



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

SUBJECT: Airport Land Use Compatibility Plan Update

RECOMMENDATION:

Receive a presentation concerning the Santa Barbara County Association of Governments' draft Airport Land Use Compatibility Plan and provide comments.

BACKGROUND:

State law requires the Santa Barbara County Association of Governments (SBCAG), as the designated Airport Land Use Commission (ALUC) for Santa Barbara County, to develop and implement an airport land use plan for each public use airport in the County. The purpose of the law is "to prevent the creation of new noise and safety problems, and to protect public health, safety, and welfare by ensuring the orderly expansion of airports, and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards..." (State Aeronautics Act, Public Utilities Code Section 21670(a)). Within prescribed airport runway safety zones and the airport influence area, the airport land use plan identifies compatible land uses and densities around airports covered by the plan.

Accordingly, the current Santa Barbara County Airport Land Use Plan, adopted in 1991 (1991 ALUP), is a policy document that ensures the orderly development of lands in the vicinity of the County's four public use airports. By state law, local governments, such as the City of Goleta, located within the airport influence area of airports addressed by the plan, including Santa Barbara Airport, are required to incorporate the airport land use plan's land use compatibility restrictions into their local General Plans and zoning. Alternatively, the local government may override the plan by a 2/3 vote of their governing body. Where a local government incorporates an airport land use plan into its local planning documents, the ALUC is required to review them for consistency with the adopted airport land use plan. SBCAG has previously certified the City's General Plan and zoning as adequate to implement the 1991 ALUP.

In 2010, SBCAG staff initiated a work effort to update the 1991 ALUP. In 2011, the Caltrans Division of Aeronautics released new State guidance to Airport Land Use Commissions on the preparation of airport land use plans. Among other things, this

new guidance changed the number and geometric configuration of airport safety zones. An initial Draft Airport Land Use Compatibility Plan (ALUCP), following the new State guidance, was released by SBCAG in 2012.

City Comments and Participation to Date

The City provided extensive comments on the 2012 Draft ALUCP, raising significant land use incompatibility issues. The City requested that SBCAG revise the Draft ALUCP to address the issues, including but not limited to adjusting the land use criteria consistent with City staff's understanding of flexibility allowed under the 2011 California Airport Land Use Planning Handbook (Caltrans Handbook).

As part of the 2012 Draft ALUCP comments, the City requested that SBCAG prepare a displacement analysis to evaluate the impacts of the plan on Goleta land uses and inform environmental review under CEQA. The City also requested that SBCAG provide a web-based airport land use mapping tool, accessible to the public. This information and analysis were intended to help work toward resolution of the City's concerns in an effort to reach a consensus approach to these issues.

During preparation of the draft plan and subsequently, City staff participated as a member of a technical advisory committee to SBCAG along with representatives of other affected Santa Barbara County local jurisdictions and airports. City staff also met separately with SBCAG staff over the past several years (most recently on Sep. 27, 2018, January 7, 2019, June 28, 2019, July 11, 2019 and August 8, 2019) to discuss progress and reiterate concerns.

SBCAG Environmental Review and Displacement Analysis

In 2019, as requested by the City, SBCAG staff released a revised Draft ALUCP, a limited land use displacement analysis, and a web-based mapping tool. Airport background data and assumptions were posted to the SBCAG website. Access to these documents is via the SBCAG website at <http://www.sbcag.org/airport-land-use-commission.html>. A Draft ALUCP Administrative Draft Initial Study/Negative Declaration (IS/ND) was provided to the local jurisdictions for review in July. SBCAG has recently re-noticed and recirculated this IS/ND, with comments now due by September 16, 2019.

In response to informal comments by Goleta staff during our meeting with SBCAG staff on July 11, 2019, SBCAG notified the City by letter the next day of its intent to withdraw Santa Barbara Airport (SBA) from the County-wide draft ALUCP and proceed instead with five separate ALUCPs for the remaining airports in Santa Barbara County (Attachment 1). SBCAG noted that addressing the City's concerns was beyond SBCAG's current budgeted time and financial resources and stated, "SBCAG may revisit an ALUCP update for Santa Barbara Municipal Airport in the future, but will only do so with the support of the City of Goleta."

In an August 6, 2019 letter to SBCAG (Attachment 2), Caltrans Division of Aeronautics insisted that SBCAG adopt an ALUCP including Santa Barbara Airport or be in violation

of its Caltrans grant agreement. The letter also suggested that Caltrans would consider any action by the City of Goleta to oppose adoption of the ALUCP to be a violation of the State Aeronautics Act.

Subsequently, following an August 8, 2019 meeting with City staff, SBCAG informed City staff that SBCAG would present the SBCAG Board with options to either (1) adopt a County-wide ALUCP including SBA or (2) five separate ALUCPs, omitting SBA, at its September 19, 2019 meeting.

DISCUSSION:

This item is to update Council and the public on recent developments pertaining to the draft ALUCP under development by the Santa Barbara County Association of Governments (SBCAG) in its capacity as Airport Land Use Commission (ALUC) for Santa Barbara County. Staff requests that the Council provide comments on the draft ALUCP and IS/ND, which the Mayor, in her role as SBCAG representative, or City staff may communicate to SBCAG. As part of the presentation, we have invited SBCAG staff to present the plan directly to the Council.

Given significant inconsistencies with currently adopted City zoning and the impacts to existing uses, which would render them non-conforming, staff does not believe that the City should support the draft ALUCP in its current form. In addition, we believe the Initial Study/Negative Declaration circulated by SBCAG is inadequate to address the impacts of the plan as currently drafted. More work is needed by SBCAG to address the fundamental issues for City land uses that are raised by the ALUCP.

SBCAG Adoption Process

As noted above, SBCAG staff has recently informed us that it will present the SBCAG Board with two options for ALUCP adoption at its September meeting, either including or excluding Santa Barbara Airport from the new ALUCPs.

If SBCAG omits Santa Barbara Airport from the new ALUCPs, then the existing, adopted 1991 Airport Land Use Plan (ALUP) would remain applicable to the lands impacted by Santa Barbara Airport, including within the City of Goleta. As a result, under this option, there would be no change in the airport overlay or land use compatibility restrictions in the City's current zoning. However, under this option, Caltrans has stated that it would require SBCAG to refund the amount of ALUCP grant funds received from Caltrans (approximately \$140,000).

Alternatively, if SBCAG adopts a new ALUCP including Santa Barbara Airport, then within 180 days of adoption, the City of Goleta would be required either to include the land use compatibility restrictions of the new plan in its zoning or, by a 2/3 vote of the City Council, to override the plan. If the City opts to include the new ALUCP standards in its zoning, SBCAG would need to certify these changes as consistent with the adopted ALUCP.

City of Goleta Review and Comments

City Advance Planning staff has thoroughly reviewed the draft ALUCP including Santa Barbara Airport and the draft Initial Study/Negative Declaration prepared by SBCAG and intends to provide formal comments listing impacts to land use in the City of Goleta, which we believe must be published and evaluated under CEQA by SBCAG. The issues identified by City staff include impacts to existing land uses within the City, as listed in the attached draft comment letter and supporting table (Attachment 4). On City staff's analysis, the draft ALUCP would render many uses in the City of Goleta non-conforming, if incorporated into the City's General Plan and zoning. Key points of concern include:

- To reflect Santa Barbara Airport flight path changes, increased number of flights, and a runway extension, the revised Draft ALUCP is notably more restrictive when applied to the City of Goleta environs. The City's 2012 request, as stated in subsequent meetings, to add flexibility to the ALUCP consistent with the Caltrans Handbook was disregarded and the extent of land use conflict increased instead of decreased.
- The SBCAG limited displacement analysis focuses on three vacant parcels and did not analyze all parcels and existing development affected by the 2019 Draft ALUCP. As noted in the City's comment table, many land uses on surrounding parcels would be rendered non-conforming or incompatible by the Draft ALUCP. The new train depot, for example, would be disallowed, but was not described as such in the displacement analysis. Scores of homes in a single-family residential neighborhood along La Patera Road north of Camino Real would become non-conforming. Portions of the Heritage Ridge housing site, Deckers campus, Raytheon, City's corporate yard, Target shopping center, Camino Real shopping center and Girsh Park are other examples of land uses that would be rendered non-conforming and incompatible by the 2019 Draft ALUCP, none of which were mentioned in the displacement analysis.
- In addition to existing land uses being rendered non-conforming, the land use compatibility tables in the draft ALUCP would also limit expansion or redevelopment of such existing uses and would disallow housing and other development allowed or specifically contemplated by the Goleta General Plan. One example is the Heritage Ridge housing site, which Goleta's Housing Element identifies as a key site helping the City to accommodate required low income housing.
- The IS/ND is incomplete and does not include the analysis necessary to disclose potential significant environmental effects, including direct and indirect. Specifically, the IS/ND neglects to disclose the land use incompatibilities that would result from the 2019 Draft ALUCP and incorrectly concludes less than significant impacts as a result of plan adoption.

SBCAG has asserted that under the State Aeronautics Act, ALUCPs apply only to new development and do not address existing uses. However, notwithstanding the provisions of the State Aeronautics Act, SBCAG must independently comply with CEQA and address the impacts of the draft ALUCP. These impacts include rendering existing land uses non-conforming, since the draft ALUCP use tables no longer consider them to be compatible in certain airport safety zones.

CEQA technicalities aside, the draft ALUCP would harm property owners and businesses by changing the legal status of properties to non-conforming. This change in status could negatively affect the value of such properties and the ability of property owners to refinance or sell in the future. It would also limit the ability of property owners to expand, modify or renovate non-conforming existing uses.

2011 California Airport Land Use Planning Handbook

As noted, the ALUCP development process is guided by 2011 Caltrans Handbook. This Handbook allows some flexibility in defining safety zone boundaries and compatible uses. For example, Section 3.6.2 of the Handbook makes clear that:

This focus [on compatible uses] notwithstanding, ALUCs also need to be practical in their actions. Although ALUCs should not be driven by political, economic, or other non-compatibility-related factors, they should at least be cognizant of them. They should be aware of the effects that their plans and compatibility determinations will have on local land use jurisdictions and the possible reactions which these jurisdictions may have to these matters.

The bottom line is that the most desirable outcome of the compatibility planning process is for local agencies and the public to support and take the necessary measures to implement the compatibility policies adopted by ALUCs. If ALUCs can maintain the integrity of the compatibility planning objectives set forth in the State Aeronautics Act while still accommodating local needs, then they should give careful consideration to any such alternatives.

If SBCAG were willing to do so, it could work with Caltrans Division of Aeronautics to address some of Goleta's concerns and work together to develop alternatives that would meet the airport land use planning objectives at the same time they accommodated local needs.

