
  - g. *Continuity of retail and office uses is required at the street or sidewalk level.*
- Residential and office uses may be allowed on the second floor of a structure or behind the portion of a building adjacent to the street, subject to approval of a conditional use permit.
  - h. Residential uses may be approved only in conjunction with a permitted principal nonresidential use on the same site.
  - i. New uses or design features (such as drive-through windows, excessive light and glare) that are incompatible with residential uses or pedestrian-oriented retail activities are prohibited.

# ***GUIDING DOCUMENTS—EDSP***

- The City/Former RDA unanimously adopted an Economic Development Strategic Plan (EDSP) in October of 2009.
- The goals in the EDSP are broadly based, allowing the City to respond to new ideas and opportunities as they emerge.
  - Goal 1: Create a diverse employment base and a balanced approach to economic development that focuses on identified industry clusters
  - Goal 2: Establish a plan to increase tourism activity
  - Goal 3: Improve access to financial capital and human resources
  - Goal 4: Establish the City of Goleta as a green tech/sustainable community
  - Goal 5: Increase and expand local partnerships
  - Goal 6: Continue to improve and enhance the City's permitting process
  - ***Goal 7: Focus economic development attention on Old Town and update the Old Town Revitalization Plan***

# ***GUIDING DOCUMENTS—EDSP GOAL 7***

*“Focus economic development attention on Old Town and update the Old Town Revitalization Plan”*

<b>Strategy No.</b>	<b>Description</b>	<b>Status</b>
Strategy 7.1	Secure funding to complete the San Jose Creek Flood Control Channel improvements in Old Town	Funding secured and project is under construction
Strategy 7.2	Continue funding for the Storefront Façade Improvement Program	(Stopped due to dissolution of RDAs)
Strategy 7.3	Develop promotional and arts programs for Old Town Goleta	No reportable action
Strategy 7.4	Conduct a detailed parking analysis of Old Town and determine the need for, and potential site for additional public parking and possibly a parking structure	Completed
Strategy 7.5	Prepare an updated Revitalization Plan for the City's Redevelopment Area <ul style="list-style-type: none"><li>Specifically the following sites are called out: Hollister/Kellogg Site (KS #3), Page Site (KS #6), Drive-In (KS #7b).</li></ul>	Under consideration.  Part of Key Site #3 is slated to be a park.
Strategy 7.6	Build on community support for an update of the redevelopment plan	No reportable action



# OLD TOWN POST-RDA CONSIDERATIONS

- **Funding**

- CDBG for sidewalks and park improvements
- HUD-DOT-EPA partnership for sustainable communities (TOD)
- California Strategic Growth Council's Sustainable Communities Grant and Incentive Program
- Potential Options related to Taxes, Assessments, and Fees
  - BIDs, IFDs, Parcel Tax, CFDs and Assessment Districts
  - Certificates of Participation, lease-leaseback financing, various kinds of bonds including GO
  - New Market Tax Credits requires a CDE (Community Development Entity)
  - Rebates of Sales Tax, Business License Tax and Development Impact Fees
  - Landscape and Lighting Act of 1972, Municipal Improvement Act of 1913
  - Legislation: Senate Bill 4 (Cogdill) 2009, Government Code Section 5956, AB 642- Design Build for Cities
  - Benefit Assessment Act of 1982
    - Maintenance of drainage; flood control; street lighting; streets, roads, or highways
  - Park and Playground Act of 1909, Tree Planting Act of 1931, Improvement Act of 1911
  - *Limitations on Assessments*
    - *Property may only be assessed based on the special benefit received from the facilities or services*
    - *General benefit must be separated out from the calculation of the assessment*
    - *No judicial deference to city's determination of special benefit*
- Other
  - EDA and other Federal and State Grant Funding or new legislation to "offset" RDA Dissolution
  - Public/Private Partnerships and Foundations

