



Agenda Item B.8
CONSENT CALENDAR
Meeting Date: September 17, 2019

TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

SUBJECT: SBCAG Airport Land Use Compatibility Plan Grant Funding Reimbursement

RECOMMENDATION:

- A. Authorize and direct the City Manager to enter into a reimbursement agreement with the Santa Barbara County Association of Governments (SBCAG) in an amount not to exceed \$51,000 for any Caltrans Division of Aeronautics ALUCP grant funds that are permanently withheld from payment by Caltrans under its grant agreement with SBCAG (Attachment 1), in the event the SBCAG Board delays adoption of the ALUCP for Santa Barbara Airport until resolution of outstanding issues concerning the ALUCP and associated environmental review.
- B. Approve a budget appropriation of \$51,000 from the General Fund unassigned fund balance to the Advance Planning Professional Services Account for the purpose of reimbursing the Santa Barbara County Association of Governments for Airport Land Use Compatibility Plan grant funds withheld by the California Department of Transportation.

BACKGROUND:

The California Department of Transportation (Caltrans) Aeronautics Division awarded a grant of \$140,000 on September 15, 2016 (Attachment 1) to the Santa Barbara County Association of Governments (SBCAG) for the purpose of conducting environmental review under the California Environmental Quality Act of a draft Airport Land Use Compatibility Plan (ALUCP) for Santa Barbara County, which was completed by SBCAG in 2012.

SBCAG performed work under the Caltrans grant, including preparation of a displacement analysis for the draft ALUCP and draft Initial Study/Negative Declaration. This work by SBCAG was intended for the benefit of SBCAG's member jurisdictions, including the City of Goleta. The results of the displacement analysis and a draft Initial Study/Negative Declaration were published by SBCAG in July 2019. To date, Caltrans has reimbursed SBCAG for \$89,000 for its work performed under the grant, leaving an unreimbursed grant balance of \$51,000.

Following publication of the draft Initial Study/Negative Declaration, City of Goleta staff initially provided comments expressing concerns informally to SBCAG about the effects of the draft ALUCP on land uses in the City of Goleta and the adequacy of the draft Initial Study/Negative Declaration to evaluate the draft ALUCP's environmental impacts. After meeting with City of Goleta staff on July 11, 2019, SBCAG indicated its intent to delay the Santa Barbara Airport component of the county-wide draft ALUCP and proceed with separate ALUCPs for the remaining public use airports in Santa Barbara County in a letter to the City of Goleta, dated July 12, 2019 (Attachment 2).

In response to SBCAG's originally stated intent to delay adoption of an ALUCP for Santa Barbara Airport, Caltrans informed SBCAG and the City of Goleta by letters dated August 6, 2019 (Attachment 3) and August 14, 2019 (Attachment 4) that Caltrans would consider SBCAG in breach of its grant agreement, if ALUCPs for all Santa Barbara County public use airports, including Santa Barbara Airport, were not adopted by the grant deadline September 15, 2019.¹ Caltrans later extended the grant deadline by 10 days until September 25, 2019. Caltrans threatened SBCAG with having to repay already disbursed grant funds. Subsequently, in a September 5 phone conference with the City and SBCAG, Caltrans Division of Aeronautics staff stated that (although not finally determined) requiring SBCAG to repay grant funds already disbursed was unlikely, but that it would withhold the outstanding grant fund balance.

Given Caltrans' position, SBCAG staff now intends to present the question of whether to adopt draft ALUCPs for some or all of the Santa Barbara County public use airports to the SBCAG Board on September 19, 2019. If the SBCAG Board decides not to adopt an ALUCP for Santa Barbara Airport at this time, it would likely incur the loss of the outstanding balance of Caltrans grant funds as a result.

City of Goleta and SBCAG staff jointly presented the draft ALUCP to the Goleta City Council on September 3. Staff from both agencies updated the Council on the communications with Caltrans, the substance of the draft ALUCP and draft Initial Study/Negative Declaration, and City of Goleta staff's concerns. During the hearing, several Councilmembers commented and asked the SBCAG Executive Director about the possibility of the City of Goleta reimbursing SBCAG for SBCAG's loss of grant funds, given that such a loss would directly result from the City of Goleta's request to delay ALUCP adoption.