County of Santa Barbara Comments

Of note, the County of Santa Barbara Planning & Development Department has also submitted a comment letter to SBCAG detailing the IS/ND omissions and echoing some of the City's concerns (Attachment 5).

Response to Caltrans Letter

The City has also responded to Caltrans' August 6, 2019 letter to clarify the City's intention (Attachment 3). The City Attorney's Office disagrees with the position asserted by Caltrans that commenting on the IS/ND or challenging the adequacy of the SBCAG's CEQA document is in violation of the State Aeronautics Act. The State does not have the power to compel SBCAG to adopt an ALUCP and the City is within its rights to assure compliance with CEQA.

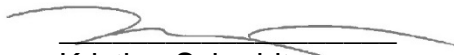
Conclusion

Given its inconsistencies with existing zoning and the impacts to existing and future uses, staff does not believe that the draft ALUCP in its current form is something that the City should support. In addition, we believe the Initial Study/Negative Declaration circulated by SBCAG is inadequate to address the significant impacts of the plan as currently drafted. More work is needed by SBCAG to address the fundamental issues for City land uses that are raised by the ALUCP.

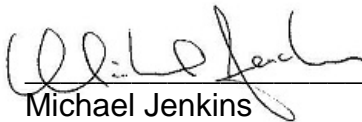
Reviewed By:

Legal Review By:

Approved By:



Kristine Schmidt
Deputy City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. SBCAG Letter to Michelle Greene, dated July 12, 2019
2. Caltrans Division of Aeronautics letter to SBCAG, dated August 6, 2019
3. City of Goleta August 26, 2019 Comments to SBCAG regarding the August 6, 2019 Caltrans Letter
4. City of Goleta Comments on the Initial Study/Negative Declaration ALUCP Comment Table
5. Santa Barbara County 2019 Draft ALUCP Initial Study Comment Letter, dated July 8, 2019

ATTACHMENT 1:

SBCAG Letter to Michelle Greene, dated July 12, 2019



■ 260 North San Antonio Road., Suite B ■ Santa Barbara, CA ■ 93110
■ Phone: 805/961-8900 ■ Fax: 805/961-8901 ■ www.sbcag.org

July 12, 2019

Michelle Greene
City Manager
City of Goleta

<sent via email to mgreene@cityofgoleta.org>

RE: SANTA BARBARA COUNTY DRAFT AIRPORT LAND USE COMPATIBILITY PLAN

Dear Michelle:

During our meeting on July 11, 2019, and through previous staff-level contacts, the City of Goleta has expressed concerns with the Draft Airport Land Use Compatibility Plan (ALUCP) and associated draft Initial Study. Addressing the City's concerns is beyond SBCAG's budgeted time and financial resources for the current fiscal year; therefore, SBCAG staff will not pursue adoption of a region-wide ALUCP. Instead, as permitted by law, staff will recommend adoption of five separate ALUCPs, one each for all airports in Santa Barbara County with the exception of Santa Barbara Municipal Airport. The Santa Barbara County Airport Land Use Plan (1993) will remain applicable to the lands impacted by Santa Barbara Municipal Airport.

SBCAG may revisit an ALUCP update for Santa Barbara Municipal Airport in the future, but will only do so with the support of the City of Goleta.

Please feel free to reach out to myself, or Michael Becker (mbecker@sbccag.org / 961-8912) of my staff with any questions.

Sincerely,



Marjie Kirn
Executive Director

Cc: Peter Imhof, Director of Planning and Environmental Review, City of Goleta
Michael Becker, Director of Planning, SBCAG
Andrew Bermond, AICP, Project Planner, City of Santa Barbara
file

ATTACHMENT 2:

Caltrans Division of Aeronautics letter to SBCAG, dated August 6, 2019

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

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Making Conservation
a California Way of Life.

August 6, 2019

Mr. Andrew Orfila, Principal Transportation Planner
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110-1315

Dear Mr. Orfila:

Thank you for contacting the California Department of Transportation (Caltrans), Division of Aeronautics (Division) on July 12, 2019, and expressing the city of Goleta's (City) objections regarding the Santa Barbara County Airport Land Use Compatibility Plan (ALUCP) update. Consequently, the Santa Barbara County Association of Governments, acting as the Airport Land Use Commission (ALUC), proposed to the Division that it would like to adopt the five separate ALUCPs for four public-use airports (Lompoc, Santa Maria, Santa Ynez, and New Cuyama Airports) and Vandenberg Air Force Base in Santa Barbara County and then adopt an ALUCP for the Santa Barbara Airport (SBA) at a later date. This would allow the five other ALUCPs to be adopted without controversy. The ALUC is proposing the five ALUCPs separately because the City stated to the ALUC that it would take adverse action if the ALUC adopted the ALUCP that includes SBA. The ALUC also stated that the cost for a legal contest is beyond their budget. In addition, the ALUC requested a change in project scope and stated that it would continue to submit invoices for project costs.

A purpose of the Division is to assist and support cities, counties, and ALUCs in the development and implementation of airport land use compatibility planning, in accordance with California Public Utilities Code (PUC) section 21670 et. seq. Any attempt by a local jurisdiction to circumvent the State Aeronautics Act and to prevent the adoption of statutorily based airport land use compatibility planning policies is a violation of State law. (Please see *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1049.) The Division will support the ALUC in its objective of adopting the complete ALUCP update, in accordance with the Division's jurisdictional authority as upheld in the Watsonville case.

The Santa Barbara countywide ALUCP update, or six separate ALUCPs, is of vital significance to the State. It is the tool for ensuring the expressed intent and purpose of the State to minimize safety hazards and noise nuisance around airports while promoting the orderly growth of airports.

The State finds it crucial that the ALUC adopt a complete ALUCP update. According to the Acquisition and Development Grant Agreement executed between the Division

Mr. Andrew Orfila
August 6, 2019
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and ALUC, the ALUC is obligated to adopt an ALUCP including SBA. In lieu of the countywide ALUCP, the Division will accept six ALUCPs for the public-use airports in the Santa Barbara County and Vandenberg Air Force Base. The ALUCP or ALUCPs must be adopted before September 15, 2019. If the ALUC does not adopt an ALUCP according to the conditions as mandated in the Grant Agreement, the Division would perceive this act as a material failure of compliance with the intent and purpose of the agreement, and a violation of State law. PUC section 21675(a) requires that the adopted ALUCP be based on the anticipated growth of the airport for at least the next 20 years. The current ALUCP does not accomplish this requirement.

If you have questions or need further assistance, please contact me at (916) 654-5314 or via email at robert.fiore@dot.ca.gov.

Sincerely,



ROBERT FIORE
Aviation Planner

c: Michelle Greene, City Manager, City of Goleta, 130 Cremona Drive, Suite B,
Goleta CA, 93117-5599

ATTACHMENT 3:

City of Goleta August 26, 2019 Comments to SBCAG regarding the August 6, 2019 Caltrans Letter



August 26, 2019

CITY COUNCIL

Paula Perotte
Mayor

Kyle Richards
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Stuart Kasdin
Councilmember

James Kyriaco
Councilmember

CITY MANAGER
Michelle Greene

Mr. Andrew Orfila, Principal Transportation Planner
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110-1315

Dear Mr. Orfila:

The City of Goleta ("City") has received a copy of the letter dated August 6, 2019 from the California Department of Transportation (Caltrans) to the Santa Barbara County Association of Governments (SBCAG) regarding the adoption of the Santa Barbara County Airport Land Use Compatibility Plan (ALUCP). Please find below the City's comments in response to Caltrans' letter.

The Caltrans letter states that "any attempt by a local jurisdiction to circumvent the State Aeronautics Act (Act) and to prevent the adoption of statutorily based airport land use compatibility planning policies is a violation of State law" and cites to *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059 (*Watsonville*). However, there is no such reference in the *Watsonville* case, or for that matter, in the Act (Pub. Util. Code §§ 21670 et seq.). Neither the City nor SBCAG are attempting to circumvent the Act. There currently is an ALUCP, which was adopted in 1991. There has been a good faith attempt by SBCAG, the designated Airport Land Use Commission (ALUC) for Santa Barbara County, to update the ALUCP. However, in order to adequately review and address legitimate land use and environmental impact concerns, additional time will be required, beyond Caltrans' deadline of September 15, 2019. Caltrans mischaracterizes the City and ALUC's efforts as an attempt to circumvent the Act. However, that is clearly not the case. The City and ALUC are not trying to avoid amending the ALUCP but wish to give the ALUCP the time and thoughtful consideration that it deserves rather than adopt a revision plan that may have negative consequences for the City, Santa Barbara Airport, and the environment.

Further, we are aware of no statutory provision that permits adoption of an ALUCP to bypass the environmental review process mandated by the California Environmental Quality Act ("CEQA") or curtails the City of Goleta's rights to participate in that environmental review process.

Relatedly, here, the City of Goleta is a Responsible Agency under CEQA, and therefore has a legal obligation to participate in the environmental review process. (Pub. Resources Code, § 21080.3; Cal. Code Regs., tit. 14, § 15096.)

While Caltrans professes that its Division of Aeronautics has “jurisdictional authority as upheld in the *Watsonville* case,” none of the holdings in *Watsonville* relate to Caltrans’ jurisdictional authority.¹ Caltrans writes that “[t]he State finds it crucial that the ALUC adopt a complete ALUCP update,” but does not explain why a complete ALUCP update is crucial or cite to any law that requires a complete ALUCP update. Rather, Caltrans states that the failure to adopt a complete ALUCP that includes the Santa Barbara Airport by September 15, 2019 is a violation of state law. However, as mentioned above, the ALUC already adopted an ALUCP in 1991 in accordance with the Act. Nowhere in the Act does it require the ALUC to adopt a revised ALUCP. Regarding any amendments to an adopted ALUCP, Public Utilities Code section 21675(a) states that “[t]he airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes but shall not be amended more than once in any calendar year.” Accordingly, an ALUC’s decision to postpone adoption of a revised ALUC is not a violation of state law. While Caltrans notes that Section 21675(a) specifies that an ALUCP must reflect the anticipated growth of the airport during *at least* the next 20 years, that provision refers to the *minimum* time frame that the ALUCP must consider airport growth, and not the *frequency* in which an ALUCP must be amended.

Furthermore, even if the ALUC had not already adopted an ALUCP, the California Attorney General has opined that there is no statutory deadline to adopt an ALUCP and concluded that “the [ALUC] has a reasonable period of time in which to adopt a plan for each public use airport within its jurisdiction; what constitutes a reasonable period of time would be dependent upon the individual circumstances involved.” (71 Ops.Cal.Atty.Gen. 213 (1988).) However, there is nothing that compels the ALUC to adopt an ALUCP by a certain date.