# OLD TOWN POST-RDA CONSIDERATIONS

- **Planning and Zoning Considerations for a Designated Area**

- What happens to the existing Old Town Heritage District Guidelines?
- Where in the General Plan is the RDA listed/mentioned and are there policies that would need addressing?
- Increasing flexibility in zoning standards?
- Expanded use of development agreements:
  - Creative, specifically tailored city/developer partnerships
  - Reductions, recalculations in impact fees, processing fees
  - Impact fee deferrals
- Reduce costs and time of processing planning and building permits
- Reevaluate need for costly discretionary steps
- Exempt design review board and planning commission
- New CEQA provisions to streamline review of urban in-fill projects (SB 375)
- Time collaboration and conversation with local builders and developers

- **Mixed-Use Development and Changes/Updates to Zoning**

- Zoning Code Update and Possible Overlay District for Old Town?
- Storefront Façade Improvement Program
  - 52 improvements, RDA/CDBG Funded \$378,000 and Private \$454,000
- Affordable Housing
  - Housing Rehab Program, 37 homes rehabbed (13 VL, 14 L, 10 Mod), spent \$740,000

- ***With regard to zoning/planning considerations, these items would include review and collaboration in concert with the Planning & Environmental Review Department as well the City Attorney's Office.***

# POST-RDA—WHAT NOW?

- **LEGAL INPUT**

- Our outside legal counsel who specializes in redevelopment law has taken the position that “any *plans, policies, etc. adopted by the former RDA are now meaningless.*” AB 26 and AB 1484 set forth the replacement system.
- Other communities may disagree and there is no clear guidance in the law.
- If the City wished to have a policy document continue it could consider having the Council adopt and reaffirm the plan or policy.

- **OTHER CONSIDERATIONS**

- What else was envisioned in the Revitalization Plan and is that still applicable?
- Update Revitalization Plan, start over, pare down?
  - Page Site as Hotel/Conference Center, now perhaps a change to multi-family housing
- What are the mechanisms going forward now that RDA Tax Increment financing is gone?
- How does this play into the existing Economic Development Strategic Plan?

**From:** [Bernie Corea](#)  
**To:** [City Clerk Group](#)  
**Subject:** Conditional Residential LU Buffer - Amendments to Cannabis Land Use Ordinance: Case No. 18-135-ORD  
**Date:** Monday, June 03, 2019 11:02:56 AM

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RE: Amendments to Cannabis Land Use Ordinance: Case No. 18-135-ORD

June 3, 2019

Dear City Council:

I am writing you today to ask that City Council consider a conditional buffer for cannabis retail storefronts from residential land uses. I believe the proposed CLUP amendments overall effectively address the community concerns with this one exception.

My concern is that the proposed unconditional residential buffer severely eliminates available properties for cannabis storefront retail use (as seen in Attachment 3) outside of the Old Town Goleta Heritage District. This may create significant adverse effects in the future if nearly all of the available spaces for Cannabis retail storefront uses are within the Old Town Heritage District.

At previous council meetings, a conditional residential buffer has been a constant item of discussion. It is unclear why an unconditional buffer is now being proposed. Having followed the influences of cannabis applicants in the local real estate market, I am concerned that the sudden imposition of an unconditional residential buffer will cause undue "disturbance in the marketplace". Applicants would be forced to move away from properties that they have already come to mutual agreements on with the respective property owners. They would now be forced to go out and seek other properties that have potential to be vacated for their use.

By imposing a conditional residential buffer that allows cannabis storefront retail uses within 100 feet of residential land uses, provided vehicular and pedestrian access is granted from a non-residential facing street and that there are appropriate visual barriers to neighbors, the City will be able to ensure cannabis retail uses are not within the vicinity of influence to their residential neighbors while protecting against the negative effects of enforcing an unconditional buffer.

Looking at the two applicants that are impacted by the proposed residential buffer, both properties provide access from non-residential roads and are not visible from neighboring residential land uses. With these specific applicants, they are not within the vicinity of influence to their residential neighbors, therefore imposing an unconditional buffer appears unnecessary.

If there are any concerns by immediate neighbors, then those specific concerns can be addressed during the neighbor noticing period, rather than unconditionally buffering out a use which could actually be welcomed as a convenience to its neighbors.

I thank you for your time and consideration.