Since the Council meeting on September 3, the City of Goleta has submitted formal comments to SBCAG on the Initial Study/Negative Declaration (Attachment 5) and also sent a letter to Caltrans re-stating the City's position and requesting extension of the grant deadline (Attachment 6) to allow time for SBCAG and the City to work through and explore possible resolution to issues raised by the City.

¹ Caltrans further indicated that it would consider the City of Goleta to be in violation of state law, if the City opposed the adoption of the ALUCP in any way. The City of Goleta responded to the Caltrans letters that Caltrans' position was not legally supported, and that the City was obligated as a responsible agency to participate in the CEQA process.

DISCUSSION:

As noted above, during the Council hearing on September 3 concerning the draft ALUCP, some Councilmembers suggested the idea of the City of Goleta making SBCAG whole in the event that Caltrans made good on its threat to withhold payment to SBCAG of the grant fund balance. A commitment by the City to relieve any grant funding shortfall created by Caltrans could make the decision to delay adoption of the draft ALUCP for Santa Barbara Airport easier for the SBCAG Board.

This agenda item asks the Council to consider formalizing the suggestion made by Councilmembers at the September 3 meeting. Reimbursement of the withheld grant fund balance to SBCAG by the City of Goleta would remove one of the main counter-arguments for SBCAG delaying adoption of the ALUCP for Santa Barbara Airport, which the City is seeking.

The SBCAG Board is slated to consider ALUCP adoption at its hearing on September 19. At that meeting, the SBCAG Board may choose to adopt ALUCPs for all Santa Barbara County airports, only some airports, or withdraw ALUCP adoption from consideration. On September 3, in deference to the City of Goleta's concerns, the SBCAG's Technical Planning Advisory Committee voted to take no action on the Santa Barbara ALUCP recommendation. On September 11, SBCAG staff and South Coast Subregional Committee member comments supported the City of Goleta's request to delay action on the ALUCP for Santa Barbara Airport.

At issue for SBCAG at this juncture is whether (1) to proceed with adoption of ALUCPs for all public use airports in Santa Barbara County or (2), as the SBCAG Executive Director had originally intended and the City of Goleta has requested, delay adoption of the ALUCP for Santa Barbara Airport until such time as outstanding land issues have been resolved. Weighing against delaying action for SBCAG is Caltrans' threat to withhold the remaining grant fund balance of \$51,000.

Under the recommended action, the City Manager would be authorized and directed to reimburse SBCAG only if Caltrans indeed permanently withheld the grant fund balance from SBCAG and the SBCAG Board delays adoption of the ALUCP, as requested by the City, until resolution of outstanding issues concerning the ALUCP and associated environmental review

If Caltrans agrees to extend the grant deadline in response to multiple pending requests, then it is possible that resolution of Goleta's concerns and adoption of a revised ALUCP could occur within any extended grant timeframe and Caltrans would release the withheld grant funding. In that event, the conditions for reimbursement would not be triggered.

FISCAL IMPACTS:

Funding of \$51,000 for reimbursement of SBCAG for withheld Caltrans grant funds was not included in the FY 2019/20 Budget. Staff is therefore requesting an additional “one-time” appropriation of \$51,000 from General Fund unassigned fund balance to the Advance Planning Professional Services account (101-5-4300-500). The table below summarizes the recommended \$51,000 appropriation.

ALUCP, FY 19/20					
Fund	GL Account	FY 19/20 Budget	FY 19/20 YTD Actuals + Enc.	Recommended Appropriation	Total Available Budget
General Fund	101-5-4300-500	\$742,464	\$660,001	\$51,000	\$133,463

ALTERNATIVES:

Council may authorize and direct the City Manager to reimburse SBCAG as recommended, elect not to do so, change the conditions under which such reimbursement would occur or delay action on this item to a future date.


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Deputy City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Caltrans Grant Agreement with SBCAG
2. SBCAG Letter to Michelle Greene, dated July 12, 2019
3. Caltrans Division of Aeronautics letter to SBCAG, dated August 6, 2019
4. Caltrans Division of Aeronautics letter to City of Goleta, dated August 14, 2019
5. City of Goleta comment letter on the Initial Study/Negative Declaration, dated September 9, 2019
6. City of Goleta letter to Caltrans, dated September 9, 2019

ATTACHMENT 1:

Caltrans Grant Agreement with SBCAG

**STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
CALIFORNIA AID TO AIRPORTS PROGRAM GRANT AGREEMENT
AIRPORT LAND USE COMPATIBILITY PLAN**

THIS AGREEMENT, MADE AND ENTERED INTO ON THIS 15th SEPTEMBER, 2016, BY AND BETWEEN THE STATE OF CALIFORNIA, Department of Transportation (Caltrans), hereinafter referred to as "**STATE," AND THE SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS, IN ITS CAPACITY AS THE SANTA BARBARA COUNTY AIRPORT LAND USE COMMISSION (ALUC)**, an appointed committee of the county of Santa Barbara, hereinafter referred to as "**PUBLIC ENTITY."**

RECITALS

1. **WHEREAS**, the California Public Utilities Code, Division 9, (Sections 21001, et seq.,) The State Aeronautics Act (SAA) authorizes the California Transportation Commission (CTC) discretionary authority to allocate funds for the acquisition or development of airports in accordance with the policies and standards established by Caltrans, upon the recommendations of Caltrans and pursuant to Caltrans regulations as set forth in Title 21, Division 2.5, Chapter 4, Sections 4050, et seq., of the California Code of Regulations; and
2. **WHEREAS**, pursuant to the above authority, the CTC allocated the sum of \$140,000 from the Aeronautics Account in the State Transportation Fund by Resolution Number FDOA-2015-02, dated December 9, 2015 (2015-16 Fiscal Year), and
3. **WHEREAS**, the acquisition and development funds allocated by the CTC are for the preparation and adoption of an Airport Land Use Compatibility Plan, pursuant to California Public Utilities Code, Division 9, Part 1, Chapter 4, Article 3.5, Sections 21683, 21670, et seq.

NOW, THEREFORE, in consideration of the covenants and conditions hereinafter expressed, the parties agree as follows:

SECTION I - DEFINITIONS

Airport Land Use Compatibility Plan (ALUCP) – The ALUCP prepared and adopted pursuant to California Public Utilities Code (PUC), Section 21670, et seq., provides:

- (1) The orderly development of public use airport(s) so as to promote the overall goals and objectives of the California airport noise standards, pursuant to PUC Section 21669 and to prevent the creation of new noise and safety problems.
- (2) The protection of the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimizes the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

California Airport Land Use Planning Handbook (HANDBOOK) – The **HANDBOOK** published by the Division of Aeronautics of the STATE pursuant to California Public Utilities Code, section 21674.5 and 21674.7 (a), which the Airport Land Use Commission that formulates, adopts, or amends an ALUCP shall be guided by information prepared and updated and referred to as the Handbook.

Letter of Allocation – Notification sent by **STATE** to **PUBLIC ENTITY** of the date the project allocation was approved by the CTC and the requirements attached to this allocation. The requirements include the CTC, Timely Use of Funds Policy and the **STATE's** separate requirements. Additionally, this letter of allocation includes information and instructions outlining the specific steps to be taken, and the reporting requirements for this grant.

Quarterly Report – Specific reporting tool provided by **STATE**, to be used by **PUBLIC ENTITY** and sent to **STATE** within 30 days after each calendar quarter.

SECTION II

1. **PUBLIC ENTITY** shall perform or contract to perform all work necessary including environmental documents to complete the following described **ALUCP** for Santa Barbara Municipal, Santa Maria Public, Vandenberg Air Force Base, Santa Ynez Valley, Lompoc, and New Cuyama Airport(s).
2. The estimated total cost of the ALUCP for Santa Barbara Municipal, Santa Maria Public, Vandenberg Air Force Base, Santa Ynez Valley, Lompoc, and New Cuyama Airport(s) and cost share should be as follows:

Project Description: ALUCP for Santa Barbara Municipal, Santa Maria Public, Vandenberg Air Force Base, Santa Ynez Valley, Lompoc, and New Cuyama Airport(s). The ALUCP includes four essential elements with respect to noise, safety, overflights, and airspace protection, and the associated environmental documentation.