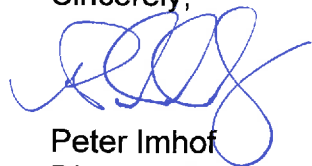
The Attorney General has also opined that a court cannot require the ALUC to adopt an ALUCP. “The adoption of a plan by [an ALUC] is clearly a legislative act involving the exercise of judgment and discretion, just as is the adoption of a zoning ordinance, specific plan, or general plan. [Citations.] Accordingly, we conclude that a court would not issue a writ of mandate to compel the adoption of a plan by [an ALUC]. Instead, the court would grant remedies available under Public Utilities Code, section 21679, such as enjoining any and all development near the airport until a plan is adopted or the equivalent decisions are made accomplishing the specified purposes of a plan.” (71 Ops.Cal.Atty.Gen. 213 (1988).) The restriction of penalties to Public Utilities Code section 21679 only allows an interested party to postpone the effective date of a zoning change, zoning variance, issuance of a permit, regulation, etc., that directly affects land use within one mile of the boundary of the public airport within the county.

¹ The Court of Appeal in *Watsonville* held that the city was required to adopt all criteria of Caltrans’ Airport Land Use Planning Handbook (Handbook) because the county had neither established an ALUC nor adopted a no-issues resolution and an alternative procedure. The other holdings related to inconsistencies with the Handbook for a “no-procedure county” and the adequacy of the city’s environmental impact report.

The City would like to bring to SBCAG's attention the issues raised in Caltrans' letter and clarify case law and the requirements of the Act, should SBCAG wish to address them with Caltrans directly. The City's comments are limited to the Act and case law, and do not address the Acquisition and Development Grant Agreement between Caltrans and SBCAG.

Thank you for your attention to our concerns. We are available to provide further information or to answer any questions that you may have regarding this matter.

Sincerely,



Peter Imhof
Director, Planning and Environmental Review Department

cc: Mayor and Councilmembers, City of Goleta
Michelle Greene, City Manager, City of Goleta
Michael Jenkins, City Attorney, City of Goleta
Vyto Adomaitis, Director of Neighborhood Services and Public Safety, City of Goleta
Marjie Kirn, Executive Director, SBCAG
Henry Thompson, Airport Director, City of Santa Barbara
Robert Fiore, Aviation Planner, California Department of Transportation, Division of Aeronautics

ATTACHMENT 4:

City of Goleta Comments on the Initial Study/Negative Declaration ALUCP
Comment Table



September 4, 2019

SENT VIA EMAIL

CITY COUNCIL

Paula Perotte
Mayor

Kyle Richards
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Stuart Kasdin
Councilmember

James Kyriaco
Councilmember

CITY MANAGER
Michelle Greene

Michael Becker
Director of Planning
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110

RE: Draft Airport Land Use Compatibility Plan Initial Study / Negative Declaration

Dear Mr. Becker:

The City of Goleta (City) has reviewed the Draft Initial Study/Negative Declaration, dated July 2019, for the Draft Airport Land Use Compatibility Plan (ALUCP) presently under consideration. We appreciate this opportunity to provide comments to the Santa Barbara County Association of Governments (SBCAG), acting in its role as the Airport Land Use Commission (ALUC), particularly in light of the fact that Goleta, a mostly built-out City, is uniquely influenced by the Santa Barbara Airport.

Based on our review of the Draft Initial Study/Negative Declaration (IS/ND) document, we have identified issues and potential impacts of the ALUCP, which the IS/ND does not adequately disclose or evaluate and which the California Environmental Quality Act (CEQA) requires SBCAG to address.

As communicated by City staff to you at a number of prior meetings with ALUCP staff, the Draft ALUCP would convert numerous existing legal and conforming uses into nonconforming uses in a number of areas throughout the City. The attached matrix and comments (Attachment 1) provides staff and the SBCAG Board more information about the particular issues and impacts that are created within the Draft ALUCP and discusses where these issues and impacts are not adequately raised, discussed, analyzed, or/and mitigated within the proposed Draft IS/ND as required by CEQA and the Caltrans 2011 Airport Land Use Planning Handbook (see Section 3.7.2). The City understands that under State law an ALUC's authority to specify compatible land uses around public airports is limited only "to the extent that these areas are not already devoted to incompatible uses" and does not extend to existing uses. However, regardless, the ALUCP will result in inconsistencies with an adopted land use plan, policy and/or regulation, which results in potentially significant impacts under CEQA.

Further, the draft ALUCP's major changes to uses considered compatible in already urbanized areas in Goleta would result in myriad reasonably foreseeable direct and indirect impacts. In rendering existing uses nonconforming, the draft ALUCP would also affect potential new development currently allowed under the City's adopted General Plan and zoning, including the redevelopment, renovation and/or expansion of existing uses. Some outstanding examples include the Deckers building and Cabrillo Business Park, commercial development in the Camino Real shopping center and Target shopping center, the City's own corporate storage yard, the Ice in Paradise skating rink, portions of Girsh Park, certain schools and daycare facilities and approximately 67 single-family residential parcels and 50 mobile homes. Changes to airport safety zone boundaries and compatible uses, which may add new restrictions in some areas, but remove them or are more permissive in other areas, would result in reasonably foreseeable impacts relating to (but not limited to) land use compatibility, traffic, air quality, and noise, yet these impacts are not addressed in the IS/ND.

Critically, the draft ALUCP would have the effect of displacing planned growth, including housing planned for by the City's General Plan Housing Element, such as on the undeveloped Heritage Ridge housing key site. This result would reasonably require the City to identify and rezone new sites within the City's boundaries to meet housing needs. The impacts of this displacement must be analyzed as part of the ALUCP. Similarly, the draft ALUCP appears to make the planned Goleta Train Depot an incompatible use, a major regional transportation infrastructure project on which SBCAG has been collaborating with the City. As a result, the ALUCP would limit the City's ability to meet transportation and transit needs and the impacts of this effect must also be analyzed. In short, the City's General Plan has been carefully crafted to plan for future growth and accommodate the City's share of identified regional housing needs and the City's General Plan Environmental Impact Report's conclusions are based on assumptions that would be rendered incorrect as a result of the ALUCP. In other words, the draft ALUCP would upend the General Plan and effectively shift planned growth and development to other areas of the City, or even areas outside of the City.

The draft IS/ND does not address any of these potentially significant impacts and for that reason is fundamentally flawed. Additional work is needed on SBCAG's part to identify these impacts (which range from land use, to air quality, to traffic, to population and housing, to noise) and conduct the analyses necessary to understand them. As the City stated in 2012, it is our opinion that an environmental impact report is required in order to analyze alternatives that address conflicts and several potentially significant impacts, which the draft IS/ND fails to even acknowledge. Furthermore, the summary statements in the Discussion issue areas of the IS/ND are not supported by substantial evidence substantiating the conclusory statements being made to claim "less than significant impact." As you know, an environmental impact report is required under CEQA whenever there is a "fair argument" that a potentially significant direct or indirect impact "may" occur. Here, as a result of the myriad land use conflicts, and the reasonably foreseeable direct and indirect impacts that may occur as a result of these impacts, there is a clear fair argument that a potentially significant impact may occur. As a responsible agency under CEQA, the City would not be able to rely on the IS/ND analysis to support any subsequent decision by the City on a project affected by the ALUCP.

The City appreciates the role of SBCAG as ALUC and the importance of planning for land use compatibility around airports to ensure safety. We believe, however, that State law and the Caltrans 2011 Airport Land Use Planning Handbook allow flexibility to address land use conflicts (see, e.g., 3.5, Accounting for Existing Development, and Section 3.6, Limits on Land Use Restrictions). We remain hopeful that additional work can lead to the resolution of these land use conflicts and that, in consultation with the State, local agencies, and interested

parties, such work will improve and refine the draft ALUCP and at the same time minimize any impacts on affected properties.

Thank you for your attention to our concerns. We are available to provide further information or to answer any questions that you may have regarding this letter.

Sincerely,

Peter Imhof
Director, Planning and Environmental Review Department

Attachment: City of Goleta Comments – Draft ALUCP and Initial Study/Draft Negative Declaration

cc: Mayor and Councilmembers, City of Goleta
Michelle Greene, City Manager, City of Goleta
Mike Jenkins, City Attorney, City of Goleta
Vyto Adomaitis, Director of Neighborhood Services and Public Safety, City of Goleta
Marjie Kirn, Executive Director, SBCAG
Andrew Orfila, Principal Transportation Planner, SBCAG
Henry Thompson, Airport Director, City of Santa Barbara

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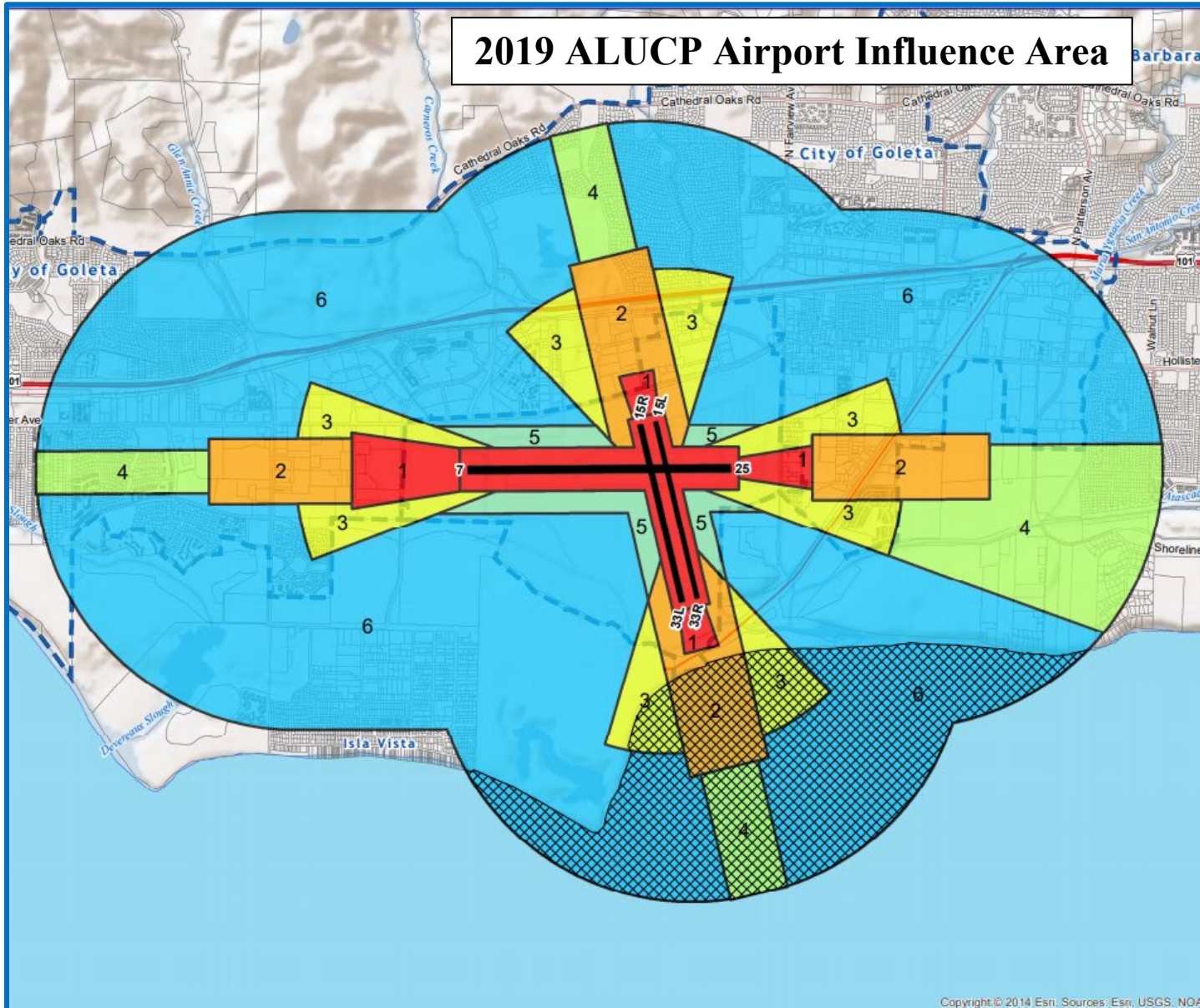
Draft ALUCP and Initial Study/Draft Negative Declaration

1993 ALUCP

vs.

