



**CITY COUNCIL  
MEETING MINUTES  
Tuesday, November 05, 2019**

Closed Session - 4:00 P.M.  
Regular Meeting - 5:30 P.M.

City Hall  
130 Cremona Drive, Suite B  
Goleta, California

***Members of the City Council***

Paula Perotte, Mayor  
Kyle Richards, Mayor Pro Tempore  
Roger S. Aceves, Councilmember  
Stuart Kasdin, Councilmember  
James Kyriaco, Councilmember

Michelle Greene, City Manager  
Deborah S. Lopez, City Clerk  
Michael Jenkins, City Attorney

**4:00 P.M. - CLOSED SESSION**

**CALL TO ORDER IN COUNCIL CHAMBERS**

Mayor Perotte called the meeting to order at 4:00 P.M.

**ROLL CALL OF CITY COUNCIL**

PRESENT: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco

ABSENT: None

**OPPORTUNITY FOR PUBLIC TO ADDRESS CLOSED SESSION MATTERS**

None

**RECESS TO CLOSED SESSION IN CONFERENCE ROOM 1**

### **CLOSED SESSION**

Michael Jenkins, City Attorney, read into record closed session items by title only:

### **CONFERENCE WITH LEGAL COUNSEL - PENDING**

Pursuant to the provisions of Government Code Section 54956.9(d)1 to confer with its legal counsel with regard to the following matters of pending litigation:• City of Goleta v. Jeffrey M. Newland, et al. , Santa Barbara Superior Court Case No. 19CV03347

### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to the provisions of Government Code Section 54956.8 with regard to the following matters:

Property: APN: 071-130-062

Agency Negotiator: Michelle Greene, City Manager

Negotiating Party: Torridon, LLC (Yardi)

Under Negotiations: Price and Terms of Potential Acquisition

### **5:30 P.M. - REGULAR AGENDA**

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Perotte called the meeting to order at 5:30 P.M., followed by the Pledge of Allegiance.

### **ROLL CALL OF CITY COUNCIL**

PRESENT: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco

ABSENT: None

### **REPORT FROM CLOSED SESSION**

Michael Jenkins, City Attorney, reported on closed session matters as follows:

### **CONFERENCE WITH LEGAL COUNSEL - PENDING**

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Action: No reportable action

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Action: No reportable action

### **PUBLIC FORUM**

Caroline Abate spoke in opposition to the impeachment proceedings of President Trump.

Jon Profant, Goleta Valley Community Center Board Member, spoke on upcoming events at the Community Center for Veterans Day, as well as a Holiday event on November 30, 2019.

Rich Foster questioned the City's priorities on road maintenance.

Jay Freeman inquired about the cannabis business license process in Goleta.

### **AMENDMENTS OR ADJUSTMENTS TO AGENDA**

Michelle Greene, City Manager, noted staff will discuss replacement language for the ordinance under item B.1 - Adoption of the 2019 California Building Standards Ordinance by Reference and Local Amendments.

### **A. CONSENT CALENDAR**

#### **ITEM A.10 WAS PULLED FROM THE CONSENT CALENDAR**

#### **A.1 Approve the City Council Meeting Minutes of October 15, 2019**

Approval of the City Council Meeting Minutes of October 15, 2019.

Approve the City Council Meeting Minutes of October 15, 2019

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to approve the City Council Meeting Minutes of October 15, 2019.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

#### **A.2 Disposition of Surplus Property**

Conduct the second reading (by title only and waive further reading) and adopt Ordinance No. 19-    entitled "An Ordinance of the City Council of the City of Goleta Adding Chapter 3.09 to Title 3 (Revenue and Finance) of the City of Goleta Municipal Code Establishing a Disposition of Surplus Property."

Disposition of Surplus Property

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to conduct the second reading (by title only and waive further reading) and adopt Ordinance No. 19-15 entitled "An Ordinance of the City Council of the City of Goleta Adding Chapter 3.09 to Title 3 (Revenue and Finance) of the City of Goleta Municipal Code Establishing a Disposition of Surplus Property."