Kind regards,  
Bernie Corea  
805-284-5334



June 3, 2019

Amy M. Steinfeld  
Attorney at Law  
805.882.1409 tel  
805.965.4333 fax  
asteinfeld@bhfs.com

**VIA E-MAIL CITYCLERKGROUP@CITYOFGOLETA.ORG**

Mayor Paula Perotte and Members of the City Council  
130 Cremona Drive, Suite B  
Goleta, CA 93117

**RE: Amendments to Cannabis Land Use Ordinance: Case No. 18-135-ORD**

Dear Honorable Mayor and City Councilmembers:

Brownstein Hyatt Farber Schreck (BHFS) represents Mr. Caesar Ho, the owner of 290 Storke Road (Ming Dynasty) and 5836 Hollister (Motor Sports). Mr. Ho worked closely with Sid Dunmore to submit applications to conduct cannabis storefront retail operations at both addresses.<sup>1</sup> We have been closely following the City of Goleta's (City) Cannabis Land Use Ordinance (CLUO) process throughout its evolution and wish to opine on the proposed amendments. Specifically, as explained below, we believe that the Cannabis permits should "run with the land" and be based on the locations noted in the applications submitted almost one year ago, instead of being granted to specific individuals and now giving them an opportunity to find a new location. This is contrary to land use law and will create uncertainty. The City must encourage regulatory certainty, and not prematurely open up the regulations, which will create a moving target. In addition, the City must eliminate from the process existing medical dispensaries that are not operating legally.

**A. Background**

For background, our client, in good faith reliance upon the City's final ordinance, as well as formal and informal communications made by City staff, engaged our firm as well as various consultants in an effort to obtain non-medicinal cannabis storefront retail CUPs at the two above addresses. As you recall, on August 9, 2018, our client attended a City Q&A session where City staff responded to multiple questions related to whether preference would be given to existing uses and reiterated that existing uses would not receive preference in the application process and that, in fact, it was a first come, first serve process starting August 17, 2018. Staff also "stated the 300-foot buffer around storefront retail cannabis businesses did not apply to the three, existing, medical cannabis businesses located at: 164 Aero Camino; 5814 Gaviota and 5902 Daley Street." On August 10, 2018 — the very next day — our client, relying upon City representations, engaged consultants to prepare an application for submittal to the City.

On August 15, 2018, the City sent a notice indicating a "correction from our August 9, 2018," Q&A session. Apparently the City had misrepresented how the 300-foot buffer would be applied to the existing medical cannabis operations. The City explained that the buffer would now prevent new storefront retail cannabis businesses from being permitted within 300 feet of an existing "legally established" medical cannabis business. Later that same day, we were advised to submit our client's CUP application by the deadline, despite the change in the interpretation of the 300-foot buffer. Accordingly, our client continued to pay for

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<sup>1</sup> 290 Storke Rd. and 5836 Hollister are file numbers 18-103-CUP and 18-104-CUP respectively.

consultant and expert advice and worked with Mr. Dunmore to submit a CUP application on August 17, 2018.

The City's ordinance rewarded those projects which first submitted completed land use applications. Cognizant of that fact, Mr. Ho and Mr. Dunmore spent more than \$250,000 to complete the two CUP applications in time for them to be submitted fourth and fifth, respectively.

Even if the buffer applies to existing, medical operations, we still contend that the Santa Barbara Care Center is not a legal establishment, pursuant to the City's code for the following reasons:

- 1) The California Franchise Tax Board's records, which is the primary authority on legality of corporations in the State, indicate that the Santa Barbara Care Center's charter has been suspended; and
- 2) The California Bureau of Cannabis Control issued license to the Santa Barbara Care Center expired on May 1, 2018.<sup>2</sup>

Clearly, a California chartered corporation cannot be legally established if its corporate charter has been suspended. Nor is it legal for a medical cannabis dispensary to be legally operating in California with an expired state cannabis license. Accordingly, the Santa Barbara Care Center should not be considered a legal "existing medicinal cannabis dispensary" and should be eliminated from the process.