2019 ALUCP [Draft]

2019 ALUCP Airport Influence Area



**SANTA BARBARA COUNTY
AIRPORT LAND USE COMMISSION**

Legend

- Zone 1 - Runway Protection Zone
- Zone 2 - Inner Approach/Departure Zone
- Zone 3 - Inner Turning Zone
- Zone 4 - Outer Approach/Departure Zone
- Zone 5 - Sideline Zone
- Zone 6 - Traffic Pattern Zone
- Over Water
- Runways
- Airport Property Boundary
- City Limits
- Parcel Boundaries
- Freeways/Highways
- Primary or Secondary Street

Prepared by: Environmental Science Associates

Source: URS Corporation; CPH Jones Consulting; ATAC Corporation; Parcels - County of Santa Barbara Clerk/Recorder-Assessor's Mapping Division, July 2017; Roadway Centerlines - Santa Barbara County Mapping and GIS, December 2010; ESRI Layer Package; North American Airports - ESRI, November 2010; World Shaded Relief - ESRI Online (Source: ESRI, USGS, NOAA), 2014 (Updated February 2017).
http://globe.arcgisonline.com/maps/World_Shaded_Relief



NAD 1983 StatePlane California V FIPS 0405 (US Feet)



Exhibit A-2

Safety Compatibility Data Map
Santa Barbara Municipal Airport

Copyright © 2014 Esri, Sources: Esri, USGS, NOAA

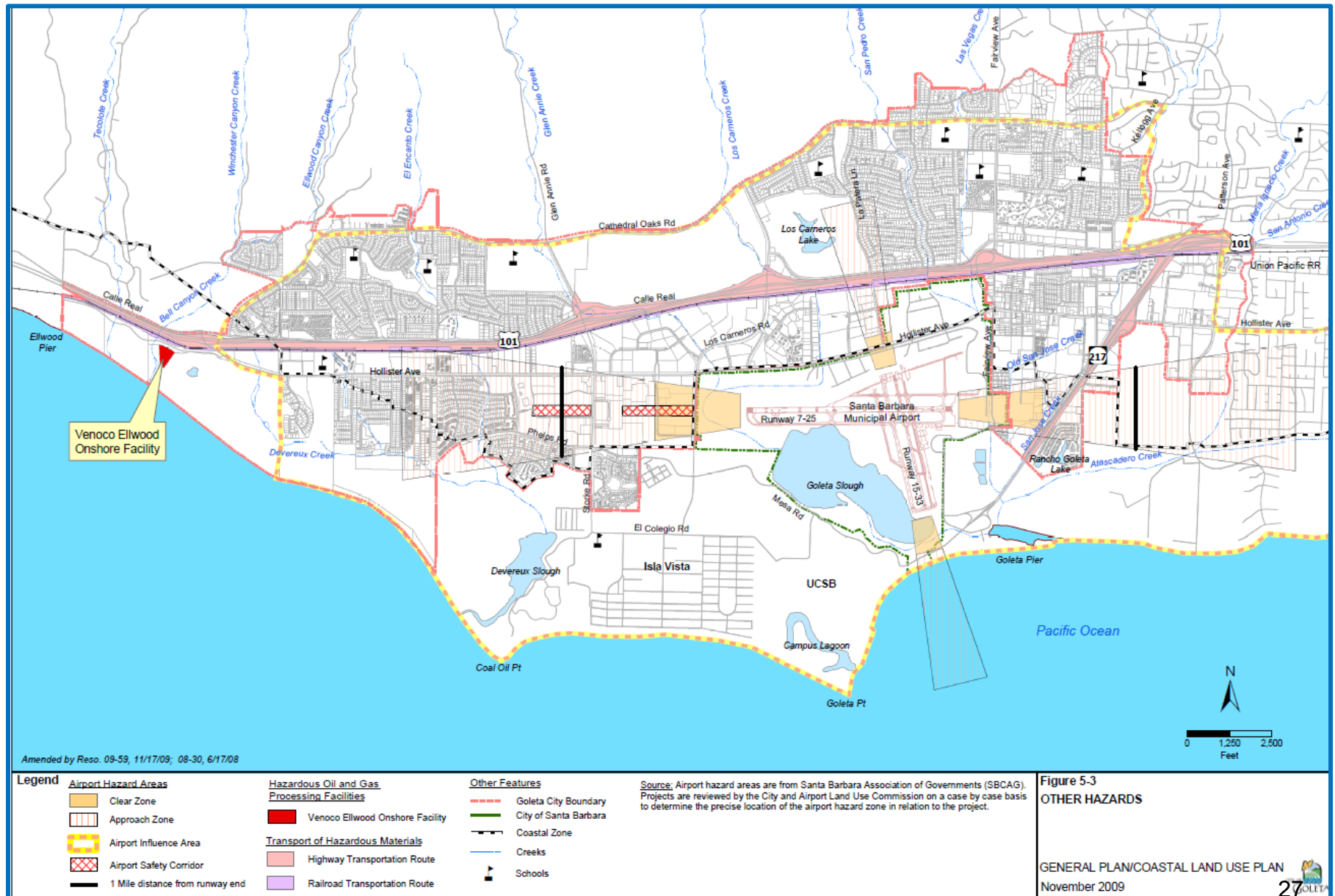
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vs.

2019 ALUCP [Draft]

1993 Zones	1993 Use Regulations	2019 Zones	2019 Regulations	City of Goleta Issues/Concerns
Clear Zone 1 (<i>Shown in Beige</i>)	6300 Hollister was to be reviewed by ALUC to avoid having more than 25 people/acre.	Runway Protection Zone 1 (<i>Shown in Red</i>)	"0" people/acre and 0% maximum. lot coverage.	Issue with 6300 Hollister Avenue building (Seek/Asylum/Wyatt) becoming nonconforming. Additionally, the Deckers building located at the southwest corner of the campus would become nonconforming, as would the City's corporate/storage yard.
Clear Zone 1	Warehouse, storage of non-flammables listed as not compatible without review of ALUC.	Runway Protection Zone 1	Industrial Outdoor Storage: public works yards, auto wrecking yards. *No habitable structures (e.g. offices).	The City's corporate/storage yard would become nonconforming.
Clear Zone 1	Auto parking lots listed as not compatible without review of ALUC.	Runway Protection Zone 1	Automobile Parking Surface Lots listed as Incompatible.	The entire Decker's parking lot area would be nonconforming.
Clear Zone 1	Warehouse, storage of non-flammables listed as not compatible without review of ALUC.	Runway Protection Zone 1	Low-Hazard Storage: mini-storage, greenhouses listed as Incompatible.	The entire [newly constructed] Extra Space Storage facility at 6640 Discovery Drive would be non-conforming.
Clear Zone 1		Runway Protection Zone 1	General Note.	No change in size of Main Runway West, but more specific uses listed in new plan as Incompatible. Main Runway East reduced by 791 feet, which pushes those prior lots into new Zone 2.

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1993 ALUCP		vs.	2019 ALUCP [Draft]	
1993 Zones	1993 Use Regulations	2019 Zones	2019 Regulations	City of Goleta Issues/Concerns
Approach Zone 2 – 1 mile <i>(Shown with Red hatching)</i>	SFDs allowed if less than 2 dwellings per acre. (approx. 94 parcels affected in 69 acre area north of Calle Real).	Inner Approach / Departure Zone 2 <i>(Shown in Orange)</i>	SFDs deemed incompatible, but Accessory structures okay. ALUCP tables restricting residential uses in Zone 2 are inconsistent with ALUCP §3.3.4(c).	Approximately 67 parcels affected (including approx. 28 new parcels not affected by 1993 plan). Also makes 50 homes in mobile home park nonconforming. Also introduces an issue with “caretakers units,” which are an allowable use in the industrial zone and uses in this area of the City.
Approach Zone 2 – 1 mile	The following are listed as incompatible and require ALUC review. Multifamily, Mobilehome parks, Hotels/Motels, General merchandise-Retail, Food-Retail, Eating and Drinking, other Retail Trade	Inner Approach / Departure Zone 2	Non-res. maximum intensity of 60 people/acre and maximum lot coverage of 50%, if incorporating “risk reduction” design features the intensity may be increased to 75-90 people/acre.	Creates major issue for Train Station, even with risk reduction design features. Also creates a nonconforming building at 30 S. La Patera, which is over 60% lot coverage just with building. Additionally, the Ratheon lot at 6825 Cortona Drive looks like it would become nonconforming as to lot coverage as well.
Approach Zone 2 – 1 mile	Indoor assembly is not discussed in 1993 plan, but 1993 plan lists Spectator sports, including arenas as Incompatible.	Inner Approach / Departure Zone 2	Indoor small assembly (50-299).	May create issue with Ice in Paradise at 6985 Santa Felicia Drive becoming nonconforming and to assembly size.