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

**A.3 Fiscal Year 2019-20 Support to Other Agencies Grant Award for Goleta Old Town Christmas Parade**

Approve a Support to Other Agencies grant award to the Goleta Old Town Christmas Parade in the amount of \$10,000.

**Fiscal Year 2019-20 Support to Other Agencies Grant Award for Goleta Old Town Christmas Parade**

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to approve a Support to Other Agencies grant award to the Goleta Old Town Christmas Parade in the amount of \$10,000.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

**A.4 Cathedral Oaks Landscaping Project Notice of Completion**

A. Adopt Resolution No. 19-66 entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Cathedral Oaks Landscaping Project; and

B. Direct the City Clerk to file a Notice of Completion.

**Cathedral Oaks Landscaping Project Notice of Completion**

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to A. Adopt Resolution No. 19-66 entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Cathedral Oaks Landscaping Project; and B. Direct the City Clerk to file a Notice of Completion.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

**A.5 Notice of Completion of Improvements to the Athletic Field at the Goleta Community Center**

A. Adopt Resolution No. 19-\_\_\_\_\_ entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Improvements to the Athletic Field at the Goleta Community Center", and

B. Direct the City Clerk to file a Notice of Completion with County Recorder's Office.

**Notice of Completion of Improvements to the Athletic Field at the Goleta Community Center**

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to A. Adopt Resolution No. 19-67 entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing the Filing of a Notice of Completion for the Improvements to the Athletic Field at the Goleta Community Center", and B. Direct the City Clerk to file a Notice of Completion with County Recorder's Office.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

**A.6 Authorization to Apply for Senate Bill 2 Planning Grants Program Funds**

Adopt Resolution 19-\_\_\_\_\_, entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing Application for, and Receipt of, Senate Bill 2 Planning Grants Program Funds."

**Authorization to Apply for Senate Bill 2 Planning Grants Program Funds**

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to adopt Resolution 19-68, entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing Application for, and Receipt of, Senate Bill 2 Planning Grants Program Funds."

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

**A.7 Winter Storm Preparedness 2019/20**

Receive and file an update on the City's Emergency Preparedness preparations for the upcoming 2019/20 Winter Storm Season.

## Storm Readiness Staff Report 2019

- MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to receive and file an update on the City's Emergency Preparedness preparations for the upcoming 2019/20 Winter Storm Season.
- VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

### A.8 Beach Hazards Removal Agreement with California State Lands Commission

Authorize the City Manager to execute an Agreement with California State Lands Commission for Beach Hazards Removal services for a total not-to-exceed amount of \$50,000, term ending June 30, 2021.

#### Beach Hazards Removal Agreement with California State Lands Commission

- MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to authorize the City Manager to execute an Agreement with California State Lands Commission for Beach Hazards Removal services for a total not-to-exceed amount of \$50,000, term ending June 30, 2021.
- VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

### A.9 Authorization to Submit Per Capita Grant Applications to the California Department of State Parks for Proposition 68 Grant Funds

Adopt Resolution No. 19-\_\_\_, entitled a "Resolution of the City Council of the City of Goleta Approving Application(s) for Per Capita Grant Funds."

#### Authorization to Submit Per Capita Grant Applications to the California Department of State Parks for Proposition 68 Grant Funds

- MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to adopt Resolution No. 19-69, entitled a "Resolution of the City Council of the City of Goleta Approving Application(s) for Per Capita Grant Funds."
- VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

#### **A.11 City Hall Space Needs Assessment Professional Services**

A. Authorize the City Manager to execute Amendment No.1 to Professional Services Agreement No. 2019-112 with RRM Design Group for professional architectural space analysis and interior design services related to the City Hall Space Needs Assessment to increase the contract amount by \$14,226 for Phase Two of the project, for total contract amount of \$41,304; and

B. Authorize the City Manager to amend the Professional Services Agreement to add another 12% of the total contract, or \$4,956, for additional services or changes in the scope of work, for a total authorization of \$46,260, if the City Manager deems such an expenditure to be necessary.