#### **B. Eliminated Applicants Should Not Be Allowed to Relocate at an Alternative Site**

With regards to the buffers, we understand and support the proposed buffers even though the 5836 Hollister (no. 5) application will be "buffered" out because it is within 600 feet of the Santa Barbara Care Center (as explained above, this is not a legal operation) and within 100 feet of a residential zone. However, we believe that Mr. Dunmore's application for 290 Storke Rd. (listed as no. 4) should rightfully be second in line, after the applications for 5777 Hollister (no. 1) and 5890 Hollister (no. 2) are eliminated because they are within the separation requirement or within the residential buffer.

Although the City is now proposing to move the licensing of cannabis businesses away from a land use permit to a license review process, the original applications required detailed information about each project site. For example, applicants were required to include a vicinity map, zoning designations, property lines, location and dimensions of all existing and proposed buildings including gross and net square footage, topography, exterior lighting, location of easements, lighting plans, and floor plans with all facilities. Clearly, as initiated, each application was specific to a discrete site.

It is inequitable to give the applicants for 5777 Hollister and 5890 Hollister six months from the effective date to find a new location and submit a new application for an entirely new site that was never contemplated in 2018. Further, this process baselessly and arbitrarily moves the permits into the hands of individuals, instead of running with the land. Such legal transference is not codified in the proposed ordinance and is susceptible to legal challenge, not to mention, it will be expensive and chaotic to implement.

Further, there are practical issues associated with providing the eliminated applicants additional time to relocate. For example, what happens if eliminated applicants spend 6 months looking for a location and don't find one? How long does the next applicant in line get to find a location and when does the clock

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<sup>2</sup> <https://aca5.accela.com/bcc/customization/bcc/cap/licenseSearch.aspx>

start? In order for this process to be coherent, the "relocation" allowance should be eliminated entirely or, at a minimum, shortened to 30 days. If the City does allow the eliminated applications a second bite at the apple, they should not be allowed to engage in predatory behavior by locating new sites within 600 feet of an existing applicant, which could eliminate an existing applicant's priority status.

In sum, equity dictates that the City determine the priority of projects based upon a "first past the finish line" basis rather than a "first to the gate." Projects that are per se ineligible should not be allowed to maintain a priority position. Since the rules are changing for everyone involved under this scenario, it only makes sense that the first projects to satisfy the new buffer requirements, would be the first to be granted a license to operate. Lastly, we respectfully request the City limit business licenses to one per person or entity, which is not only fair and reasonable, but will encourage different types of retail operations within the City.

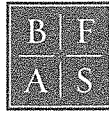
We appreciate your time and look forward to continue working with the City as our community collectively charts a path toward a mutually satisfactory outcome to this matter.

Sincerely,



Amy M. Steinfeld

cc: Winnie Cai, Deputy City Attorney



BUYNAK · FAUVER · ARCHBALD · SPRAY

ATTORNEYS

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June 3, 2019

**Mayor Perotte and  
Fellow Members of the Goleta City Council**  
130 Cremona Drive, Suite B  
Goleta, CA 93117

E-mail: [cityclerkgroup@cityofgoleta.org](mailto:cityclerkgroup@cityofgoleta.org)

**RE: Item E – Amendments to Cannabis Land Use Ordinance: Case No. 18-135-ORD**

Mayor Perotte and Fellow City Council Members:

Our office represents Mr. John Price, the owner and applicant for cannabis dispensaries at 370 Storke Road and 5755 Hollister Road. Along with eight (8) other applicants our client submitted conditional use permit (CUP) applications on August 17, 2018. Similar to the other applicants our client made substantial investments relative to his applications and stands to lose financially by the City's proposed changes to the Cannabis Land Use Ordinance (CLUO). Accordingly, as the City Council considers amendments to the CLUO, which amendments will directly impact our client, we appreciate you taking the time to carefully review our comments and suggestions.

**First**, our client appreciates the need for prohibitive buffers both to protect sensitive receptors and prevent an over-concentration of dispensaries. As a result of the proposed buffers approximately eight current applications will be unviable in their current locations including, our client's application for 5755 Hollister Road. Despite this fact, Mr. Price is in full support of the prohibitive buffers. Specifically, the six hundred (600) foot separation between cannabis retailers will foster businesses by avoiding concentration of retailers in any one area of the City.

**Second**, we question whether a total cap of six (6) dispensaries is necessary, if in fact the primary concern is the concentration of dispensaries in Old Town. We suggest the City Council consider capping the dispensaries in Old Town to two (2) and then permitting an additional six (6) dispensaries in the remainder of the City. Of note, this would result in as many as five (5)

new dispensaries City-wide as the three (3) existing legal non-conforming locations which are assumed to continue.<sup>1</sup>

**Third**, we oppose City Staff's proposal for mitigating the consequences of this policy change for existing applicants. Staff states that the application process under the revised ordinance would preserve the order established by the original CUP applications. In fact, staff indicates they have already returned and given assurance to four (4) applicants "that each applicant's place in line would be saved for six months after the effective date of the amended Ordinance to allow the applicant adequate time to locate an alternative site." It is unclear why staff felt they needed to or made such commitments to applicants without formal action by the City Council directing such policy.

We ask the City Council reject staff's proposal to "hold a place in line" for applicants that need to find a new location. The first ten (10) applications for CUPs were all submitted within approximately three (3) hours of each other on August 17, 2018. Staff is suggesting that applicants that submitted a mere thirty (30) to forty (40) minutes before others get six (6) months to find a new location.<sup>2</sup> Those that were standing in that same line to submit on August 17<sup>th</sup> and that currently have viable locations have to sit and wait – this simply doesn't make sense for the applicants or for the City or its residents. All applicants were generally made aware of the risks and impending changes to the ordinances a few months into the process and we have all proceeded knowing the risk. However, as those with nonviable locations struggle to find new locations, the wait and uncertainty will discourage investment and business competition and cause the City to lose existing applicants with superior locations. The City has four (4) applicants with viable locations ready to submit for the three (3) remaining business license spots and should take advantage of this fact now.

Therefore, with respect to the application process going forward, we request the City Council consider the following:

- Eliminate the applicants with nonviable locations and give the remaining applicants a reasonable timeframe (e.g. one to two months) to submit a business license application in the order in which their CUP applications were received. If the applicant fails to submit a business license in the time provided then the slot opens for the next applicant with a currently viable location. In this scenario if any one of the first three applicants fail to submit then there is only one other applicant on the list who would have the opportunity

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<sup>1</sup> We strongly encourage the City to vet the existing medicinal dispensaries. These operators should be held to the same standards as all other Cannabis retailers in the City.

<sup>2</sup> Our client's agent, Troy White, was the second person in line and submitted the 6<sup>th</sup> and 7<sup>th</sup> application on August 17<sup>th</sup>, 2018. The first five applications were submitted by the same person, Michael Bitton from Los Angeles, who we assume (although still need verify) was the designated agent authorized to submit applications on behalf each applicant at the time. Michael Bitton's name is now only listed as associated with the first application for 5777 Hollister.



Mayor Perotte  
June 3, 2019  
pg. 3

to fill their spot. If after all four (4) of those applicants are provided an opportunity to submit and fail to do so then the process reverts back to first come first serve or first past the finish line, whichever the Council may choose; OR

- If the Council is inclined to give those applicants with nonviable locations a chance in the order their CUP applications were received then consider a shorter window to submit such as one (1) to two (2) months. Six (6) months is unnecessary, excessive and will have a negative impact on the process going forward.

**Lastly**, we request the City limit business licenses to one per person or entity. We doubt it was ever the intent for this process to result in the same investors or business entities ending up with more than one retail dispensary in the City. Limiting licenses to one person or entity will foster competition and diversity amongst the retail locations in the City.

Thank you for your consideration.

Sincerely,

BUYNAK FAUVER ARCHBALD & SPRAY, LLP

A handwritten signature in black ink, appearing to read 'OEM', with a long horizontal flourish extending to the right.

Olivia Marr

A handwritten signature in black ink, appearing to read 'M. Kocmur', with a long horizontal flourish extending to the right.

Marcus Kocmur

cc: Anne Wells, Planning Manager, Advance Planning Division  
Peter Imhof, Planning and Environmental Review Director  
Winnie, Cai, Deputy City Attorney