Total Estimated Project Cost	\$155,556
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Cost of Estimated PUBLIC ENTITY Participation	\$15,556
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Cost of Estimated State Participation	\$140,000
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3. The **ALUCP** shall be consistent with the criteria of the current **HANDBOOK**, including all applicable federal, State, and local laws and regulations.
4. **PUBLIC ENTITY** shall also comply with all special conditions as set forth in the **LETTER OF ALLOCATION** issued by the **STATE**, and incorporated in by reference.
5. **HANDBOOK** and **LETTER OF ALLOCATION** is incorporated into this Agreement by reference.
6. **PUBLIC ENTITY** shall deposit the sum of \$15,556, which represents the **PUBLIC ENTITY'S** participation share for the **ALUCP**, in the County of Santa Barbara ALUC Special Aviation Account in accordance with California Public Utilities Code section 21684. All other monies received from the **STATE** or the federal government for the performance of the **ALUCP** shall also be placed in this account.

7. **PUBLIC ENTITY** shall enter into all necessary contracts to develop the **ALUCP** by no later than **December 8, 2016**. All work for the development, formal adoption and submittal to **STATE** of the **ALUCP** shall be successfully completed within **36 months from the date of such** contracts.
8. **PUBLIC ENTITY** shall provide quarterly reports to the **STATE** no later than 30 days after the end of each calendar quarter. These quarterly reports shall give the status and progress of the specific steps necessary to successfully complete the **ALUCP**.
9. **PUBLIC ENTITY** shall carry out and complete the **ALUCP** in accordance with the **HANDBOOK** and the scope of work approved in writing by the **STATE**. Any changes to, or modification of, said **ALUCP** that has been previously submitted to **STATE**, shall require prior written approval by the **STATE**.
10. **PUBLIC ENTITY** shall allow authorized **STATE** representatives to review all **ALUCP** work and products at any time during the term of this Agreement and subsequently upon the request of the **STATE**.
11. **PUBLIC ENTITY** agrees to retain all books, records, and accounts relating to the **ALUCP** and this Grant Agreement for a minimum of four (4) years from the date of final payment to the **PUBLIC ENTITY** after completion and adoption of the **ALUCP** and shall make these documents available for examination by the **STATE** or shall provide copies to the **STATE** upon request.
12. **PUBLIC ENTITY** shall provide a hard copy and electronic version of the draft **ALUCP** to the **STATE**. The **STATE** will review and comment on the draft **ALUCP** within 45 days.
13. **PUBLIC ENTITY** shall provide a hard copy and electronic version of the final **ALUCP** to the **STATE** including all graphics, maps, and attachments.
14. **PUBLIC ENTITY** shall provide a copy of its board's resolution adopting this **ALUCP**.
15. **PUBLIC ENTITY** shall comply with all applicable federal, State, and local laws and regulations.
16. **PUBLIC ENTITY** shall indemnify, and hold harmless, the **CTC** its officials and employees thereof from all claims, suits, or actions of every kind, brought for, or on account of, any injury, damage, or liability occurring by reason of, or resulting from: anything done or omitted to be done by the **PUBLIC ENTITY** and/or its consultant or agents under this Grant Agreement. The **PUBLIC ENTITY'S** duty to indemnify and hold harmless shall include the duty to defend, as set forth in Section 2778 of the Civil Code. Neither **CTC** nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by **PUBLIC ENTITY** and /or their agents under or in connection with any work, authority or jurisdiction conferred upon **PUBLIC ENTITY** under this Grant Agreement.
17. **PUBLIC ENTITY** shall indemnify, and hold harmless, the **STATE** its officials and employees thereof from all claims, suits, or actions of every kind, brought for, or on account of, any injury, damage, or liability occurring by reason of, or resulting from: anything done or omitted to be done by the **PUBLIC ENTITY** and/or its consultant or agents under this Grant Agreement. The **PUBLIC ENTITY'S** duty to indemnify and hold harmless shall include the duty to defend, as set forth in Section 2778 of the Civil Code. Neither **STATE** nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by **PUBLIC ENTITY** and /or their agents under or in connection with any work, authority or jurisdiction conferred upon **PUBLIC ENTITY** under this Grant Agreement.

18. **PUBLIC ENTITY**, if upon final accounting, finds that the **STATE** has contributed more than 90 percent of **STATE's** maximum authorized funding towards the **ALUCP**; **PUBLIC ENTITY** shall reimburse the **STATE** those funds.