#### **City Hall Space Needs Assessment Professional Services**

MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to A. Authorize the City Manager to execute Amendment No.1 to Professional Services Agreement No. 2019-112 with RRM Design Group for professional architectural space analysis and interior design services related to the City Hall Space Needs Assessment to increase the contract amount by \$14,226 for Phase Two of the project, for total contract amount of \$41,304; and B. Authorize the City Manager to amend the Professional Services Agreement to add another 12% of the total contract, or \$4,956, for additional services or changes in the scope of work, for a total authorization of \$46,260, if the City Manager deems such an expenditure to be necessary.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

#### **ITEM A.10 WAS PULLED FROM THE CONSENT CALENDAR**

#### **A.10 Resolution Supporting Medicare for All Act of 2019**

Consider adoption of Resolution 19- entitled "A Resolution of the City Council of the City of Goleta, California, Supporting H.R. 1384, Medicare for all Act of 2019."

Resolution Supporting Medicare for All Act of 2019

Public Comment

MOTION: Councilmembers Kyriaco/Mayor Pro Tempore Richards to adopt Resolution 19-70 entitled "A Resolution of the City Council of the City of Goleta, California, Supporting H.R. 1384, Medicare for all Act of 2019."

VOTE: Motion approved by the following roll call vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmember Kyriaco. Noes: Councilmember Aceves. Abstain: Councilmember Kasdin.

## **B. PUBLIC HEARING**

### **B.1 Adoption of the 2019 California Building Standards Ordinance by Reference and Local Amendments**

1. Open a public hearing to take verbal and written testimony; and
2. After considering the evidence presented during the public hearing, conduct the second reading (by title only) and waive further reading and adopt Ordinance 19-     entitled "An Ordinance Of The City Council Of The City Of Goleta, California, Amending The Following Chapters To Title 15 "Building And Construction" Of The Goleta Municipal Code: Chapter 15.01 "Building Code", Chapter 15.03 "Electrical Code", Chapter 15.04 "Plumbing Code", Chapter 15.05 "Mechanical Code", Chapter 15.08 "Administrative Code", Chapter 15.11 "Residential Code", Chapter 15.12 "Green Building Code", Chapter 15.15 "Energy Code", Chapter 15.16 "Historical Code", Chapter 15.17 "Existing Building Code, And Adding Chapter 15.19 "The International Property Maintenance Code" Adopting By Reference The Above-Listed Codes In The California State Building Standards Codes And Adopt Local Amendments To Those Codes."

### **Adoption of the 2019 California Building Standards Ordinance by Reference and Local Amendments**

Staff Speakers:

Stephen R. Stuart, CBO Building Official reported changes to the proposed ordinance.

**OPENED THE PUBLIC HEARING AT 6:01 P.M.**

Speakers:

None

**CLOSED THE PUBLIC HEARING AT 6:01 P.M.**



MOTION: Mayor Pro Tempore Richards/Councilmember Kasdin to conduct the second reading (by title only) and waive further reading and adopt Ordinance 19-15 entitled "An Ordinance Of The City Council Of The City Of Goleta, California, Amending The Following Chapters To Title 15 "Building And Construction" Of The Goleta Municipal Code: Chapter 15.01 "Building Code", Chapter 15.03 "Electrical Code", Chapter 15.04 "Plumbing Code", Chapter 15.05 "Mechanical Code", Chapter 15.08 "Administrative Code", Chapter 15.11 "Residential Code", Chapter 15.12 "Green Building Code", Chapter 15.15 "Energy Code", Chapter 15.16 "Historical Code", Chapter 15.17 "Existing Building Code, And Adding Chapter 15.19 "The International Property Maintenance Code" Adopting By Reference The Above-Listed Codes In The California State Building Standards Codes And Adopt Local Amendments To Those Codes."

VOTE: Motion approved by the following voice vote: Ayes: Mayor Perotte, Mayor Pro Tempore Richards, Councilmembers Aceves, Kasdin and Kyriaco. Noes: None.