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1993 Zones	1993 Use Regulations	2019 Zones	2019 Regulations	City of Goleta Issues/Concerns
Approach Zone 2 – 1 mile	Food-retail, Eating and drinking, General merchandise-retail, and Other retail trade are listed as Incompatible uses.	Inner Approach / Departure Zone 2	Small Eating/Drinking establishment size limit to 3,000 sq. ft.	May create issue with some restaurants in the Target shopping area, such as Chipotle and Rusty's Pizza and Lilly's Taqueria which are currently nonconforming uses. Also affects McDonalds west of Storke Ave.
Approach Zone 2 – 1 mile	Wholesale trade and Building materials-retail are listed as Compatible but need to be reviewed by ALUC to avoid 'large concentrations' of people of over 25 people/acre.	Inner Approach / Departure Zone 2	Shopping Centers in Zone 2 are limited to having no space for more than 300 people and no stand-alone buildings of over 25,000 sq. ft.	Appears to create conflict with Home Depot, Staples, Ross, Home Goods, and part of Costco, which would exceed the limit of 300 people and Home Depot and Target are both over 110,000 sq. ft.
Approach Zone 2 – 1 mile	Railroad and rapid rail transit are listed as Compatible uses in 1993 plan. However, "other public and quasi-public services" are listed as Incompatible.	Inner Approach / Departure Zone 2	"Transportation Terminals: rail, bus, marine" are Incompatible uses within Zone 2.	This has major implications for the City-owned property where the new Train Depot is planned.
Approach Zone 2 – 1 mile	1993 plans lists Utilities as well as Other transportation, communications and utilities listed as Compatible in this Zone.	Inner Approach / Departure Zone 2	Emergency Communications Facilities are listed as Conditionally Compatible, but lists that the condition is that "no new sites or land acquisitions," but that modification, replacement, expansion of existing facilities is allowed.	Could run in conflict with FCC rulings on local regulations governing amateur radio communications facilities (also known as "ham" radio stations).

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1993 Zones	1993 Use Regulations	2019 Zones	2019 Regulations	City of Goleta Issues/Concerns
Approach Zone 2 – 1 mile	1993 plan lists Playgrounds, neighborhood parks, camps as well as Spectator sports, such as arenas as Incompatible.	Inner Approach / Departure Zone 2	Large Group Recreation: team athletic fields listed as Incompatible in this Zone.	Eastern portion of Girsh Park falls within this Zone and would be nonconforming.
Approach Zone 2	Multifamily appears to only be Incompatible if located within 1 mile of end of runway.	Inner Turning Zone 3 (<i>Shown in Yellow</i>)	Overall maximum 16 single-family dwellings per acre and 15% “open land.” Also no more than 20 units/acre in any single acre.	Will create an issue with Heritage Ridge project that is proposed to be high density development (approx. 25 units/acre). Zoned with min. 20 units/acre and a max. of 25 units/acre. Designated high density area in General Plan to help City meet RHNA goals. SBCAG has indicated that it does not believe the ALUCP creates a housing displacement because they did not consider any type of density bonus, or overlay.
Approach Zone 2	Daycares are not discussed and do not appear to fall cleanly into a listed category, but could be construed as Compatible under Personal and Business Services.	Inner Turning Zone 3	Family Day Care Homes of less than 14 children only allowed in existing residential areas. It is not clear if the Conditional Criteria applies to only new schools or also to new Day Care Centers. If both, then a new facility of over 14 children would not be allowed.	Each of these provisions appear to conflict with CA State law governing the permitting of Day Care facilities. The City is required to permit facilities of 6 or less children ‘by-right’ and the City is permitting those as well as facilities with 7-14 children ‘by-right’ in nearly all zone districts either with Land Use Permit (Res. Zones) or

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1993 ALUCP	vs.	2019 ALUCP [Draft]
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				Conditional Use Permit (non-Res. Zones).
1993 Zones	1993 Use Regulations	2019 Zones	2019 Regulations	City of Goleta Issues/Concerns
Approach Zone 2	1993 plans lists Utilities as well as Other transportation, communications and utilities listed as Compatible in this Zone.	Inner Turning Zone 3	Emergency Communications Facilities are listed as Conditionally Compatible, but lists that the condition is that “no new sites or land acquisitions,” but that modification, replacement, expansion of existing facilities is allowed.	Could run in conflict with FCC rulings on local regulations governing amateur radio communications facilities (also known as “ham” radio stations).
General Traffic Pattern Area Zone 3 (<i>Shown with no color or hatching</i>)	Single family dwellings are listed as an outright Compatible use.	Outer Approach / Departure Zone 4 (<i>Shown in Green</i>)	Maximum density of 25 single-family dwellings per acre and also requires 15% “open land.”	Approximately 204 parcels affected from North runway, including approximately 60 parcels moved from 1993 Zone 2 – 1 mile to 2019 Zone 4.
General Traffic Pattern Area Zone 3	1993 plans lists Utilities as well as Other transportation, communications and utilities listed as Compatible in this Zone.	Outer Approach / Departure Zone 4	Emergency Communications Facilities are listed as Conditionally Compatible, but lists that the condition is that “no new sites or land acquisitions,” but that modification, replacement, expansion of existing facilities is allowed.	Could run in conflict with FCC rulings on local regulations governing amateur radio communications facilities (also known as “ham” radio stations).
General Traffic Pattern Area Zone 3	Schools not specifically called out, but may fall into Other public and quasi-public	Outer Approach / Departure Zone 4	Children school (K-12) listed as Conditionally Compatible in Zone 4. The Airport Influence	No new schools are allowed, but if already existing and required by State to have renovation or expansion, the

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1993 ALUCP		vs.	2019 ALUCP [Draft]	
	services, which are only reviewed by ALUC if “large concentration” of >50 people/acre.		Area was extended northward on the smaller runway, so as to now include La Patera Elementary School.	expansion is limited to less than 50 children. Existing school is present in Zone 3 creating a new conflict.
1993 Zones	1993 Use Regulations	2019 Zones	2019 Regulations	City of Goleta Issues/Concerns
N/A	No comparable overlay to Zone 5 in 1993 plan.	Sideline Zone 5 <i>(Shown in Teal)</i>	Emergency Communications Facilities are listed as Conditionally Compatible, but lists that the condition is that “no new sites or land acquisitions,” but that modification, replacement, expansion of existing facilities is allowed.	Could run in conflict with FCC rulings on local regulations governing amateur radio communications facilities (also known as “ham” radio stations).
N/A	No comparable overlay to Zone 5 in 1993 plan.	Sideline Zone 5	No SFDs, but Accessory structures okay.	No issues / Entirely within Airport.
General Traffic Pattern Area Zone 3	SFDs are okay to be located in this Zone.	Traffic Pattern Zone 6 <i>(Shown in Blue)</i>	All relevant land uses appear to be listed as compatible.	No issues.
General Traffic Pattern Area Zone 3	1993 plans lists Utilities as well as Other transportation, communications and utilities listed as Compatible in this Zone.	Traffic Pattern Zone 6	Emergency Communications Facilities are listed as Conditionally Compatible, but lists that the condition is that “no new sites or land acquisitions,” but that modification, replacement, expansion of existing facilities is allowed.	Could run in conflict with FCC rulings on local regulations governing amateur radio communications facilities (also known as “ham” radio stations).

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Additional comments, issues, or concerns with text of the 2019 Airport Land Use Compatibility Plan (ALUCP) found through the document are listed below:

1. Throughout the first few pages of the document, it states specifically that the ALUCP has no authority over existing land uses regardless whether such uses are incompatible with airport activities. However, ALUCP Page 1-11 (Definitions) defines “Existing Land Use” as having a “vested right” at the point of obtaining a valid building permit AND having performed substantial work AND having incurred substantial liabilities in good faith. This provision will be problematic for any project, which has obtained local entitlements, but has not yet met these additional criteria. Furthermore, under this definition a change of use would require “Existing Land Use” to comply with the ALUCP and cause it to lose its nonconforming status. This effect is particularly problematic again for ADUs (see ALUCP §2.9.4(b)(1)), even when considering the exceptions provided in §3.3.4(c), which only considers density, and §3.3.4(d), which does not consider existing [legal] nonconforming dwellings in non-residential zones. Also, although not particularly an issue for Goleta, the three listed situations where land uses are considered “Existing” do not account for development that predates the requirement for zoning/building permits (e.g., historic landmarks).
2. Section 1.6 of the ALUCP (Definitions) is insufficient as it does not define key terms used in the document (e.g., “emergency communications facilities” and “change of use”). Also in the same Definitions sections, it does not adequately explain whether “Lot Coverage” is measured as either NET or GROSS, which could significantly affect parcels of all sizes.
3. ALUCP Page 1-14 (Definitions) defines “Redevelopment” as “[d]evelopment of a new use (not necessarily a new type of use) to replace an existing use at a density or intensity that may vary from the existing use. Redevelopment land use actions are subject to the provisions of [the ALUCP] to the same extent as other forms of proposed development.” Defining redevelopment in this manner would capture ADUs, although the ALUCP states that they are not counted toward density. The ALUCP also states that construction of a single-family dwelling, including an ADU, is allowed in all zones, if such use is permitted by zoning. However, this provision speaks to residentially zoned lots and not lots zoned non-Residential, which have an existing residence. Such as instance would be eligible for an ADU pursuant to State law, but falls outside of this exception in the ALUCP. Furthermore, the definition is vague in that it states that a mere variation of density or intensity would be considered redevelopment, without specifying or clarifying that it is referring to an increase in density or intensity and not variation that is actually a decrease.
4. ALUCP Page 3-27 lists Office, Commercial, Service, and Lodging Uses. The first two pertain to “Large Eating/Drinking Establishments” of over 300 people and “Small Eating/Drinking Establishments” of less than 50 people. However, there is no discussion of establishments that are over 50 people, but less than 300 (which would be “Medium” in size).

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5. General Comment: The ALUCP uses the CA Airport Land Use Planning Handbook (Handbook) as a reference document and starting point when drafting the Plan. It properly uses the Handbook at a starting point when it looks at the Safety Zone limits, but it does not properly consider the direction the Handbook gives to Infill Development (pp. 3-52 and 4-41). Specifically, page 4-42 of the Handbook provides the following guidance to ALUCPs as they look at Infill development: “In these circumstances, a pragmatic approach may be for ALUC’s to allow infill in locations not highly critical to airport activities and required local plans to designate compatible uses in the most important areas closest to the runways.” It then goes on to suggest criteria for the ALUCP to consider in discussion with the affected local agency in an effort to achieve buy-in/consensus, rather than simply having the local agency overrule the ALUC when the ALUCP policies conflict with local planning efforts and visions.
6. Section 1.2.1 of the ALUCP states that “[w]hen preparing compatibility plans for individual airports, ALUCs must be guided by the information in the Handbook (Pub. Util. Code §21674.7). To be guided by the Handbook, ALUCs must have at least examined and duly considered the material contained in it. The burden is on ALUCs to demonstrate their reasons for deviating from the guidance that the Handbook provides.” Yet, when one reviews the Handbook’s Safety Figures (Figure 4B - 4G), it is evident that the use classifications and determinations of compatible versus incompatible are vastly different than those discussed in the Handbook, and again, disregard the entire guidance on residential infill development, which is provided as Note B in the figures.
7. Lastly, based on the discussion PER staff had with SBCAG staff on Friday, June 28, 2019, the impact analysis focused on displacement potential for currently vacant parcels. However, changes to safety zones to be more restrictive in some areas, but more permissive in other areas would also have an impact. The impact in the latter case would be increased development potential as compared to the 1993 ALUCP AIAs, but is not addressed.