SECTION III

1. **STATE** shall disburse the **STATE'S** share of the project cost, up to the maximum **STATE** participation of \$140,000 in the manner described in this section. However, with no exception shall the total **STATE** disbursement exceed that sum of \$140,000 which is 90% of total estimated costs of **ALUCP**.
2. Upon receipt of a signed request for payment along with supporting documentation by the **PUBLIC ENTITY**, the **STATE** agrees to make payments by one of the following methods:
 - (a) **PUBLIC ENTITY** may, no more often than monthly in arrears, submit supporting documentation, and certifications of the percentage of the work then completed, multiplied by 90 percent of the maximum State-funding participation identified in paragraph one of this section.
 - (b) **PUBLIC ENTITY** shall submit copies of the Consultant's invoices along with supporting documentation for materials and services delivered as a lump-sum payment request after the **ALUCP** has been completed.
3. **PUBLIC ENTITY** shall submit copies of all with supporting documentation including the Consultant's invoices within 180 days of the Consultant's last invoice, and the **ALUCP** being completed.
4. **STATE** share is ninety percent and the **PUBLIC ENTITY** share is ten percent of total estimated costs of **ALUCP**.
5. Regardless of the number of progress payments submitted, ten percent of the **STATE'S** maximum authorized funding share identified in paragraph one of this section shall be retained by the **STATE** until final receipt of documentation acknowledging formal final acceptance of the **ALUCP** by the **PUBLIC ENTITY**.
6. After formal adoption of the **ALUCP** by the County of Santa Barbara **ALUC** and approval by the **STATE** of the final accepted **ALUCP**, **STATE** will pay the **PUBLIC ENTITY** the balance of the grant agreement progress payment sums retained by the **STATE**.
7. **STATE** funds are available only to reimburse expenditures that are invoiced within 180 days.

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION

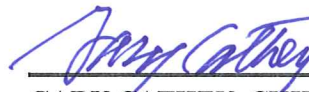
PUBLIC ENTITY'S ACCEPTANCE

I hereby certify that the sum of \$15,556 has been deposited in the Santa Barbara County Account within the PUBLIC ENTITY'S Special Aviation Fund to match the sum money granted by the STATE as provided by Section 21684 of the California Public Utilities Code.

 10/19/16
SIGNATURE DATE

Executive Director
TITLE

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

 28 Oct 16
GARY CATHEY, CHIEF DATE
Division of Aeronautics

I hereby certify that allocated funds are available for the period and purpose of the expenditure stated above.

 10/27/16
Aviation Funding Specialist DATE

ATTACHMENT 2:

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@sbacag.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 3:

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

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

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TTY 711

www.dot.ca.gov

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
Page 2

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



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.

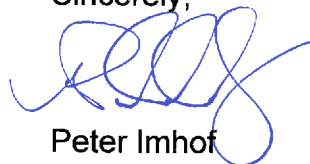
The Attorney General has also opined that a court cannot require the ALUC to adopt an ALUCP. “The adoption of a plan by [an ALUC] is clearly a legislative act involving the exercise of judgment and discretion, just as is the adoption of a zoning ordinance, specific plan, or general plan. [Citations.] 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:

Caltrans Division of Aeronautics letter to City of Goleta, dated August 14, 2019

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

www.dot.ca.gov

*Making Conservation
a California Way of Life.*

August 14, 2019

Michelle Greene, City Manager
City of Goleta
130 Cremona drive, Suite B
Goleta CA, 93117-5599

Dear Ms. Greene:

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), understands that local governments face challenges, including implementing airport land use compatibility policies. On July 12, 2019, the Santa Barbara County Association of Governments, acting as the Santa Barbara County Airport Land Use Commission (ALUC) contacted the Division and expressed concern that the city of Goleta (City) would object to the adoption of the Santa Barbara County Airport Land Use Compatibility Plan (ALUCP) update.

The Santa Barbara Countywide ALUCP update is of vital significance to the State, the safety of the people of Santa Barbara County, and the economic vitality of the region. It is the tool for ensuring the expressed intent and purpose of the State to minimize safety hazards and noise nuisance while promoting the orderly growth of airports. Towards this objective, the Division provided grant funds for the ALUCP update, and it must be adopted before September 15, 2019.

In accordance with California Public Utilities Code (PUC) section 21670 et. seq., 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. We encourage the city of Goleta to collaborate with the ALUC, the city of Santa Barbara, and the Santa Barbara Airport operators in reaching consensus on airport land use compatibility and economic interests. The Division is available to assist in obtaining agreement by all agencies. We also remain committed to assisting in the collaboration between all agencies beyond the adoption of the ALUCP.

The Division cautions that if the City objects to the adoption of statutorily based airport land use compatibility planning policies, it would be contrary to State law. (Please see *Watsonville Pilots Association v. City of Watsonville* [2010] 183 Cal.App.4th 1049.) Further, we 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.

Ms. Michelle Greene
August 14, 2019
Page 2

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

Sincerely,

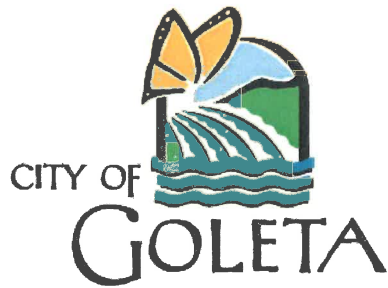


ROBERT FIORE
Aviation Planner

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

ATTACHMENT 5:

City of Goleta comment letter on the Initial Study/Negative Declaration, dated September 9, 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

September 9, 2019

SENT VIA EMAIL

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 August 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.

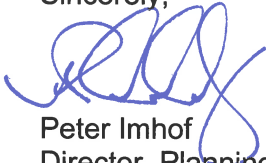
The draft IS/ND does not address any of these potentially significant impacts and for that reason is fundamentally flawed. Additional work is needed on SBCAG's part to identify these impacts (which range from land use, to air quality, to traffic, to population and housing, to noise) and conduct the analyses 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., Section 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

CITY OF GOLETA COMMENTS

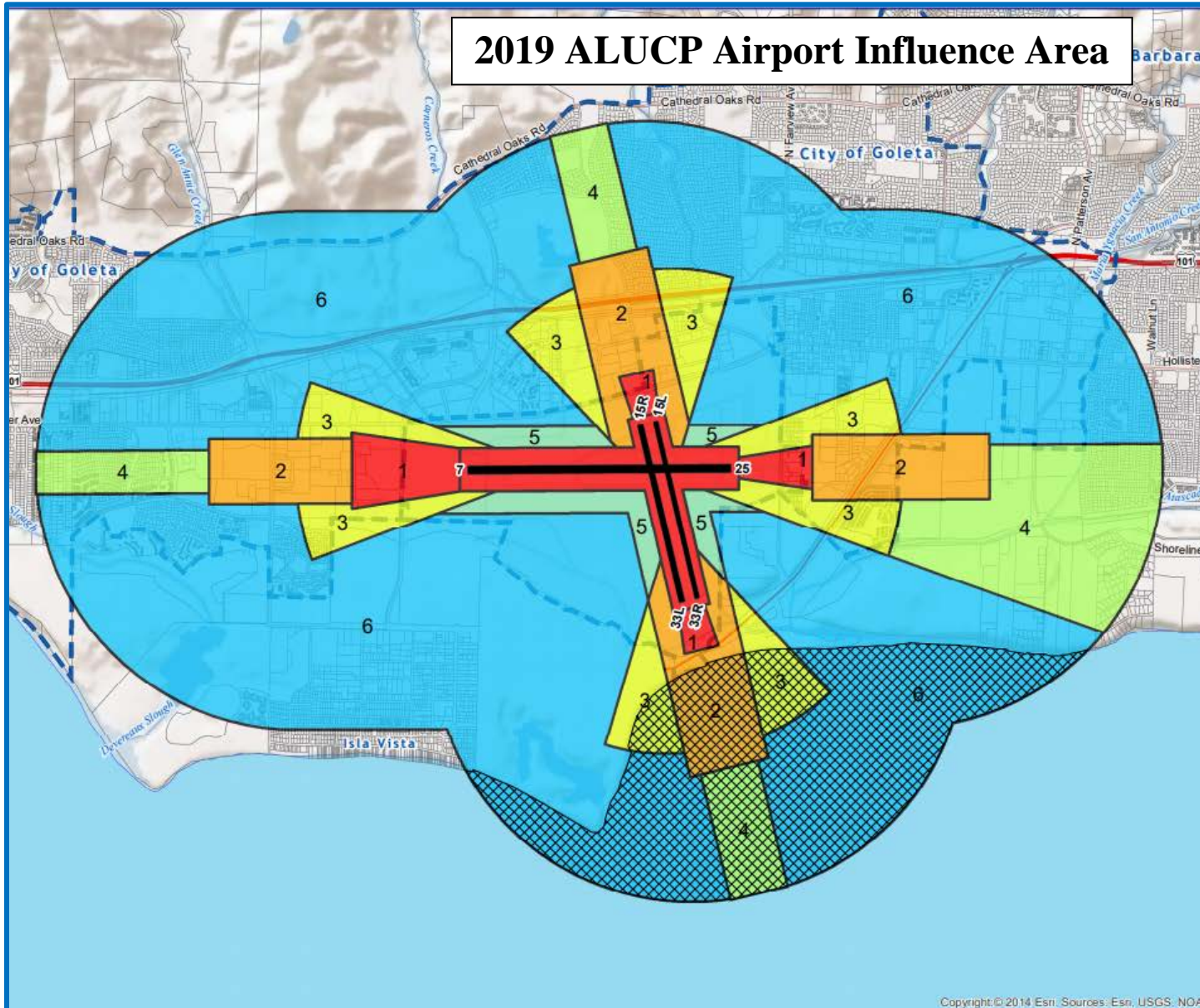
Draft ALUCP and Initial Study/Draft Negative Declaration

1993 ALUCP

vs.

2019 ALUCP [Draft]

2019 ALUCP Airport Influence Area



SBCAG
santa barbara county association of governments

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.arcgis.com/maps/World_Shaded_Relief



NAD 1983 StatePlane California V FIPS 0405 (US Feet)

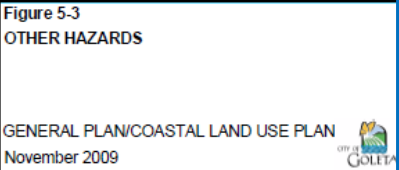


Exhibit A-2

Safety Compatibility Data Map
Santa Barbara Municipal Airport

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

<p align="center">CITY OF GOLETA COMMENTS</p> <p align="center">Draft ALUCP and Initial Study/Draft Negative Declaration</p>		
1993 ALUCP	vs.	2019 ALUCP [Draft]



CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

1993 ALUCP

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.

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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.

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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	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).

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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	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 by 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 created 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 considered 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

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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).

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

Additional comments, issues, or concerns with text of the [May] 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).

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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

CITY OF GOLETA COMMENTS

Draft ALUCP and Initial Study/Draft Negative Declaration

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 a determination was made for parcels in the displacement analysis or contrast it with a “fully-utilized” parcel. Furthermore, the IS/ND indicates that “partially developed” parcels with potential for infill development” were also analyzed along with “vacant” parcels in the Section 4.1, but this does not appear to be the case. The inconsistent use of undefined terms further complicates any consistency of analysis for this part of the document.
7. **General Statement.** 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.
8. **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).
9. **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.
10. **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.

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- 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 wherer they are currently allowable in the 1993 Plan, but would become incompatible uses on parcels within the new AIA Zones of the ALUCP (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.

11. **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.
12. **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.
13. **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.
14. **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.”

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- 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 least be stated as “Less than Significant with Mitigation Incorporated” (where future CEQA analysis on a case-by-case basis would act as mitigation).
15. **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).
16. **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.
17. **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.
18. **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.”

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- 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 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.

19. **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.).

20. **General Comment.** The IS/ND states that the displacement analysis in used the City of Goleta General Plan Housing Element for housing opportunity sites; however, the Land Use Element contained detailed discussion of envisioned “opportunity sites” for increased

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densities for housing. Furthermore, the Land Use Element contains all envisioned future land uses throughout the City. The IS/ND claims to have analyzed this future visioning; however, this is not true. The displacement analysis looked at current zoning, not land use. To further compound this error and oversight, the City is about to adopt a New Zoning Ordinance that will rezone all parcels throughout the City to match the General Plan's Land Use Map (see General Plan Figure 2-1). As such, the entire displacement analysis is fundamentally flawed and unreliable as to any analysis of impacts.

21. 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 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.
- CEQA Section 15064(g) states the following: "*After application of the principles set forth above in Section 15064(f)(g), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.*"

22. Incorrect Displacement Conclusion in IS/ND Appendix B. In reviewing Section 3.1.1.2 of the Displacement Analysis for the City of Goleta, although the document earlier cites that the tables in the General Plan's Housing Element Technical Appendix were used, it incorrectly states that the acreage for the Heritage Ridge site is approximately 16.63 acres instead of the actual 14.46 acres. Moreover, not only is the calculation resulting in 260 dwelling units not correct, but the conclusion of "no potential for displacement" because it exceeds 229 is also an incorrect comparison. The 229 units from the table is a minimum, which accounted for a potential park

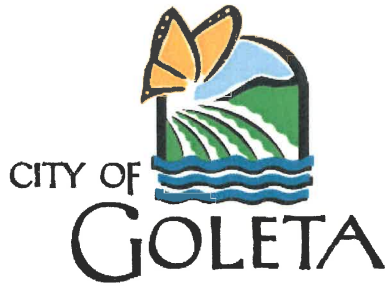
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dedication and extra distance buffer from Highway 101 that yielded a NET site area of 11.46 acres at a density of 20 units/acre. The table also states that the 14.46 acre site could have a maximum of 361 units since it was identified as an “opportunity site” with a 25 unit/acre overlay in the General Plan. The current project proposes 353 dwelling units. As such, the conclusion that 260 dwellings exceeds the number of units identified in the City’s Housing Element and that there is no potential for residential displacement at this site is factually incorrect.

ATTACHMENT 6:

City of Goleta letter to Caltrans, dated September 9, 2019



September 9, 2019

Mr. Robert Fiore, Aviation Planner
California Department of Transportation
Division of Aeronautics – M.S. # 40
1120 N Street
P.O. Box 942874
Sacramento, CA 94274-0001

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Stuart Kasdin
Councilmember

James Kyriaco
Councilmember

CITY MANAGER
Michelle Greene

Dear Mr. Fiore:

This letter responds to your letter dated August 14, 2019 regarding the adoption of the Santa Barbara County Airport Land Use Compatibility Plan (ALUCP).

The City of Goleta (City) seeks to work with the Santa Barbara County Association of Governments (SBCAG), the designated Airport Land Use Commission (ALUC) for Santa Barbara County, to update the ALUCP and is confused by your citation to *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059 (*Watsonville*) for several propositions that simply do not exist within that opinion. For example, your letter “cautions that if the City objects to the adoption of statutorily based airport land use compatibility planning policies, it would be contrary to State law. (Please see *Watsonville Pilots Assn. v. City of Watsonville* [2010] 183 Cal.App.4th 1049.)”¹ However, there is no such reference in the *Watsonville* case or, for that matter, in the State Aeronautics Act (Pub. Util. Code §§ 21670 et seq.). While your letter claims that the Division of Aeronautics has “jurisdictional authority as upheld in the *Watsonville* case,” none of the holdings in *Watsonville* relate to Caltrans’ jurisdictional authority.² Furthermore, the citations to *Watsonville* do not reference specific pages that support your assertions. In short, we are confident in the lawfulness of our involvement in this important issue.

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’s rights to participate in that environmental review process. Relatedly, here, the City 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.)

¹ The first page of the *Watsonville* case is “1059” instead of “1049.”

² 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.

In order to adequately review and address legitimate land use and environmental impact concerns, additional time will be required, beyond Caltrans' September 15, 2019 deadline. The City wishes to give the ALUCP the time and thoughtful consideration that it deserves rather than adopt a plan that may have negative consequences for the City, Santa Barbara Airport, and the environment.

Accordingly, the City wishes to accept Caltrans' offer of assistance "in obtaining agreement by all agencies" and respectfully requests an extension of Caltrans' deadline. The current ALUCP was adopted in 1991, approximately 28 years ago. We believe that a six-month extension to amend an ALUCP that has not changed since then is a reasonable request, given the current circumstances and efforts by all parties involved.

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,



Michelle Greene
City Manager

cc: Mayor and Councilmembers, City of Goleta
Senator Hannah-Beth Jackson, 19th Senate District
Assembly Member Monique Limón, 37th Assembly District
Peter Imhof, Director, Planning and Environmental Review Department, 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
Michael Becker, Director of Planning, SBCAG
Andrew Orfila, Principal Transportation Planner, SBCAG
Henry Thompson, Airport Director, City of Santa Barbara