## **B.2 Adoption of the New Zoning Ordinance**

A. Adopt the Planning Commission's recommendation and introduce and conduct the first reading (by title only and waive further reading) of Ordinance No. 19- , entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting the New Zoning Ordinance as Title 17 of the Goleta Municipal Code, Repealing Various City Ordinances, and Repealing or Amending Various Sections of the Goleta Municipal Code" (Attachment 1); and delay the second reading until any General Plan Amendments necessary to implement the recommendation are initiated and adopted; or

B. After consideration of certain alternate recommendations from staff, continue the hearing and direct staff to return with New Zoning Ordinance revisions at a public hearing in December 2019.

### Adoption of the New Zoning Ordinance

#### Public Comment

Mayor Perotte acknowledged staff, the Planning Commission and the public on the proposed New Zoning Ordinance and provided direction on how tonight's meeting will take place.

Mayor Perotte noted that the City Council will be taking up key topics, and announced that public speakers are welcome throughout, however suggested

those requesting to speak on anything other than the key topics, should speak at the beginning of the item.

Mayor Perotte commented that under key topics, the City Council will be considering city projects, inclusionary housing, residential care facilities, and noticing. Environmentally sensitive habitat areas (ESHA), although listed, would not be taken up by the City Council, but will come back with new language at the next hearing. Mayor Perotte noted if you choose to speak to ESHA, which you may, but suggested speaking to this topic at the next meeting.

Staff Speakers:

Peter Imhof, Planning and Environmental Review Director

Anne Wells, Advance Planning Manager

### **OPENED THE PUBLIC HEARING AT 6:21 P.M.**

Beth Collins, Brownstein, Hyatt, Faber and Schrek, representing Yardi Systems, commented that there are two topics that are not on the list that she requested to speak about and provide suggestions to, the first she noted is to split the Zoning Ordinance into two ordinances, just as the City of Santa Barbara on the County of Santa Barbara, one for the Coastal Zone and one for the Inland area and provided some background on this. Secondly, Ms. Collins spoke to the Business Park Designation, which she noted applies to the Yardi facility. Ms. Collins noted as is Professional Services is not allowed. Ms. Collins suggested it may be a mistake to not include Professional Services as an allowable use in the Business Park and provided examples.

Kristen Miller, President, Goleta Chamber of Commerce, suggested strong support for the City Council for separating the Zoning Ordinance into two ordinances, one for the inland zone and one for the coastal zone, and suggested exempting commercially rented containers on commercial sites, more lenient food truck regulations as they are important local businesses, and prevent non-conforming uses when the zoning ordinance takes effect. Ms. Miller commented on the movement to protect creeks and ESHAs, which she noted is admirable, however noted that a cookie cutter approach does not serve the City well and existing efforts that are being upheld by the City's General Plan. Ms. Miller also spoke on allowing office use in business parks as strict interpretation is too limiting for future uses that businesses will need. Ms. Miller concluded that the NZO reduces the period of time an applicant can secure land use title by 2 years and suggested 38 months.

Cheryl Rogers, representing the League of Women Voters of Santa Barbara County, read aloud a letter which stated the League of Women Voters of Santa Barbara County support of the following: 1). Rental Inclusionary Housing: at least 15% consistent with the requirement of for sale housing projects be inclusionary

within the proposed General Plan Amendment that will accompany the New Zoning Ordinance, 2). Amending the Conservation Element to revise standards for Environmentally Sensitive Habitat Areas, Area Buffers for Streams, Lagoons, and native woodland savannahs, and stated the League supports the Environmental Defense Center's request to include the California Coastal Commissions criteria to determine feasibility of changing the 100 ft. creek setback and 3). Support for amending the Land Use Element to allow Large Care Facilities in RS and RP Zones (letter on file).