PER Analysis and Comments on Administrative Draft Initial Study/Negative Declaration (IS/ND), dated July 2019

1. **Page 6.** Figure III-3 uses a “Generalized Existing Land Use” map, which depicts land uses within the City of Goleta that differ from the land uses designated within the City General Plan, Land Use Element, Figure 2-1.
2. **Page 23.** States that the Draft ALUCP was prepared using guidance provided by the California Department of Transportation (Caltrans), Division of Aeronautics in the latest version of the *California Airport Land Use Planning Handbook* (California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011). Furthermore, in subsection 1.2.1 (page 1-4) of the ALUCP, it states that the ALUC must be guided by the information in the Handbook, must have at least examined

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and duly considered the material contained in it, and that the burden is on the ALUC to demonstrate their reasons for deviating from the guidance within the Handbook.

However, the ALUCP fails to analyze the differences between the Handbook and the Plan and does not disclose any of the impacts created by those differences within the CEQA document, particularly as it relates to the alterations to runways 15/33 zone configuration (Handbook Figure 3A), the way “Existing Land Use” is defined (Handbook pg. 3-51), how it deals with “Infill” development (Handbook pgs. 3-52 and 4-41) and “Reconstruction” (pg. 4-43).

3. **Page 31.** Opening sentence acknowledges that “[a]doption of the ALUCP has the potential to cause the inadvertent displacement of future land uses,” but does not analyze or address these impacts. It also neglects to disclose or evaluate that the proposed changes to the Airport Influence Areas (AIA) also have the potential to cause an increase in development potential for those parcels being taken out of the current AIA from the 1993 Plan, making existing nonconforming uses/structures conforming again, which would allow new development, redevelopment, and increased intensity of uses.
4. **Page 43.** States that “[i]t is important to note that the policies and compatibility criteria in the ALUCP do not apply to already existing land uses at the time the ALUCP is adopted. Therefore, there is no potential for displacement of existing development.” However, this statement does not acknowledge that the adoption not only displaces additional development potential within certain areas, but that there is an unanalyzed impact from making existing conforming uses nonconforming. The new nonconforming status raises issues for existing development that may be destroyed by earthquake, fire, or flood and could no longer re-build.
5. **Page 43.** The paragraph goes on to state that “[t]his also applies to future land use development that although not started or completed has already been entitled or approved for development by the responsible local agency.” This statement does not appear to be accurate. The definition of “Existing Land Use” on ALUCP page 1-11 states as follows:

Existing Land Use: A land use is considered "existing" when it has been determined that the land use has obtained a "vested right" by one of the following means:

- (a) A vesting tentative map has been approved pursuant to California Government Code section 66498.1, and has not expired; or
 - (b) A development agreement has been executed pursuant to California Government Code section 65866, and remains in effect;
- or
- (c) A valid building permit has been issued, substantial work has been performed, and substantial liabilities have been incurred in good faith reliance on the permit, pursuant to the California Supreme Court decision in *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785,791, and its progeny.

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Note that a proposed modification to an existing land use that will result in an increase in height, a change of use, or an increase in density or intensity of use that is not in substantial conformance with the land use action entitled by the local agency shall be subject to this Compatibility Plan (see Policy 2.9.4).

Additionally, any proposed reuse or re-initiation of an existing land use, even if the reuse/re-initiation of the existing land use will not modify the previously existing land use, will be subject to this Compatibility Plan if the previously existing land use has been discontinued for more than 24 months.

As such, the ALUCP would seem to have a dramatic impact on entitled projects that have not yet pulled a Building Permit and fulfilled part (c) above. Additionally, there is no discussion of the impact on projects that are in the permit process and have been determined to have a “Complete” application, some of which have already circulated their associated environmental document (e.g., Heritage Ridge).

6. **General Statement.** The IS/ND uses the term “underutilized,” but fails to define the term and also fails to provide any form of methodology as to how this determination was made for parcels in the displacement analysis or contrast it with a “fully-utilized” parcel. Furthermore, with the exception of noise levels, the IS/ND does not appear to indicate any measures for what environmental thresholds were used within the document to determine whether a significant impact had been reached. As such, the entire document is not supported by substantial evidence supporting conclusory statements of no significant direct or indirect impacts.
7. **Page 48.** States that “Underutilized parcels (i.e., partially developed) were considered for potential infill development.” However, it is unclear how this “consideration” matches or deviates from the Handbook’s guidance addressing “Infill Development” (Handbook pp. 3-52 and 4-41).
8. **Page 48.** States that “all of Parcel 144 is located in the Airport Clear Zone portion of the (F) Airport Approach Overlay zone.” This statement does not appear to be true, as approximately 1.29 acres of the parcel is located outside of all of the 1993 Plan’s Clear Zone.
9. **General Statement.** The IS/ND does not adequately disclose the project’s baseline for analysis. Of note, the City of Goleta is currently in the final process of adopting a New Zoning Ordinance (NZO). Furthermore, the IS/ND indicates that it looked at the 2018 City of Goleta Cumulative Projects List, which was taken from the City’s website. The IS/ND indicates that it also looked for an update in January of 2019, but it does not address the updated list posted on May 1, 2019.
 - Had SBCAG staff consulted or worked with City staff during the drafting of the IS/ND, the update would have been provided prior to the release of the document. The NZO envisions allowing certain uses throughout the City in zones where they are currently allowable in the 1993 Plan, but would become incompatible uses on parcels within the new AIA Zones of the ALUCP

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(e.g., Day Care Facilities, ADUs). There is no analysis in the IS/ND of these impacts nor (as stated above) or an adequate discussion of what is actually being used as baseline and whether it is accurate. There is no actual comparative discussion or matrix between the 1993 and the new 2019 draft ALUCP, which would help the public and local agencies better understand and better analyze the proposed changes.

10. **Page 87.** IS/ND Section 5.1, Environmental Analysis Checklist Instructions, specifies in subsection (A.) that, among other considerations, the answers to the checklist questions must also account for “cumulative as well as project-level, indirect as well as direct” impacts. Later on the page in Section 5.2, Evaluation of Environmental Impacts, subsection (A.) indicates that if one or more identified “Potentially Significant Impacts” exists, an Environmental Impact Report (EIR) is required. However, as stated above, it is unclear what thresholds of significant were used for the analysis to make any such determinations were made.
11. **General Comment.** Throughout the IS/ND discussion of each of the twenty-two CEQA issue areas, it states that the policies of the ALUCP “are not applicable to existing land uses [...]” However, this statement is not true to the extent it would apply and would effectively change the status of a significant number of existing legally permitted structures and uses to a “nonconforming” status. This new nonconforming status would effectively restrict and impact the future reuse and redevelopment, as well as the potential sale and sale price of the lot.
12. **General Comment.** In each of the IS/ND discussions of the twenty-two CEQA issue areas, it provides a conclusory statement that “[t]he Draft ALUCP does not include policies that would lead to development of residential or non-residential land uses that would indirectly result in significant impacts.” However, there is no evidence in the record to support these assertions. On the contrary, there is evidence demonstrating that significant impacts would result from the adoption of the new ALUCP.
13. **General Comment.** In the IS/ND discussions in each of the twenty-two CEQA issue areas, it concludes that “[o]nce implemented, the policies in the Draft ALUCP may indirectly influence future land use development in areas around the County’s airports by rendering certain land uses incompatible in some areas, necessitating their development elsewhere in the County. Specific details regarding unidentified future development, and any subsequent indirect environmental effects of that development, are currently unknown. It is likely that unidentified future development will be subject to project-level environmental review in compliance with CEQA, at which time potential environmental impacts associated with the development will be identified.”
 - Potential future impacts described in these concluding statement would be more accurately characterized as “Potentially Significant,” since such projects would likely be subject to additional CEQA review. Otherwise, the classification should at

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least be stated as “Less than Significant with Mitigation Incorporated” (where future CEQA analysis on a case-by-case basis would act as mitigation).

14. **Page 106.** Issue Area number 11, Land Use and Planning, subsection (b.) appears to be “Potentially Significant” as it would 1) increase the development potential of parcels taken out of the AIA zones from both the 1993 and 2019 Plans, 2) make it so ADUs could not be created within existing SFDs located within non-residential zoning districts, and finally, 3) the actual answer within the IS/ND states that “any conflict between the ALUCP and land use plans, policies, or regulations not adopted for the purpose of avoiding or mitigating an environmental effect, would be ameliorated by either an amendment to the applicable land use plans to make them consistent with the ALUCP or an overrule of the ALUCP by local governments.”
- Amendment of applicable land use plans is in and of itself a mitigation. However, if the local government overruled the ALUCP, the potential remains for conflicting land use policies and, therefore, a “potentially significant” impact. Even after City of Goleta staff met with SBCAG staff and alerted them to this oversight in the IS/ND, no changes were made and its conclusions therefore remain inadequate.
 - **Note:** The Draft IS/ND skips the number 12 in the CEQA issue area numbering sequence and goes from number 11, Land Use and Planning (pgs. 106-110) to number 13, Mineral Resources (pg. 111).
15. **Page 107.** The Draft ALUCP states that “parcels with existing development were not evaluated for purposes of identifying potentially displaced future land uses.” This is a very large oversight in analysis within the IS/ND, which essentially ignores the potential for significant impacts to existing development that becomes nonconforming.
16. **Page 109.** The Draft ALUCP states that “conflicts with local planning documents can be avoided or *substantially lessened* by amending these plans so that they are consistent with the adopted ALUCP. Amending these plans is within the responsibility and jurisdiction of the affected local agencies, and not the ALUC.” The phrase “substantially lessened” should raise an issue that a potential for impacts due to remaining conflicts warrants further discussion and analysis in the IS/ND, or that it is actually a “Potentially Significant” impact that would remain and therefore trigger the need for an EIR.
17. **Page 114.** The Draft ALUCP states that a “development displacement analysis was completed to identify the potential for displacement of residential land uses in the AIA. The analysis is summarized in Chapter IV of this Initial Study. The results of the analysis indicate that there would be no displacement of residential dwelling units within the AIAs for any of the County’s airports.”
- This statement is not true as it relates to the Heritage Ridge housing key site, where a residential density of just under 25 units/acre is currently planned, but where the ALUCP would not allow densities above 16-20 units/acre. The ALUCP would displace

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replacement housing density to meet the City's Regional Housing Needs Allocation to elsewhere in the City, in direct conflict with subsection (b.) of Issue Area 15, Population and Housing.

18. **Page 126.** The final Issue Area of the IS/ND (No. 22), Mandatory Findings of Significance, has two questions in subsections (b. & c.) that read as follows:

- b. Does the project have impacts that are individually limited but *cumulatively considerable*? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or *indirectly*?

The final analysis on pages 126-127, noted as “Discussion a. – e.” [sic], concludes the analysis by stating that the IS/ND:

- 1) “[D]oes not include policies that would lead to development of residential or non-residential land uses that would *indirectly* result in significant impacts to the previously discussed environmental resource categories. Furthermore, implementation of the ALUCP would not affect existing housing, commercial, industrial, public, or any other land uses that would result in the development of replacement housing, facilities, or infrastructure in other areas of the County,” and
 - 2) That “[o]nce implemented, the policies in the Draft ALUCP may *indirectly* influence future land use development in areas around the County’s airports by rendering certain land uses incompatible in some areas, necessitating their development elsewhere in the County. Specific details regarding unidentified future development, and any subsequent *indirect* environmental effects of that development, are currently unknown.
- The discussion within this section of the IS/ND ignores the “*cumulatively considerable*” aspect of its impacts to existing development and to projects currently in the planning process; and, further ignores the discussion of *indirect* impacts as CEQA requires in the question in subsection (c.).
19. **General Comment.** When Goleta Planning staff began analysis of the Draft IS/ND, the understanding was that SBCAG staff had decided to move forward with a Negative Declaration because the Initial Study had previously been released to the public and that some revisions had been made to address comments received. After trying to find the dates of the prior release and circulation, Planning staff could not find the information and asked SBCAG staff for clarification. On Monday, July 8, 2019, Principal Planner Andrew Orfila

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

explained that SBCAG's plan was to "release the draft ALUCP and IS/ND for review and comment this month, at our ALUC meeting on July 18, circulate for comments during the mandatory 30-day review period, and adopt the Plan and certify the CEQA document at the ALUC meeting on September 19."

- Generally, an agency would not decide upon the type of environmental document (ND vs. EIR) prior to the completion of an Initial Study (IS) and only after public release, circulation, and consideration of public comments/input that the IS demonstrated that there was no substantial evidence that the project would have a significant effect on the environment.
- A Negative Declaration can be prepared only when there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment. ([PRC §21080\(c\)](#)), ([14 C.C.R. §15070](#)).
- It is the City of Goleta's position that a simple analysis of the Draft ALUCP and the Administrative Draft IS/ND that in-fact there is substantial evidence that significant effects on the environment would occur within the City of Goleta. The comments within this document is presented as part of the evidence demonstrating this fact.

ATTACHMENT 5:

Santa Barbara County 2019 Draft ALUCP Initial Study Comment Letter, dated July 8, 2019



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Steve Mason, Assistant Director

July 8, 2019

Andrew Orfila, Principal Transportation Planner
Santa Barbara County Association of Governments
260 N. San Antonio Road, Suite B
Santa Barbara, CA 93110

**RE: County of Santa Barbara Comments on the Draft Airport Land Use Compatibility Plan
and Administrative Draft Initial Study**

Dear Mr. Orfila:

The County of Santa Barbara (County) has reviewed the Draft Airport Land Use Compatibility Plan (Draft ALUCP) (dated May 5, 2019) and Administrative Draft Initial Study (IS) (dated April 10, 2019) prepared by Airport Land Use Commission (ALUC) staff for the Santa Barbara County region. We appreciate the opportunity to review and offer the following comments on both documents.

Draft Airport Land Use Compatibility Plan

1. **Public Agency Consultation.** California Public Utilities Code [Section 21675\(c\)](#) states, “The airport influence area shall be established by the commission [ALUC] after hearing and consultation with the involved agencies.” We request that the Santa Barbara County Association of Governments (SBCAG) conduct a formal consultation and a hearing with the County. For example, the [Monterey County ALUC](#) held a separate meeting with affected jurisdictions after it circulated the ALUCP initial study, but before and separate from its adoption hearings. Please provide a timeline that details when and how the County and members of the public may participate in the ALUCP update process.
2. **Project Timeline.** Please provide a clear project timeline. For example, the [Monterey County ALUC](#) is currently updating the ALUCP for the Monterey Regional and Marina Municipal Airports and provides a clear timeline with documents easily accessible to the public and local agencies.
3. **ALUCP and General Plan Consistency.** The County understands the 180-day statutory deadline for local agency general plan consistency after ALUCP adoption (per Government Code Section [65302.3\(b\)-\(c\)](#)). However, Coastal Commission review and certification of Coastal Land Use Plan amendments for the Santa Barbara Airport, which is located in the Coastal Zone, may take a year or longer after the local agency adoption. Therefore, updates to the County’s Coastal Land Use Plan cannot meet the 180-day statutory deadline.
4. **ALUCP Review prior to Consistency Determination.** The Draft ALUCP does not clearly define which local agency actions are subject to ALUC review prior to a consistency determination (during the 180-day time period). Please describe the land use actions,

regulations, projects, and permits that the ALUC must review prior to a consistency determination.

5. **Density of Uses.** The *California Airport Land Use Planning Handbook* (California Department of Transportation, October 2011) (Caltrans Handbook) recommends compatible ranges of residential and non-residential densities and intensities in each safety zone. For example, the Caltrans Handbook (Figure 4D) states that in Safety Zone 3, the maximum non-residential intensity should average 100-150 persons per gross acre, with a maximum of 300-450 persons per single acre.

The Draft ALUCP uses the most restrictive (lowest) density and intensity in each safety zone. For example, the Draft ALUCP states that Safety Zone 3 for urban airports has a maximum non-residential intensity of 100 people per acre, or an intensity of 150-200 persons per acre with risk reduction measures. The Draft ALUCP does not explain why SBCAG used the most restrictive densities and intensities. Please explain the rationale for using the lowest density and intensity values, and explain why SBCAG believes the selected values best fit the safety zones.

6. **Airport Influence Area (AIA) Policy.** Draft ALUCP Section 3.5.2b)2) states, “ALUC policy is that the disclosure requirements shall apply within the AIA (Review Area 1 and Review Area 2).” Please provide the exact ALUCP policy citation or text, for reference.
7. **Lompoc Airport.** The following two comments refer to the Lompoc Airport discussion in Chapter 4 of the Draft ALUCP.
 - Section 4.2.2. The text states that the Runway 25 displaced threshold may be incorrectly located and “not necessary.” Was the displaced threshold used to form the safety zone compatibility map? Since Appendix A (Airports Background Data) is not available on SBCAG’s website, we are unable to view the Lompoc Airport Layout Plan (ALP) and understand adjustments made to the Lompoc Airport safety zones.
 - Figure 4-5. It appears that the Review Area 1 and Review Area 2 colors in the legend are labeled incorrectly, as Review Area 1 should be closer to the airport and Review Area 2 should be the external boundary.
8. **New Cuyama Airport.** Please explain why SBCAG applied the generic safety compatibility factors for the Lompoc Airport to the New Cuyama Airport (per Draft ALUCP Section 5.2).
9. **Santa Barbara Municipal Airport.** Please provide Appendix A so we can fully understand the formatting of the eastern boundary of AIA Review Area 2.

Environmental Review

As you are aware, the County qualifies as a “responsible agency” for this project and will rely on the environmental document that SBCAG (as the lead agency for the project) prepares, in order to process the needed Comprehensive Plan amendments to achieve consistency with the ALUCP (State CEQA Guidelines §§ 15096 and 15381). In order to facilitate the County’s use of the environmental document that SBCAG prepares, we have the following comments on the April 2019 Administrative Draft Initial Study and the California Environmental Quality Act (CEQA) process. The County may provide additional comments on future versions of the Initial Study and resulting CEQA document.

1. **Initial Study Checklist.** The Initial Study did not use the current (2019) version of the CEQA Guidelines Appendix G, Environmental Checklist Form. SBCAG may wish to revise the Initial Study using the current form.
2. **Scope of Environmental Review.** The following three comments identify additional information that SBCAG should include in the Initial Study. The additional information is needed to ensure that the environmental review is complete, comprehensive, and can be relied upon by the County in its role as a responsible agency.

- Difference between 1993 Airport Land Use Plan (ALUP) and 2019 Draft ALUCP. SBCAG, as the lead agency under CEQA, has a responsibility to identify the differences between the adopted 1993 ALUP and the proposed May 2019 Draft ALUCP. For example, the Initial Study should evaluate changes between the existing ALUP and the Draft ALUCP, particularly in regard to changes in the airport safety compatibility zones.
- Increased Development Potential. Changes in the airport safety compatibility zones between the ALUP and Draft ALUCP may result in the potential for increased development via the relaxation of airport safety compatibility restrictions in some locations. The Initial Study needs to consider the opportunity for increased development, or “growth,” due to changes in the safety compatibility zones. The Initial Study should examine potential growth on vacant parcels, as well as the potential for redevelopment to a more intensive use on currently underdeveloped parcels.

Please identify areas where the changes would allow increased development, and then identify and analyze the development’s potential effects on the environment.

For example, in the southeastern end of Runway 12-30 at the Santa Maria Public Airport (SMX), the new safety zones in the Draft ALUCP would replace the No-Build Corridor and Approach Zone in the 1993 ALUP. This change would result in parcels with fewer development restrictions and, therefore, may result in growth-inducing effects which require environmental review.

To help illustrate this issue, we have compiled maps and analysis of assessor’s parcel 107-250-022 (attached) that show changes in the existing airport safety zones at SMX that the Initial Study has not analyzed. Please include a similar mapping analysis in the Initial Study for all airports. Please also assess the potential for increased development within the Initial Study or resulting CEQA document.

3. **Level of Environmental Review.** We respectfully request that SBCAG wait to determine the appropriate level of environmental review (e.g., negative declaration, mitigated negative declaration, or environmental impact report) until after the Draft Initial Study has been finalized and released to the public for review.

4. **Southern California Gas (SoCalGas) La Goleta Gas Property.** We understand that the displacement analysis considered the SoCalGas La Goleta gas field property and facilities to be “vacant.” In fact, SoCalGas has actively used the property for natural gas storage for many years. We request that the SoCalGas property not be considered as “vacant” lands for purposes of the Santa Barbara Airport displacement analysis.
5. **Entitled Projects and Cumulative Projects Lists.** SBCAG and its consultant ESA list “entitled projects” surrounding each airport in the Draft Displacement Analysis documents (Appendix B to the Draft Initial Study). ESA reviewed some of the “entitled projects” lists updates recently (e.g., SMX list was reviewed in March 2019), but ESA last reviewed other lists six or more months ago. We suggest that ESA or SBCAG review the entitled projects lists for updates for all airports.

Additionally, please consider approved, in progress, and reasonably foreseeable Santa Barbara County Long Range Planning Division projects in the cumulative projects analysis portion of the environmental document.

We appreciate the information that SBCAG has shared with the County so far. The County looks forward to continued collaboration on this important project. If you should have further questions, please contact me, or Dan Klemann, Deputy Director, Long Range Planning, at (805) 568-2072.

Sincerely,



Lisa Plowman
Director, Planning and Development Department
(805) 568-2086

Attachments: Parcel 107-250-022 Maps and Analysis

cc: Dan Klemann, Deputy Director, Long Range Planning Division, Planning and Development Department, County of Santa Barbara

Renee Brooke, City Planner, Planning Division, Community Development Department, City of Santa Barbara, 630 Garden Street, Santa Barbara, CA 93101

Peter Imhof, Director, Planning and Environmental Review Department, City of Goleta, 130 Cremona Drive, Suite B, Goleta, CA 93117

Chuen Ng, Director, Community Development Department, City of Santa Maria, 110 S. Pine Street, Suite 101, Santa Maria, CA 93458

Brian Halvorson, Planning Manager, City of Lompoc, 100 Civic Center Plaza, Lompoc, CA 93436

Proposed ALUCP Safety Zone Parcel 107-250-022 Analysis

Parcel 107-250-022 (C-2, Commercial Zoning) has a total area of 27.4 acres. Parcel 107-250-022 was assigned Parcel ID number 42 in the ALUCP Development Displacement Analysis for the Santa Maria Public Airport, Appendix C to the ALUCP Initial Study (IS). This parcel has been analyzed on Page 4-61 of the IS for potential development displacement. The IS fails to analyze this parcel for increased development potential.

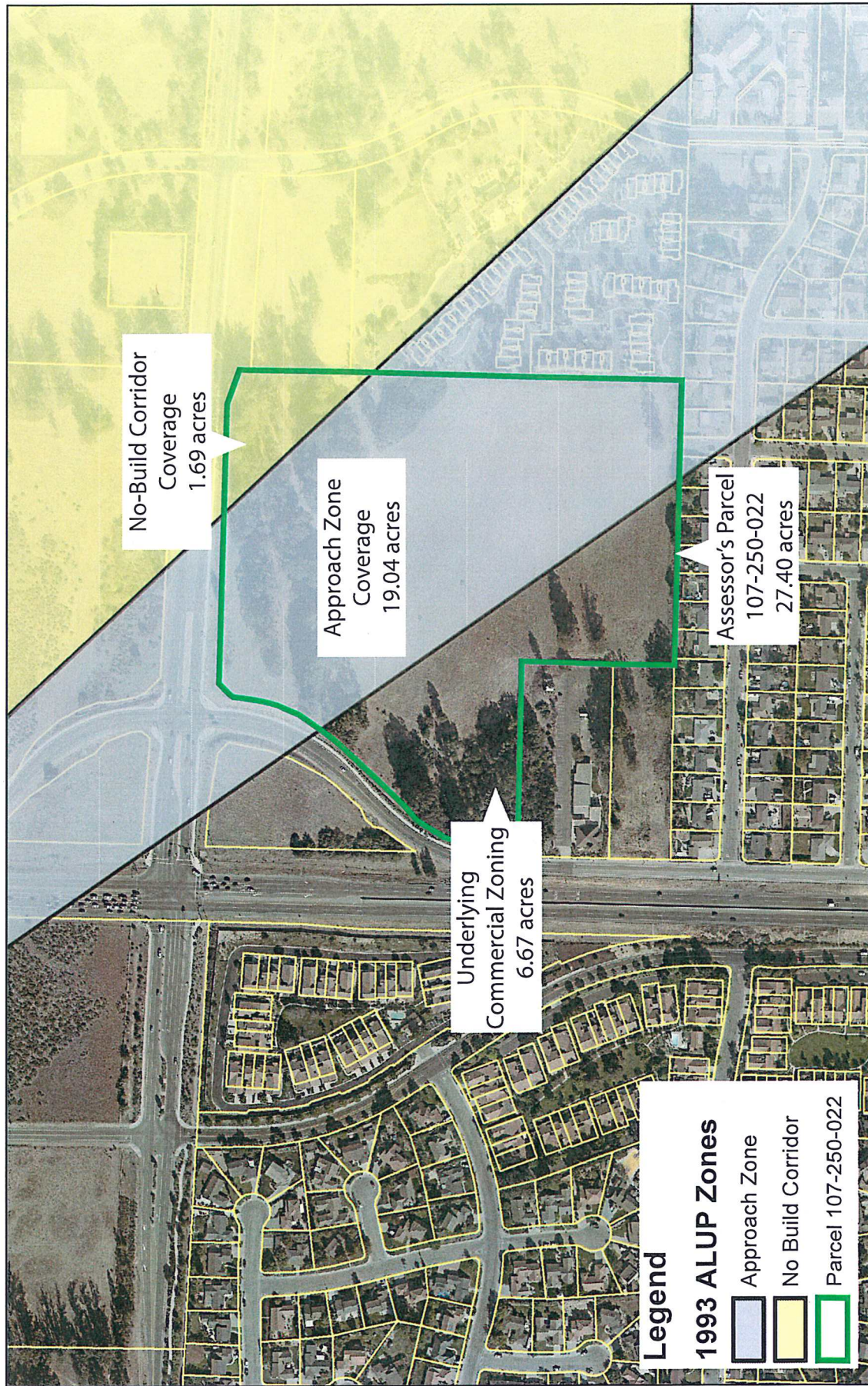
1. The current configuration of the parcel under the 1993 ALUP is as follows (acreage numbers have been rounded):
 - 19.0 acres covered by the Flight Approach Zone
 - This zone allows residential development to 4 units per acre, and non-residential development up to a maximum of 25 persons per acre.
 - 1.7 acres are covered by the no-build zone
 - This zone does not allow any residential or commercial development.
 - 6.6 acres of the underlying Commercial Zoning
 - This zone allows numerous commercial and some residential uses.
2. Under the proposed ALUCP, the overlay on this parcel will change to (acreage numbers have been rounded):
 - Zone 4 coverage of 4.0 acres
 - Zone 4 allows residential development up to 20 units per acre*, and non-residential development is limited to a maximum of 100 persons per acre*.
 - Zone 6 coverage of 23.3 acres.
 - Zone 6 allows residential development in excess of 20 units per acre, and non-residential development is not limited by a per acre maximum*.

Under the proposed ALUCP, the potential change in overlay zoning of parcels like this would result in parcels with fewer development restrictions and, therefore, may result in growth-inducing effects which require environmental review.

*Conditionally compatible criteria apply

Santa Maria Airport (SMX)

Parcel 107-250-022 Analysis

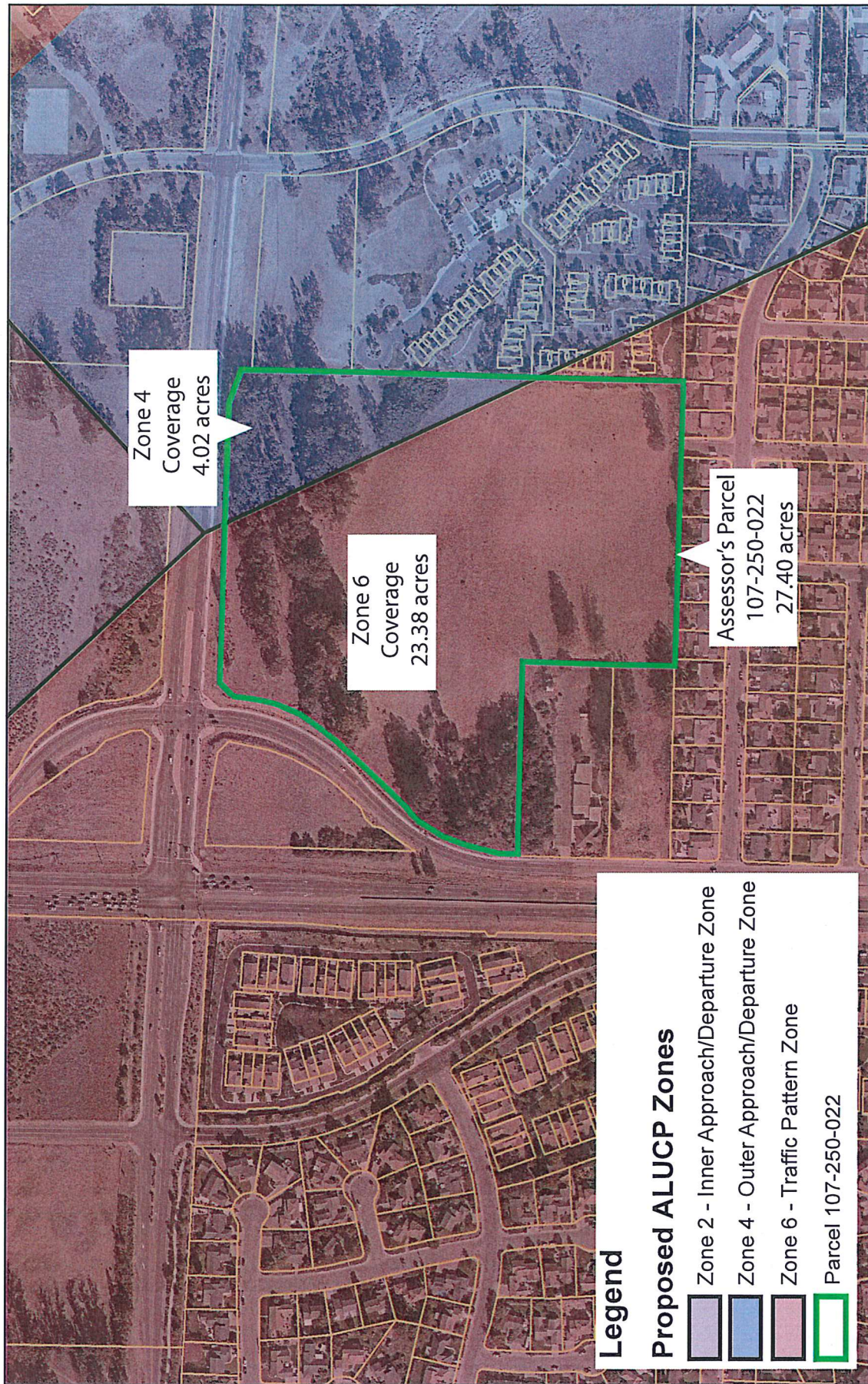


County of Santa Barbara, Planning and Development Department
 Map created with data from County of Santa Barbara, SBCAG.



Santa Maria Airport (SMX)

Parcel 107-250-022 Analysis



County of Santa Barbara, Planning and Development Department
Map created with data from County of Santa Barbara, SBCAG.