Steve Amerikaner, Brownstein, Hyatt, Faber and Schrek, representing Sywest Development, owner of the Goleta Drive-in located at 907 S. Kellogg, noted that while the Drive-in has a completed application, the application could be threatened by a sunset clause inserted by the Planning Commission into the New Zoning Ordinance that would take effect in two-years. Mr. Amerikaner commented it is bad policy to force an applicant to restart the application process after spending time and money on a previous process and urged the City Council remove the sunset clause returning to the version of the ordinance that originally came to the Planning Commission, without a Sunset provision and notify the applicants. (Letter on file).

Ginger Anderson, Stantec Engineering, stated concerns about properties that would become non-conforming once the new zoning ordinance is adopted, and suggested creating separate inland and coastal zoning ordinances to prevent complications with the California Coastal Commission and noted the applicability of the sunset clause in the New Zoning Ordinance should be extended to when the New Zoning Ordinance is actually adopted and not on September 1, 2019, as stated in the staff report.

Kristin Brandt commented on the recent revision to the NZO to what is currently provided in regard to the Parking in Lieu Fee, specifically in Old Town, and raised concerns of sustainability and not being able to use the Parking in Lieu fees for other forms of transportation and concluded that she did not see a need for additional parking.

Jason Chapman commented the New Zoning Ordinance requires too many parking spaces for new housing developments, which take up land area and suggested reducing parking requirements.

Eileen Monahan, Early Care Education Consultant, and President of the Isla Vista Youth Project Board, expressed appreciation for the New Zoning Ordinances' ease of opening a child care center and suggested creating a child care plan such as San Francisco (letter on file).

Michelle Graham, Executive Officer, Children Resource and Referral, expressed appreciation for the New Zoning Ordinance bringing more access to child care and opportunities for parents to go to work (letter on file).

Mitch Menzer, of the Paul Hastings Law Firm, representing the Ritz Carlton Bacara Hotel and Resort, expressed concerns of the non-conforming use provisions within the New Zoning Ordinance and how it could affect the hotel operations if major repairs or renovations were needed. Mr. Menzer pointed out the Ritz Carlton Bacara was approved by a Santa Barbara County Development Plan and spoke in support of Section 17.36.020 D which excludes projects that have previously been approved from the non-conforming use provisions.

Cecilia Brown spoke to Section 17-52.100, expressing Substantial Conformity Determination Guidelines, and noted that this has been eliminated. Ms. Brown also spoke to lighting, and requested that the City add a development standard for lighting that would facilitate the City's intent for maintaining Dark Sky Standards.

George Relles spoke to substantial conformity issues which are not subject to public noticing, hearings, or appeals. Mr. Relles questioned the findings for approval, provided examples. Mr. Relles also raised concerns for the sign exemption and questioned why commercial zones are allowed larger signs than residential zones and concluded by speaking to view protection and asked where would "must be used where applicable", requesting clarity on this.

Linda Krop, Chief Counsel of the Environmental Defense Center, expressed concern with how the New Zoning Ordinance would affect vested rights which she noted protects applicants from being subject to changes in rules and regulations while their application is being considered. Ms. Krop urged the City Council to find out what projects have complete applications and how the exemption from the New Zoning Ordinance would affect those applications.

April Reid noted there is a lack of parking in some City residential developments and urged the City Council to increase parking requirements in the New Zoning Ordinance.

Frank Arredondo raised concerns with the Native American Tribes not being consulted on cultural resources as required by Assembly Bill 52.

#### **RECESS 7:03 P.M. - 7:08 P.M.**

#### **City Projects - Chapter 17.01.030 & .040**

##### **Staff Speakers:**

Anne Wells, Advance Planning Manager, opened with the statement that the Planning Commission recommendation applies to all New Zoning Ordinance

regulations including permitting to city projects. City and developer projects would be treated similarly. Ms. Wells pointed out that the issue is the New Zoning Ordinance permit requirements for City projects would be redundant with the public process that already occurs with the City Council, and would slow the city's efforts to implement city projects. The recommendation from staff is to exempt the City from permit requirements to streamline and create scheduling efficiency for City projects. Ms. Wells noted all City projects would be still be subjected to review under the California Environmental Quality Act (CEQA), consistency with the General Plan, and development standards within the New Zoning Ordinance and requirements of the California Coastal Act.

Charles W. Ebeling, Public Works Director, spoke to the project delivery process for Capital projects that use public funds, includes conceptual design, environmental review, and construction. Mr. Ebeling noted that during this process the city conducts extensive public outreach and noted the Capital Improvement program is developed through a lengthy process that includes the development of planning and policy documents that lead to the Capital Improvement Project list, projects coming from the General Plan, the Development Impact Fee Program and the UCSB Long-Range Development Plan, as well as others. Mr. Ebeling pointed out the Capital Improvement program becomes an integral part of the city's budgeting and workload process, obtaining funding, including grants based on project descriptions contained in the Capital Improvement Program from planning and policy documents to budgeting and work planning. Mr. Ebeling raised concerns with the Public Works Department potentially having to obtain a permit from the departments own City, noting the tight time frame and deadlines the department is already under. Mr. Ebeling concluded that the Public Works Department is concerned with the process of obtaining Conditional Use Permits from the Planning Commission.

Martha Miller, Consultant  
J. Ritterbeck, Senior Planner

Public Speakers:

Linda Krop, Chief Counsel of the Environmental Defense Center, supports the Planning Commission recommendation, noted that otherwise, when would the public weigh in on the decision, who would be the lead agency under CEQA and concluded that she felt that what is provided tonight has been thought through.

Fermina Murray echoed Linda Krop's comments, spoke to the City being held to the same requirements as any developer allowing scrutiny and public input and expressed opposition to the staff recommendation.

Deborah Williams expressed opposition to the staff recommendation noting the rules and processes should be the same for everyone. Ms. Williams urged the City Council to not use two different standards and processes.

Barbara Massey stated concern that the City Council is missing much of the Planning Commission's recommendation on City Project's and raised concern that on previous City Projects that she felt the public did not have adequate notice, and urged the City Council to have proper procedures in place.

By Consensus the City Council requested that this section return with more information for further discussion.

### **Environmentally Sensitive Habitats**

#### **Staff Speakers:**

Anne Wells, Advance Planning Manager, noted staff will be skipping the Environmentally Sensitive Habitat topics and would be brought back to City Council on December 3, 2019.

Mayor Perotte welcomed any public comment on the Environmentally Sensitive Habitat topics.

#### **Public Speakers:**

Brian Trautwein, Environmental Analyst and Water Program Coordinator, Environmental Defense Center, also representing Urban Creeks Council commented on the City's New Zoning Ordinance, with respect to Creek Setback and Riparian Habitat. Mr. Trautwein provided background and spoke on the importance of the hundred foot stream setback which is in section CE 2.2 of the Goleta General Plan. He noted EDC monitored the implementation of CE 2.2 over the years and that in 2014, found that prior City Councils had not enforced this policy when approving new development, provided the Villages at Los Carneros project, as an example where he noted the developer was able to abide by the one hundred foot creek setback and did not have to sacrifice any residential units in the process.

Tara Messing, Environmental Defense Center Staff Attorney, acknowledged the Planning Commission's recommendation and commented that the New Zoning Ordinance must include a clear process with the required findings and evidentiary requirements for determining whether to allow a creek setback reduction. Ms. Messing urged the City to meet with the Coastal Commission before adopting the New Zoning Ordinance, not doing so may force the City to repeat the ordinance adoption process, costing time money and public resources.

Dan McCarter, President, Santa Barbara Urban Creeks Council, a 501 (c)(3), all volunteer organization, who long has advocated for strong protection for Creek habitats wetlands and ESHA in the City's New Zoning Ordinance, spoke to the threats to creeks, and reported that the City would be kicking off a Creek and Watershed Plan which would ultimately provide detailed standards of acceptable

practices for protecting the ecological function of water quality and drainage of flood control functions of Goleta's creeks and Watersheds. Mr. McCarter concluded there is no better way to start the Creek and Watershed Management Plan workshop than with a robust creek setback ordinance, which is necessary to protect Goleta's fragile streams and urged the City Council to demonstrate their support by adopting strong standards for creek protection in the New Zoning Ordinance.

Louis Andaloro, Vice President, Urban Creeks Council, spoke to the importance of the 100 foot creek setbacks, protecting water quality, habitat and wildlife within the watersheds of Goleta and ensure the proper application of General Plan Section CE 2.2 so future planners, applicants and decision makers know how to determine if a buffer reduction from 100 feet is allowed. Mr. Andaloro also noted that realtors prefer the creeks setback as it increases property values.

Deborah Williams agreed with the recommendations made by the Santa Barbara Urban Creeks Council and the Environmental Defense Center, League of Women Voters and the Planning Commission and spoke on the creeks that make Goleta great. Ms. Williams urged the City Council to protect the creeks for future generations.

Linda Krop, Environmental Defense Center on behalf of the Santa Barbara Urban Creeks Council and EDC, responded to a letter from the Mr. Amerikaner regarding the setback issue, Ms. Krop noted the Planning Commission recommendation is consistent with the General Plan and in fact implements the General Plan that requested modifications not result in a potentially significant adverse effect comes from General Plan policy CE 2.2, the other proposed findings also come directly from the General Plan and ensure that the city complies with the policy and other laws before approving reductions and setbacks buffers and other requirements, they do not exceed the requirements in the Eastern Goleta Valley Community Plan and County Coastal Zoning Ordinance. Ms. Krop noted the agreement with the letter that section of 17.30.070 of the NZO would apply to both Coastal and Inland areas. Ms. Krop commented the recommended language does not create a new takings test noting the NZO already includes a takings provision in section 17.01.40 subsection A2 and wants to ensure that section is followed by the City. Ms. Krop echoed the earlier comments that the City's planning staff starts meeting with the Coastal Commission now.

April Reid urged the City Council to protect creeks.

The City Council gave concurrence for this issue to come back for further discussion.

## **Inclusionary Housing - Chapter 17.17 and 17.28**

### **Staff speakers:**

Anne Wells, Advance Planning Manager noted that the proposed New Zoning Ordinance aligned with the General Plan Housing Element sub policy 82.5 and applies inclusionary housing requirements to the for sale units. On October 15, 2019, the City Council initiated a General Plan Amendment to this policy to include rental units. The Planning Commission is scheduled to consider the General Plan Amendment on November 18, 2019 and then is expected to bring back the Planning Commission's recommendation at a subsequent hearing targeted for December 3, 2019. The recommendation is for the City Council to consider taking action on the New Zoning Ordinance on December 3, 2019, following the General Plan Amendment item, allowing the New Zoning Ordinance to include rental housing in the affordable housing requirement.

### **Public Speakers:**

Jason Chapman noted that the City is making great efforts to bring affordable housing to Goleta and commented on the importance of housing and spoke on inclusionary housing exception.

Staff will be revisiting this topic after the Planning Commission takes action.

## **Inclusionary Housing - Good Cause Time Extension**

### **Staff Speakers:**

Anne Wells, Advance Planning Manager noted, as recommended by the Planning Commission, the New Zoning Ordinance allows a developer to request a time extension to the construction of affordable units within a project if good cause is shown. The Planning Commission recommendation includes a time limitation of up to four years for such a request. The issue that is flagged by staff and the City Attorney is that construction of affordable units is usually conditioned to occur before a certain percentage of market rate units are constructed, ensuring that the developer does not leave the affordable units to be constructed to the end of the phasing of construction. The staff recommendation is to remove the time extension allowance in 17.28 and 110 in its entirety.

Andy Newkirk, Senior Planner

The City Council expressed support for staff recommendation.

## **Residential Care Facilities (RCFs) Table 17.07.020**

### **Staff Speakers:**

Anne Wells, Advance Planning Manager, commented on the recommendation by the Planning Commission, that the New Zoning Ordinance allows large residential



care facilities and those providing care for more than six persons within the single-family residential and the planned residential zone districts with a major conditional use permit. The issue flagged by staff and the City Attorney's Office is allowing large residential care facilities in these two zone districts would contradict the General Plan and would necessitate a General Plan Amendment to Land Use Element table 2-1. Ms. Wells also noted that environmental review under the California Environmental Quality Act (CEQA) would also be required for this General Plan Amendment. Ms. Wells recommended removal of the allowance for the large residential care facilities in RS and RP districts to avoid the need for a General Plan Amendment pointing out that residential care facilities are allowed in other districts in the General Plan and in the New Zoning Ordinance.

Andy Newkirk, Senior Planner  
Michael Jenkins, City Attorney

**Public Speakers:**

Bertram Brounstein, a long time Goleta resident, spoke in support of the Planning Commission's recommendation on senior care housing including the ability to build senior care housing in residential neighborhoods.

Kim Kimball noted the importance of senior care housing and commented that Goleta is deficient in senior care beds. Mr. Kimball recommended modifying spacing requirements so more senior care projects can exist.

Hersel Mikaelian spoke on the amount of aging baby boomers, and the lack of senior care facilities, and noted senior care facilities in residential zones are not unusual. Mr. Mikaelian commented that he is willing to help provide senior care housing.

The City Council expressed support for staff recommendation.

**Noticing Requirements - Section 17.52.050**

**Staff Speakers:**

Anne Wells, Advance Planning Manager, spoke on the recommendation by the Planning Commission for expanded noticing within the New Zoning Ordinance, including story poles for all new structures over 20 feet except for single unit dwellings. Ms. Wells noted staff flagged an issue for on-site posted notices and the way the proposed New Zoning Ordinance is written on-site posted notices would need to be a minimum eight square feet in residential districts and thirty two square feet in non-residential districts making the proposed on-site noticing significantly larger than the existing three square foot notice. Ms. Wells pointed out an issue of a lack of a trigger for larger on-site noticing, meaning that the smallest project would need a 32 square foot on-site notice. Ms. Wells recommended a trigger for the larger on-site noticing for all new development

plans amendments and significant changes to development plans, new conditional use permit and amendments, and significant changes to conditional-use permits. Ms. Wells also spoke on the expanded mail noticing for all projects regardless of the number of notices to be mailed. Ms. Wells commented on the excessive costs of such noticing. She continued that all mailed and emailed noticing would be Spanish translated as well as press releases for proposed development over ten thousand square feet which would be released at conceptual review on before the design review board.

Andy Newkirk, Senior Planner  
J. Ritterbeck, Senior Planner

**Public Speakers:**

Cecilia Brown spoke on the importance of noticing, as the heart of the public process. Ms. Brown presented a slide demonstrating that the development noticing signs are too small, and spoke to the importance of guidelines on story poles, as well as expanded criteria for noticing, which Ms. Brown has provided (memo and presentation slide on file).

George Relles suggested sign and story poles are great for the 20th century, but noted we are in the 21st century and now we need to be using, in addition to, use of modern technology for noticing and expressed concern that substantial conformity is not required to be noticed publicly.

Fermina Murray spoke on the importance of story poles.

Barbara Massey spoke in support of story poles and on the importance of mailed notices as not everyone has a computer.

The City Council continued the public hearing to the December 3, 2019, City Council meeting.

**C. COUNCIL COMMENTS/ STANDING COMMITTEE REPORTS**

Mayor Pro Tempore Richards reported attending a Finance and Audit Standing Committee meeting on October 31, 2019.

**D. CITY MANAGER/STAFF REPORT**

Michelle Greene, City Manager, announced the California State Land Commission will hold a public meeting regarding the decommissioning of Platform Holly on November 7, 2019, at 6:00 P.M. in Council Chambers.

**E. CITY ATTORNEY REPORT**

None

**ADJOURNED AT 10:00 P.M.**

GOLETA CITY COUNCIL

\_\_\_\_\_  
PAULA PEROTTE,  
MAYOR

ATTEST:

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK