
From: april reid <aprilreid@live.com>
Sent: Sunday, December 08, 2019 8:31 PM
To: Anne Wells <awells@cityofgoleta.org>
Subject: Public Comments on New Zoning Ordinance

Dear Mayor Perotte and City Councilmembers:

I am writing this letter regarding various issues in the New Zoning Ordinance, including but not limited to 17.01.040, implementing a sunset clause for the use of the old Zoning Ordinance; 17.30.120, requiring a minimum of a 100 foot buffer for creeks and 17.38.040, increasing the parking spaces for parking for multi-unit developments with two or more bedrooms.

Specifically, I would like to take this opportunity to clarify certain statements that were made by Mr. Ken Alker in his most recent letter posted on December 3, 2019 and in his testimony to the Council on December 3, 2019. I strongly believe that everyone should be able to comment on the issues affecting Goleta. I have not commented on some of these issues before and I would never have mentioned them if Mr. Alkers had not made certain statements. However, after hearing some of the statements presented by Mr. Alker to the Council, I feel it is incumbent upon me to set the record straight.

Mr. Alker stated in his December 3, 2019 letter regarding the previous City Council, "The planning commission that reviewed Kenwood Village liked it, and the council members who were serving at that time, some of whom are still here, liked it. It is a good project, and I don't want to be forced to spend large sums of money and hundreds of hours and time to redesign it." Even if the former Council did like everything about the Kenwood Village development, which I have heard is not the case, I would humbly suggest that it is the opinion of the current members of the council whose views are relevant since you are the people who were most recently elected to the Council by the people of Goleta. However, to the extent that the opinions of any former council members who no longer sit on the Council are relevant, I was informed by a senior ranking employee of the City of Goleta that the former Council had issues with both the building of 27 triplexes on the property, as well as the waiver of the 100 foot barrier to build next to El Encanto Creek. So, it is likely Mr. Alker would have

needed to make changes to his development plan even if the former Council was still in office. If, for some reason, it is necessary to determine what the former Council felt about the Kenwood Village Project, and whether they would have made any changes to the project, I am sure there are videos of comments the former Council members made that could be reviewed. There are also current members of the Council who sat with the former members of the Council who could shed light on the former Councilmembers' opinions.

However, I would submit that it is the current members whose opinions of the Kenwood Village project are relevant.

Mr. Alker also indicates in his December 3, 2019 letter that there should not be a sunset clause for the use of the old Zoning Ordinance. In Mr. Alker's letter, he states, "The last water moratorium lasted from 1972 to 1996; that's 24 years. No new allocations were made during that time. Our current water moratorium started in September 2014 and a recent vote at the Goleta Water District has extended it through at least October 2020. That will be over six years, and there are no guarantees it will be lifted in 2020, or for that matter, 2021.

Even if it is lifted in 2020, there is no guarantee that the additional processing that will be necessary for Kenwood Village will result in entitlements by December, 2021." The fact that the moratorium could last years or decades is precisely the reason there should be a sunset clause. The values of the residents of Goleta can change significantly in years and decades.

For example, in the past few years, the concern over climate change, protecting endangered species and other issues has increased significantly. The idea that a developer can still use the old Zoning Ordinance after 5, 10 or 24+ years is disturbing. It is imperative that developments reflect the values of the City of Goleta at the time the development is approved, not decades in the past.

It should also be noted that Mr. Alker is continuously claiming to be concerned about the neighborhood. However, Mr. Alker does not even bother to voluntarily plow the field and remove the weeds unless he is forced to do so. I have handwritten notes from my deceased mom, Carole Cordero, who wrote prior to 2012 that the weeds on the Kenwood Village property were overgrown and that Mr. Alker did not mow the property until he was forced to do so. Then, on November 14, 2013, there was a brush fire on the property behind my rental house at 17 Baker Lane, Goleta, CA. 93117, which is located next door to my own house where I live. I already provided the Council with a picture of the Kenwood Village property taken during the fire as shown on KEYT's website. The picture showed the weeds on Mr. Alker's property were taller than the firefighters. Then, in early 2016, I was informed by a senior member of the City of Goleta that Mr. Alker previously received an official warning from the County of Santa Barbara to remove the weeds from the property because they were so tall they were considered a nuisance. Further, around June of 2016, I took pictures of the Kenwood Village property and the weeds were still tall. In fact, Mr. Alker did not mow the field until my next door neighbor stated at a City Council meeting that Mr. Alker and I both attended in mid 2016 that the weeds were overgrown again. Last year, the weeds grew high

again. At that time, there were two fires in the field, one on the other side of the field near the creek and one right behind my rental house at 17 Baker Lane, Goleta, CA. During the fire behind my rental property, I spoke to a firefighter who said he did not know if the fire would burn down my houses and I needed to evacuate. He also told me there were kids who hide in the tall weeds to smoke, thereby starting fires. So, Mr. Alker's carelessness and indifference was partly responsible for almost costing me both of my houses. Even today, as of the writing of this e-mail, though there is a patch of plowed land directly behind my two houses, the vast majority of the Kenwood Village property is once again overgrown and taller than most human beings. If Mr. Alker can not even follow the rules when the property is bare land, how can the residents of Goleta trust he will take care to build a 60 unit housing development with 27 triplexes and 20 duplexes? To the best of my recollection, prior to Mr. Alker purchasing the property, there has never been an issue with the previous owners keeping the field plowed.

Further, regarding parking for the new Zoning Ordinance, I would respectfully request that, under the Multiple Unit Developments section, the requirement for 2 spaces per 2 or more bedrooms be changed to either 2 spaces per 2 or more bedrooms or 1 space for each family unit within the overall unit, whichever is higher. (I am confident that the City Council can word this language better than I am able to do it now.) For example, Mr. Alker is requesting to build 60 total units on approximately 10 acres. This would consist of 13 single family houses and 20 duplexes. He is also proposing 27 triplexes, i.e. 27 houses x 3 family units inside each overall unit for a total of 81 family units. However, for all the 27 triplexes, he is only providing for 54 covered parking spaces. This means that for 27 family units (81 family units minus 54 covered parking spaces) 27 of the 81 family units will not have any covered parking spaces at all. Further, Mr. Alker is proposing 14 spaces for street parking that he claims would only be used by the residents of the triplexes. This would still not be enough parking for every family unit in the triplexes, i.e. 81 family units minus 68 parking spaces (54 covered parking spaces and 14 street parking spaces). This means there would be 13 family units in the triplexes that will not have any parking. Finally, Mr. Alker has also proposing 11 guest parking spaces for the entire 60 unit development, i.e. 1 guest parking space for every 5 units. Conveniently, Mr. Alker has proposed that all 11 guest parking spaces be used by the residents of the triplexes. However, even then, there would still be 2 family units in the triplexes who would not have parking, i.e. 81 family units minus 54 covered parking spaces minus 14 street parking spaces minus 11 guest spaces only equals 79 total spaces for the 81 family units of the triplex. Even worse, under Mr. Alker's calculations, in addition to not even providing even one parking space for every one of the 81 family unit in the 27 triplexes, if all the guest spaces go to the residents of the triplexes for their one and only parking space, Mr. Alker he does not provide any guest parking for any of the guests of the entire 60 unit development.

Some developers generally do not want to create parking spaces because it limits the number

of houses they want to build on the property. Mr. Alker even admits in his development report that there is not enough parking on the Kenwood Village property, so he expects that the residents and guests will have to park in the surrounding neighborhood. Since there is no real parking on any street surrounding three of the four sides of the development, the residents and guests will most likely try to park on the one side of the development that does have parking, i.e, Baker Lane, as well as the streets that run parallel to Baker Lane on the other side of Baker Lane from Kenwood Village, i.e. Violet Lane and Daffodil Lane. It should be noted that Baker Lane, Violet Lane and Daffodil Lane are all small, quiet, PRIVATE, one block long streets which were not built to sustain dozens or hundreds of extra vehicles stemming from a 60 unit development. Unfortunately, Mr. Alker will simply sell the units, take his money and leave the parking problems, as well as all the other problems that stem from a 60 unit development built next to a quiet, single family community, for others to deal with. The only way to ensure there is enough parking on the Kenwood Village project, as well as other developments, is to enforce it by law. Even though it may reduce the number of units that can be built on the property, developers should be required to provide sufficient parking for their own developments and not cause problems for the surrounding neighborhood. Refusing to create sufficient parking for the development will not eliminate the problem. It will simply push the problem into the surrounding community.

It is admirable to take public transportation and other methods of transportation into consideration when determining how many parking spaces to enforce on any given development. The consideration of parking spaces for electric cars and alternative forms of transportation, such as busses and bicycles, is admirable and worth investigating.

However, Kenwood Village is located in a large residential community far from most businesses and work sites in downtown Goleta and even farther from Santa Barbara. I was born into the house now listed as 15 Baker Lane over 51 years ago and lived next door to my great-grandmother, Elizabeth Baker Ford, who lived at the house now listed as 17 Baker Lane until she passed away in 1993, long before there was even a paved road in front of the houses or an independent street name for the houses, which used to have addresses listed as Calle Real, the closest paved road to the houses. As such, I can say with certainty that public transportation in the area of Kenwood Village and the surrounding area is not convenient.

Lowering the number of parking spaces to less than the number of units in a development, even if there are other forms of transportation theoretically possible will not necessarily alleviate the problem; it will only create problems for the surrounding neighborhood.

I should note I am the only resident of Baker Lane that has only one vehicle. Every other resident has at least two vehicles and most Baker Lane residents have three or more vehicles. As it is, the street is crowded most nights and my Baker Lane neighbors from across the street park their second and third SUVs in front of my house. On most weekend nights, the entire street is filled with vehicles and I can not even have my guests park in front of my own house. The idea of having to

compete with the probably hundreds of residents of Kenwood Village, in addition to my current neighbors on Baker Lane, for parking in front of my own house on a PRIVATE street will be a nightmare forever. It is great that there are people at the meetings and on the Council who have been fortunate to not have any problems with parking where they live. However, Baker Lane, as well as the two streets running parallel to Baker Lane, Violet Lane and Daffodil Lane, are small, one block, PRIVATE, quiet, single family houses that were not built to accommodate overflow parking for a 60 unit development with 20 duplexes and 27 triplexes when the developer decides not to provide enough parking for his own development.

In addition, Mr. Alker clearly is not concerned about the rare/endangered animals living in El Encanto Creek. Even though Mr. Alker's own Environmental Impact study indicates there are rare/endangered species living in the creek, Mr. Alker still plans on possibly contaminating the creek by applying to build closer than 100 feet from the creek, thereby endangering the rare/endangered animals Mr. Alker admits are living in the creek and the over 100 animals living on the land who use the creek as a water source.

Also, it is important to determine who we are allowing to build major developments in Goleta, CA. My mom, Carole Cordero, lived at Baker Lane from 1966 to February 2, 2012, when she passed away from cancer. Soon after my mom passed, Mr. Alker told me in person at a City Council meeting, in front of witnesses, that he believed my mom supported the Kenwood Village Project. However, a few weeks later, I found my mom's notes on the Kenwood Village Project which indicated she had been to the City Council meetings with one of our neighbors and she made it clear she vehemently opposed the project. My mom even cut out an article from the Santa Barbara News Press showing a picture of a violent car crash at the corner of Calle Real and Baker Lane. The article indicated that the intersection, next to Kenwood Village, was one of the most dangerous intersections in Goleta. I have already provided the Council with a copy of the article.

Thank you for your time and consideration. I apologize if I was not clear at the Council meetings. I have a lot to say and, as I am sure you can understand, it is sometimes hard to summarize a lot of information into a three minute statement.

April Reid- resident of Goleta

From: Cecilia Brown <brownsknight1@cox.net>

Sent: Thursday, December 12, 2019 11:11 AM

To: Deborah Lopez <dlopez@cityofgoleta.org>

Cc: Peter Imhof <pimhof@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>; Michelle Greene <mgreene@cityofgoleta.org>; grelles@cox.net

Subject: Comment letter for Dec 17th Council meeting

Good Morning Madame City Clerk!

Please accept the attached ltr and accompanying attachment to the ltr for next week's city council meeting.

Thank you!

Best wishes for a happy holiday season and new year!

Cecilia Brown

December 12, 2019

Dear Mayor Perotte and Council Members,

As you near the end of your NZO review and deliberations, we would greatly appreciate your consideration of our comments regarding Substantial Conformity Determinations (SCD) that we orally submitted at two of your previous council meetings. Your review and deliberations regarding our comments were postponed to your future meetings, as you took up other important topics in the NZO queue.

It is gratifying that the council has made zoning regulations more public friendly, particularly with the enhanced noticing procedures used in various aspects of land use processes. However, one issue we want to bring to your attention is that changes are necessary to make the Substantial Conformity Determination process as public friendly and informative as other processes in the NZO.

We want raise several issues regarding NZO **Section 1752.100 Changes to Prior Permits and Approvals Subsection B. Substantial Conformity Determination (SCD).**

1. The first issue is the elimination of the "substantial public controversy" assessment that the Director must make. The NZO draft has removed this key issue criterion which requires the Director to find out first whether a SCD can be used at all to affect change to a project that has previously been subject of "substantial public controversy". (See this section from the current zoning ordinance SCD highlighted in red at attachment).

There is no good justification for allowing the Director to approve a change to a project that has been the subject of substantial public controversy, without any public notice or participation. Please consider that in the City's recent past there have been projects which have been "controversial," such as those that have been subject to lawsuits (eg., Westar, Marriott Residence Inn, Bacara.) We submit that it would be prudent and practical to retain the "substantial public controversy" criterion in order to avert public distrust and outcry over no-noticing and decision-making undertaken outside of public view, scrutiny, and potential for public participation.

2. The public should have at least minimal notice when a SCD is being considered by the Director. The proposed NZO has no provision for such notice. Decision making should be made in the “light of day” with the public having an opportunity to comment, offering information and views the Director may not have considered.

Note that such notice can be done at virtually no cost. It could be limited to notice on the city’s website and emails and to residents who have pre-signed up to receive notice when an SCD is being considered, similar to the notification process for a Director’s or Zoning Administrator decision.

3. Lastly, there should be a right to appeal a SCD determination. The proposed NZO allows no appeal. If there is an aggrieved party, who has been allowed to participate in the public process, then, that person should be allowed to appeal.

Benefit-Burden Test: In considering our request, we ask you to apply the "benefit-burden" test.

- The benefits of accepting our suggestions are great: ensuring consistency with your goals of conducting Goleta's business in public and enhancing public participation and trust.
- The burdens of accepting our requests are extremely low. Noticing could be quite limited and therefore virtually free. The Director would need to consider just one more but vital criterion, and it is highly likely that appeals would be very few and far in between.

Conclusion: We respectfully ask you to do the following:

- a. Retain the “substantial public controversy” key issue criterion for the Director to use in determining whether a SCD can be used to affect project change, and
- b. Add limited public noticing and the right of appeal provision to the SCD section.

Thank you for your time and attention to this matter. Best Wishes for the Holidays and the New Year!

George Relles
Cecilia Brown

SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.
2. The Department reviews the project description that was considered at the time of project approval.

3. The Department considers key issues:

a. Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?

b. Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?

c. Would the deviation alter the public's perception of the project?

d. Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures?

If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.

4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.

a. Does not conflict with project conditions of approval and/or recorded map conditions.

b. Does not result in health or safety impacts.

c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.

d. That the changes proposed can be effectuated through existing permit conditions.

e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.

f. Does not result in an increase of 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals, whichever is less.

g. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.

SANTA BARBARA COUNTY CODE - CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT

CODE

County of Santa Barbara LUDC APPENDIX H Published December 2011 H - 2

- h. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.
 - i. Is consistent with Comprehensive and/or Coastal plan policies and Development Code requirements.
 - j. Does not result in more than 1500 cubic yards of net cut and/or fill outside of the Coastal Zone, or 50 cubic yards within the Coastal Zone, and avoids slopes of 30% or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.
 - k. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
 - l. Does not result in an overall height which is greater than 10 percent above the approved height. The project must remain consistent with height requirements of the zone.
 - m. Receives Design Review approval for landscaping and structures, if necessary.
 - n. Does not result in intensification of use; e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.
 - o. Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the project manager takes action as follows:
- a. If a Substantial Conformity Determination request is minor, (e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, with approval from their supervisor), the Director issues the appropriate permit (Coastal Development Permit or Land Use Permit).
 - b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed Director.
6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
- a. Withdraw the request and continue with the project as approved; or
 - b. Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or apply for Amendment or Revision of the original permit.
7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of approval of that permit so require.

On Thu, Dec 12, 2019 at 10:06 AM TROY WHITE <twhite@twlandplan.com> wrote:

Dear Peter,

As was mentioned at the CC hearing, small additions and/or changes of use on lots zoned for retail/commercial use should not trigger new ALUC review or incompatibility issues. The ALUC has already found retail/commercial use "compatible" with the ALUP.

As Mr. Linehan also identified at the hearing, virtually all retail/commercial use within the City of Goleta exceeds 25 persons/acre, which is a very LOW standard.

Case in point, and a concrete example--please see the attached Airport Intensity Calculations for our proposed The Grange project (250-270 Storke), which in its essence consists of a reskin of the two main buildings (32,912 SF, including 144 SF elevator additions) and a demo/remodel/change of use for the smaller building (1,379 SF). The project results in a hypothetical population change of +8 persons, from 163 persons to 171 persons. Both the existing and proposed project are over the 25 persons/acre threshold. Both the existing and proposed project populations are, however, UNDER the Caltrans ALUP Handbook Maximum Intensity guidelines.

Our project is the poster child for reasonable City zoning regulations with respect to the proposed AE Overlay. The existing Draft NZO AE Overlay, as it is written, will certainly stifle efforts by existing businesses to improve their properties. We hope City staff and the City Council will consider regulations that do not hamstring the City's considerable retail/commercial sales tax base to the whims of the ALUC and/or the City Airport.

Please do not hesitate to call/email to discuss further.

Most sincerely,

Troy A. White, AICP
PRINCIPAL

TW LAND PLANNING & DEVELOPMENT, LLC

m: 805.698.7153

e: twhite@twlandplan.com

SANTA BARBARA OFFICE

903 State Street, Suite 202 ♦
Santa Barbara, CA 93101

VENTURA OFFICE

1068 E. Main Street, Suite 225
Ventura, CA 93001

www.twlandplan.com



TW LAND PLANNING & DEVELOPMENT, LLC

SANTA BARBARA OFFICE
903 State Street, Suite 202
Santa Barbara, CA 93101
Ph: (805) 698-7153

VENTURA OFFICE
1068 E. Main Street, Suite 225
Ventura, CA 93001

MEMO

TO: ANNE WELLS
CC: PETER IMHOF
FROM: TROY A. WHITE, AICP
DATE: 11/26/2019
SUBJECT: DRAFT NEW ZONING ORDINANCE (NOV. 2019)
AIRPORT ENVIRONS OVERLAY COMMENTS/ CONCERNS

With respect to the City of Goleta's Draft New Zoning Ordinance (NZO), I would like to bring to the City's attention that the proposed changes from the F-Overlay under the existing Zoning Ordinance to the proposed Airport Environs (AE) Overlay under the NZO appear to prohibit most retail/hotel uses within the Approach Zone, despite the fact that these areas have been designated for such commercial activity within the General Plan, the existing Zoning Ordinance, and the draft New Zoning Ordinance (NZO).

This of particular concern for properties located along the Storke Road commercial corridor (including the Target Shopping Center, Camino Real Marketplace, The Grange/ Storke Plaza, Zizzo's, Courtyard Marriott, Hilton Garden Inn, etc.). These properties are located within the Santa Barbara Municipal Airport's Approach Zone (< 1 mile from runway).

The existing Zoning Ordinance appears to allow for greater discretion by both the City and Airport Land Use Commission (ALUC) with respect to permissible uses within the Airport Land Use Plan's (ALUP) Approach Zone. Under the NZO, the City requires ALUC and Airport consultation for all development projects, not just legislative acts.

According to the Santa Barbara County Airport Land Use Plan (1993), the purview of the ALUC in land use planning is limited to:

- height restriction recommendations on new buildings near airports;
- land use regulation recommendations to assure safety of air navigation;
- achievement of compatible land uses in the vicinity of airports to the extent that land is not already devoted to incompatible uses.

Table 4-1 (contained with Chapter 4 of the ALUP) indicates that General Merchandise-Retail, Food-Retail, and Eating and Drinking are uses generally not compatible in the Approach Zone and that Personal and Business Services should not result in large concentrations of people. It should be noted, however, that the ALUC has previously determined that the City's General Plan and Zoning Ordinance, which allow General Merchandise-Retail, Food-Retail, and Eating and Drinking as permitted uses along the Storke Rd commercial corridor, are compatible with the ALUP.

As stated in the ALUP Chapter 5, "the policies presented in this plan are general in nature. They are based on federal and state standards for noise and safety, and are designed to be adapted to individual cases."

Further, it should be noted that the 25 person per acre threshold oft referred to within the ALUP is meant not as a limitation in the maximum number of persons a site might accommodate, but exceedance of this density standard is considered only a threshold for additional ALUC review.

It appears that most retail activity along the Stoke Road commercial corridor would not be immediately consistent with the ALUP's Table 4-1 (LAND USE GUIDELINES FOR SAFETY COMPATIBILITY). It is unclear if the City intends for the ALUP Table 4-1 to dictate City retail development/ redevelopment policy relative to Section 17.16.040.C.

Is an "incompatible" use a "prohibited" use? Who determines which and how often is such a determination required? Is it required for every project, regardless of how small? How does Table 4-1 related to the rest of the ALUP. When the new Airport Land Use Compatibility Plan (ALUCP) is adopted (presumably, in 2020) will the reference to Table 4-1 still apply?

Would a small addition and/or change of use application for retail activity within an area designated/zoned for retail within the Approach Zone (<1 mile) require a zoning ordinance amendment in order to comply with 17.16.040.C? Would such an application require formal action by the ALUC despite the fact that no legislative act is proposed?

I have a client who has been working earnestly for several years to redevelop and enhance his retail center along the Storke Rd commercial corridor—the project would not result in any new square footage (net building area). City Planning staff has recently pointed out that the project could not likely be approved under the NZO. I would greatly appreciate any efforts that City staff could provide to elucidate this issue and/or to suggest revisions to the NZO before it is adopted.

Thank you for your thoughtful consideration of these questions/comments. Should you have any questions, concerns or require additional information, please do not hesitate to give me a call at (805) 698-7153. I may also be e-mailed at twhite@twlandplan.com

ATTACHMENTS:
ZONING/ ALUP EXCERPTS

ARTICLE III - INLAND ZONING ORDINANCE (2001)—EXCERPTS

SEC. 35-247.2. APPLICABILITY OF THE F OVERLAY DISTRICT REGULATIONS.

The provisions of this F Overlay District apply within the Airport Clear and Approach Zones, as such zones are described in Sec. J5-247.3 of these regulations. In addition, the provisions of Sec. 35-247.5.2 apply within the Airport Land Use Commission Planning Boundaries, as such Boundaries are depicted on the maps of the Santa Barbara County Airport Land Use Plan.

Within the areas subject to this overlay district, all uses of land shall comply with the requirements of the applicable base zoning district, provided, however, that all development shall comply with any additional requirements set forth in this overlay district. In cases where the regulations of this overlay district conflict with the regulations of the base zoning district, the more restrictive regulations shall take precedence.

On properties subject to the F Overlay District, any application for a development permits which is determined by the County to be consistent with the provisions of this overlay district shall not be subject to review by the Santa Barbara County Airport Land Use Commission (ALUC).

However, all applications determined by the County to be inconsistent or potentially inconsistent with the provisions of this overlay district shall be referred to the A L U C for a determination as to whether the application IS consistent with the provisions of the Airport Land Use Plan (ALUP) itself. No permits for projects determined by the County to be inconsistent or potentially inconsistent with the provisions of this overlay district shall be approved or recommended for approval until the A L U C has reviewed the application and made its determination of the project's consistency with the ALUP; however, the failure of the A L U C to render such determination within sixty (60) days of the referral shall be construed as a finding that the proposed development is consistent with the ALUP. In the case of discretionary permits approved by the Planning Commission and/or Board of Supervisors, as well as both discretionary and ministerial permits heard by either body on appeal, the project may be approved by a majority vote of the total membership of the Commission and/or Board accompanied by findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code §21670.

In all instances where action is proposed to adopt or amend any portion of the Comprehensive Plan and/or any specific plan, zoning ordinance, or building regulation, where such action may apply to any property located within a Clear and/or Approach Zone, the proposed action shall be referred to the A L U C for determination as to the consistency of the proposed action with the adopted A L U P . . Any finding by the A L U C that the proposed action is not consistent with the ALUP, including recommended project modifications and/or conditions deemed necessary by the A L U C to ensure consistency of a project with the ALUP, may be overridden only by a two-thirds vote of the total membership of the Board of Supervisors accompanied by findings, based upon substantial evidence in the public record, that the proposed action is consistent with the purpose and intent expressed in Public Utilities Code § 21670.

SEC. 35-247.4. LAND USE REGULATIONS WITHIN AIRPORT CLEAR AND APPROACH ZONES

3. AIRPORT APPROACH ZONES

The following uses generally are not permitted within one mile of the runway end in the Airport Approach Zones, unless found consistent with the ALUP by the ALUC or approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code§ 21670:

a. Residential development, except for reconstruction, alterations, construction of new single-family homes on existing legal lots and single-family residential land divisions representing a density less than or equal to four units per gross acre;

b. Nonresidential development which would result in large concentrations of people (over the ALUC's review threshold of twenty-five (25) persons per gross acre), including but not limited to schools, office buildings, shopping centers, hospitals, and stadiums.

DRAFT NEW ZONING ORDINANCE (NZO; NOV. 2019) – EXCERPTS

CHAPTER 17.16 -AE AIRPORT ENVIRONS OVERLAY DISTRICT

17.16.030 CONSULTATION REQUIRED

The City must consult with staff of the Airport Land Use Commission (ALUC) and the Santa Barbara Airport Department for development projects and legislative acts within the Clear or Approach Zones as defined in the Santa Barbara County ALUP, as well as any development proposed within the 60 dBA Community Noise Equivalent Level (CNEL) noise exposure contour as depicted on the Noise contour map in the most recent ALUC-adopted ALUP.

17.16.040 Use Restrictions

C. Non-Residential Uses. *All non-residential uses within the Clear and Approach Zones must be consistent with ALUP Table 4-1.*

1. Prohibited Uses. *The following uses are not permitted within the Airport Clear and Approach Zones unless such use is found consistent with the ALUP by the ALUC or is approved by the City Council upon a two-thirds vote with specific a finding that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code, Section 21670.*

a. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials.

b. Any use which may result in a permanent or temporary concentration of people greater than 25 persons per acre.

ALUP (1993) – EXCERPTS/SUMMARY

ALUP TABLE 4-1 SUMMARY:

LAND USE GUIDELINES FOR SAFETY COMPATIBILITY, APPROACH ZONE < 1MILE FROM RUNWAY):

BUILDING MATERIAL-RETAIL: Conditionally Compatible (3)

GENERAL MERCHANDISE-RETAIL: Not Compatible (2)

FOOD-RETAIL: Not Compatible (2)

EATING AND DRINKING: Not Compatible (2)

PERSONAL AND BUSINESS SERVICES: Conditionally Compatible (3)

(2) Use not compatible in approach zone within one mile of the runway end. Use subject to ALUC review if more than one mile from the runway end.

(3) Use subject to ALUC review if they result in large concentrations of people underneath downwind and base legs or departures paths of frequently used airport traffic patterns. The Airport Planning Advisory Committee will provide assistance to the ALUC and its staff in this determination. Threshold for review of "large concentrations" is on the order of 25 people per acre for non-residential uses...

AIRPORT DENSITY CALCULATIONS FOR 250-270 STORKE AVENUE
IN SUPPORT OF THE THE GRANGE AMENDED DEVELOPMENT PLAN

EXISTING SITE STATISTICS												
LOT #	APN	ADDRESS	BUSINESS	LAND USE	CALTRANS SAFETY COMPATIBILITY ZONE	LOT SIZE (SF)	BUILDING/ PATIO AREA (GROSS SF)*	EMPLOYEES	PARKING REQMNT	PARKING SPACES REQ'D	PERSONS/ SPACE	# PERSONS
A-1	073-100-032	250 Storke	French Press	Restaurant (Patronage Area)	6		874		1 space/ 300 SF	2.91	1.5	4.37
				Restaurant (Patronage Area - Patio)	6		301		1 space/ 300 SF	1.00	1.5	1.51
				Restaurant (Employees)	6			4	1 space/ 2 employees	2.00	2.0	4.00
			Ca Dario	Restaurant (Patronage Area)	6		1,094		1 space/ 300 SF	3.65	1.5	5.47
				Restaurant (Patronage Area - Patio)	6		1,022		1 space/ 300 SF	3.41	1.5	5.11
				Restaurant (Employees)	6			10	1 space/ 2 employees	5.00	2.0	10.00
			Retail/ Commercial	Retail Business/ General Commercial	6		3,011		1 space/ 500 SF	6.02	1.5	9.03
			Office	Office	6		7,549		1 space/ 300 SF	25.16	1.5	37.75
A-2	073-100-032	260 Storke	N/A	Pump House/ Equipment Enclosure (Non-Habitable)	6		1,379	0	1 space/ 1,000 SF & 1 space/ 4 employees	1.38	0.0	0.00
A-3	073-100-032	270 Storke	Rusty's Pizza	Restaurant (Patronage Area)	2		2,600		1 space/ 300 SF	8.67	1.5	13.00
				Restaurant (Employees)	2			9	1 space/ 2 employees	4.50	2.0	9.00
			Chipotle	Restaurant (Patronage Area)	2		1,239		1 space/ 300 SF	4.13	1.5	6.20
				Restaurant (Patronage Area - Patio)	2		338		1 space/ 300 SF	1.13	1.5	1.69
				Restaurant (Employees)	2			6	1 space/ 2 employees	3.00	2.0	6.00
			Retail/ Commercial	Retail Business/ General Commercial	2		2,956		1 space/ 500 SF	5.91	1.5	8.87
			Office	Office	2		8,090		1 space/ 300 SF	26.97	1.5	40.45
TOTAL:	073-100-032	250-270 Storke		Mixed Commercial	2 & 6	98,010	30,453			104.84		163
PROPOSED NET IN-FILL PROJECT SITE STATISTICS												
LOT #	APN	ADDRESS	BUSINESS	LAND USE	CALTRANS SAFETY COMPATIBILITY ZONE	LOT SIZE (SF)	BUILDING/ PATIO AREA (GROSS SF)*	EMPLOYEES	PARKING REQMNT	PARKING SPACES REQ'D	PERSONS/ SPACE	# PERSONS
A-2	073-100-032	260 Storke	EXISTING (DEMO)	Pump House/ Equipment Enclosure (Non-Habitable)	6		-1,379	0	1 space/ 1,000 SF & 1 space/ 4 employees	-4.60	0.0	0.00
			PROPOSED	Retail Business/ General Commercial	6		1,379		1 space/ 500 SF	4.60	1.5	6.90
TOTAL "NET A-2":	073-100-032	260 Storke		Retail Business/ General Commercial	6		0			0.00		7
EXISTING + PROPOSED SITE STATISTICS												
LOT #	APN	ADDRESS	BUSINESS	LAND USE	CALTRANS SAFETY COMPATIBILITY ZONE	LOT SIZE (SF)	BUILDING/ PATIO AREA (GROSS SF)*	EMPLOYEES	PARKING REQMNT	PARKING SPACES REQ'D	PERSONS/ SPACE	# PERSONS
A-1		250 Storke	Various	Mixed Commercial	6		13,851			49.16		77.23
A-2		260 Storke	Various	Retail Business/ General Commercial	6		1,379			4.60		6.90
SUB-TOTAL A-1 + A-2:					6		15,230			53.75		85
A-3		270 Storke	Various	Mixed Commercial	2		15,223			54.30		86
TOTAL:					2 & 6	0	30,453			108		171

AIRPORT DENSITY CALCULATIONS FOR 250-270 STORKE AVENUE
IN SUPPORT OF THE THE GRANGE AMENDED DEVELOPMENT PLAN

POPULATION INTENSITY CALCULATIONS			
EXISTING	People/ Acre	Acres	Total
Existing Population Intensity	72.4	2.25	163
ALUC Threshold For Review	25.0	2.25	56.3
Caltrans ALUP Handbook Maximum Intensity (Suburban, Area 2)	60.0	1.36	81.6
Caltrans ALUP Handbook Maximum Intensity (Suburban, Area 6)	300.0	0.89	267.0
EXISTING: Under Maximum Caltrans ALUP Intensity			-185.6
EXISTING + PROPOSED	People/ Acre	Acres	Total
AIRPORT LAND USE PLAN (ALUP)			
Existing + Proposed Population Intensity	76.0	2.25	171
ALUC Threshold For Review	25.0	2.25	56.3
CALTRANS AIRPORT LAND USE PLANNING HANDBOOK			
SAFETY ZONES 2 AND 6 (EXISTING + PROPOSED)			
Existing + Proposed Population Intensity (SAFETY ZONES 2 AND 6)			171
Caltrans ALUP Handbook Maximum Intensity (Suburban, Safety Zone 2)	60.0	2.25	135
Caltrans ALUP Handbook Maximum Intensity (Suburban, Safety Zone 6)	300.0	0.89	267
EXISTING + PROPOSED: Under Maximum Caltrans Intensity			-231
SAFETY ZONE 6 ONLY (EXISTING + PROPOSED)			
Existing + Proposed Population Intensity (SAFETY ZONE 6)	191.3	2.25	85
Caltrans ALUP Handbook Maximum Intensity (Suburban, Safety Zone 6)	300.0	0.89	267
EXISTING + PROPOSED: Under Maximum Caltrans Intensity			-182
PERCENT INCREASE IN POPULATION			4.9%

CONCLUSION: PROJECT MEETS CALTRANS SAFETY COMPATIBILITY CRITERIA GUIDELINES AS SET FORTH IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, FIGURES 4C/4G (2011).
IT SHOULD FURTHER BE NOTED THAT THE PROJECT CHANGES (260 STORKE RD) ARE LOCATED EXCLUSIVELY WITHIN SAFETY ZONE 6, WHICH CALTRANS INDICATES HAS A THRESHOLD FOR REVIEW
OF 300 PERSONS/ACRE, WHILE SANTA BARBARA COUNTY ALUC'S DRAFT AIRPORT LAND USE COMPABILITY PLAN (2019) INDICATES THERE IS NO POPULATION LIMIT RECOMMENDED FOR THIS SAFETY ZONE.

NOTES:
* Gross building/ patio areas does not include balconies, stairs, or elevator shafts, which do not contribue to population intensity.

From: [Tara Messing](#)
To: [City Clerk Group](#)
Subject: Comment letter for 12/17 City Council Hearing
Date: Friday, December 13, 2019 3:32:29 PM
Attachments: [EDC ltr to City Council on NZO w exhibit FINAL 2019 12 13.pdf](#)

Hello,

Attached please find the comment letter submitted today by the Environmental Defense Center (EDC) on behalf of our clients Urban Creeks Council and EDC in advance of the December 17th City Council hearing.

Best,
Tara



December 13, 2019

Mayor Perotte and Councilmembers
Attn: City Council and City Clerk
130 Cremona Drive, Suite B
Goleta, California 93117
cityclerkgroup@cityofgoleta.org

Submitted electronically via cityclerkgroup@cityofgoleta.org

Re: Environmental Defense Center and Urban Creeks Council's Comments on the City of Goleta's New Zoning Ordinance

Dear Mayor Perotte and Councilmembers:

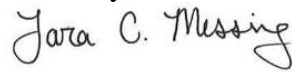
The Environmental Defense Center ("EDC"), on behalf of Santa Barbara Urban Creeks Council ("UCC") and EDC, submits these comments to request that the City Council direct City of Goleta ("City") staff to coordinate with California Coastal Commission ("CCC") staff on the City's new Zoning Ordinance ("NZO") and Land Use Plan ("LUP") prior to formal submittal of a Local Coastal Program ("LCP") to the CCC.

UCC is a non-profit grassroots organization dedicated to protecting and restoring streams and watersheds in Santa Barbara County ("County"). Over the past thirty years, UCC has partnered with a number of organizations on creek restoration projects and has been committed to educating people of all ages about the values of creeks. UCC has members who live and recreate in Goleta and Santa Barbara. EDC is a non-profit, public interest environmental law firm that protects and enhances the environment in Santa Barbara, Ventura, and San Luis Obispo counties through education, advocacy, and legal action.

Informal consultation between City staff and CCC staff about the substance of the City's NZO and LUP will encourage a good faith discussion between the agencies. Moreover, allowing for such discussions prior to LCP submittal is critical to avoid future delays and unexpected surprises during the CCC certification process. This recommendation is supported by EDC,

UCC, Peter Imhof, the City's Planning & Environmental Review Director, and Steve Hudson, CCC's South Central Coast/South Coast District Director, as evidenced in the attached letter from Mr. Hudson to City Council.

Sincerely,

A handwritten signature in black ink that reads "Tara C. Messing". The signature is written in a cursive, flowing style.

Tara C. Messing
Staff Attorney

cc: Santa Barbara Urban Creeks Council

Exhibit:

A – Letter to City Council from Steve Hudson, District Director for the California Coastal Commission, dated November 26, 2019.

EXHIBIT A

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



November 26, 2019

Mayor Perotte and Councilmembers
130 Cremona Drive, Suite B
Goleta, California 93117

Subject: City Council consideration of New Zoning Ordinance

Dear Mayor Perotte and Councilmembers:

I am writing with regard to the City Council's consideration of the City of Goleta New Zoning Ordinance. While it is our understanding that the zoning ordinance would not be adopted as part of a proposed local coastal program (LCP) at this time, it has been indicated by City of Goleta staff that it may be adopted as such in the near future. In recent discussions between our respective staffs, it was indicated that the City may submit the existing Goleta General Plan and the New Zoning Ordinance to the Coastal Commission for consideration as an LCP, with the understanding that staff coordination may occur after submittal.

We would like to request that the City Council consider a revised process for LCP development that would allow for City and Commission staff coordination and City Council adoption of any necessary changes agreed upon by our respective staffs prior to (rather than after) formal submittal of an LCP to the Coastal Commission. Such a collaborative process would allow our respective staffs to work together to most efficiently address and resolve any potential issues relating to consistency between the City's draft LCP and the Coastal Act while minimizing the number of potential suggested modifications by the Commission that might be necessary during the formal certification process.

Local Coastal Programs (LCPs) are comprised of the local government's (1) land use plans, (2) zoning ordinances, (3) zoning district maps and (4) other implementing actions which provide the goals, objectives, principles, standards, maps, and other provisions that direct the physical development and use of land and water that meet the requirements of, and implement the provisions and policies of the Coastal Act. LCPs may be developed in a number of different formats, but typically consist of at least two parts: 1) land use plan (LUP); and 2) implementation program (IP). The standard of review to certify the LUP is consistency with the Chapter 3 policies of the Coastal Act. The standard of review for an IP is that it conforms with and is adequate to carry out the Land Use Plan.

As part of a Coastal Commission LCP grant to the City, there was extensive staff coordination on a draft Goleta Land Use Plan in 2015-2016. This coordination included meetings, phone conversations, and the exchange of written comments and responses between City and Commission staff members. That effort (including a summary of significant issues that needed to be addressed to ensure LUP consistency with the Coastal Act) was addressed in detail in our May 3, 2016 letter which is attached for your information. Unfortunately, many of the previously

identified issues identified by that effort were never addressed or incorporated in the City's draft LUP. As discussed in our May 3, 2016 letter, these changes are necessary in order for the LUP to be found consistent with the Coastal Act. At that time, City staff explained to us that the 2014 Draft LUP primarily reflected the policies of the Goleta General Plan, and that planning staff did not believe it had the ability to agree to substantive changes to the parallel LUP language at a staff level without input from the City Council.

We think there would be great value in further staff coordination on a draft LCP. We recommend that the City Council authorize City staff to coordinate with Commission staff to identify and resolve any potential issues necessary for the LUP to be found consistent with the Coastal Act and a LIP consistent with the LUP. To facilitate this process, we further recommend that the City staff bring the draft LUP and IP back to the City Council for adoption with any necessary changes before they are submitted to the Commission for approval as an LCP. This process will ensure maximum transparency and local public input on the LCP. It will also allow the City Council to consider necessary changes coordinated between City and Commission staff and to narrow areas of disagreement further. Submittal of a revised LCP would allow for more streamlined processing by Commission staff where additional coordination (if necessary) could focus on a much shorter list of remaining issues. This process would greatly increase the likelihood of successful adoption and certification of a City of Goleta LCP that would meet the needs of the City while ensuring consistency with the Coastal Act.

Thank you very much for considering our comments. We would welcome an opportunity to meet with your staff and City Council representatives to further discuss LCP development and staff coordination opportunities.

Sincerely,

A handwritten signature in blue ink, appearing to read "S Hudson".

Steven M. Hudson
District Director

Attachment: May 3, 2016 letter to Jennifer Carmany, City of Goleta

cc: Michelle Green, City Manager, City of Goleta
Peter Imhoff, Planning Director, City of Goleta
Anne Wells, Planning Manager, City of Goleta
John Ainsworth, Executive Director, Coastal Commission
Barbara Carey, District Manager, Coastal Commission

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



May 3, 2016

Jennifer Carman
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

RE: Status of City of Goleta Draft Local Coastal Program

Dear Ms. Carman,

This correspondence is to memorialize the status of the City's Draft Local Coastal Program subsequent to the coordination between our staffs that occurred over the past year as part of the Commission's grant program. The final deliverables for the grant include technical reports, a draft Land Use Plan and a draft Implementation Plan. In fulfillment of the grant, we have received the revised policy charts by topic, which represent the City's progress on the draft Land Use Plan, and we have recently received the City's draft Implementation Plan document.

The Commission's grant required coordination with Coastal Commission staff for the purpose of developing a Local Coastal Program (LCP) for the City of Goleta that fully and adequately implements the provisions of the Coastal Act. In the spirit of coordination, we have collaborated by meeting in person and by phone on numerous occasions to discuss issues related to the draft policies of the Land Use Plan (LUP) (dated December 2014). In addition, we have provided detailed input on all of the original policies by providing a written mark-up of the policies along with specific explanations describing the reasons why the suggested changes to the policy language are necessary to ensure consistency with the Coastal Act. (Rather than attach these comments again due to length, our original comments are being provided to accompany this letter in digital form via a separate email.) As part of our coordination, we have also provided other suggestions to supplement and revise the Figures/Maps and scope of the LUP. Using a similar written format, the City staff responded to our initial policy suggestions by accepting, denying, or further revising the policies. Finally, both staffs have coordinated further (including meetings, phone calls, and written responses) with regard to our initial policy suggestions in an effort to try to reach agreement on Coastal Act policy consistency.

We recognize that it may not be possible to reach complete agreement on all LUP policies or issues; however, the City's latest proposed revisions (received Dec 2015 – Feb 2016) have not addressed the majority of our substantive comments and requested changes necessary to bring the draft LUP into conformance with the Coastal Act. As a result, the LUP, as drafted, is not consistent with the policies and provisions of the Coastal Act. City staff previously indicated that they would continue working to incorporate many of these substantial revisions to certain LUP policies that are necessary in order to comply with the requirements of the Coastal Act, while retaining the format and structure of the City's General Plan policies. However, such substantial revisions were never provided to us and are not included in the final policy charts.

As your staff has explained to us, the LUP primarily reflects the policies of the Goleta General Plan, and planning staff does not believe it has the ability to agree to substantive changes to the parallel LUP language at a staff level without input from the City Council. However, this inability to work on substantive changes to the draft LUP without input from the City Council has significantly limited the effectiveness of the coordination process. As we have discussed previously, there are significant differences between a General Plan and a Land Use Plan. The Coastal Act applies a specific set of land use planning principles and resource protection provisions within the Coastal Zone and requires local governments to reflect those principles and provisions within an LUP in order for the LUP to conform to the Coastal Act. Additionally, the Implementation Plan must conform to and be adequate to carry out the policies of the LUP. This means that the pattern and level of development allowed within the Coastal Zone is likely to be different in some ways from the pattern and level of development that may be allowed by a local government outside of the Coastal Zone. Further, the protection of coastal resources is also likely to be implemented differently within the Coastal Zone.

Based on our review of the most recent version of the LUP policy charts, it is Commission staff's opinion that the current version of the Draft LUP is not adequate to carry out the provisions of the Coastal Act. There are many significant issues that still need to be addressed in order to ensure that the LUP will achieve consistency with the Coastal Act. Even though we are now past the end of the grant timeline, the grant program was intended to support a pre-existing and on-going coordination process and Commission staff is committed to continue that coordination with City of Goleta staff to move closer to resolution of Coastal Act consistency issues. We also believe it is important to recognize that some of the draft policies—for example, the policies related to coastal hazards—are very well done, in that they are crafted to respond to local conditions using the best available science. There is a great opportunity to build upon that work and work toward Coastal Act consistency in the entire LCP. We cannot cover all of the remaining issues in this correspondence; however, some of the overarching issues are briefly characterized below and are described in detail with recommended changes in the separately attached comments that have been previously provided to City staff (between March 2015 – January 2016):

- Archaeological and Paleontological Resources. There are some concerns with regard to the City's approach to protecting archaeological and paleontological resources, primarily: the means of defining the cultural significance of resources that are subject to protection and the interpretation of resource protection to avoid "destruction" or "harmful alteration."
- Energy Facilities. The primary concerns with energy-related development include: regulation of modifications or alterations of the existing Ellwood Onshore Facility beyond what is allowed in the Coastal Act; the implication that oil and gas transportation pipelines must be discontinued; the need for siting and design provisions for pipelines consistent with protection of coastal resources; regulation of State Lease 421 rather than the onshore development; and the elevation of H₂S gas sweetener as a public safety priority that appears to have precedence over other risk of hazards and resource protection.

- Environmentally Sensitive Habitat Areas (ESHA). Some of the primary concerns with the City's approach to ESHA protection include: the methods of identifying or determining ESHA; the size of ESHA buffers; the trigger for ESHA evaluation or studies; the fusion of allowed uses and protective measures for ESHA and ESHA buffer, which are separate concepts; mitigation strategies and ratios; the conflicting language between Streamside Protection Areas (SPAs) and streams protected as ESHA; wetland protection language; the size of wetland buffers; the designation of offshore marine areas as ESHA; development-specific policies (e.g., land divisions, fuel modification, flood control measures, beach grooming, etc.) that are not fully articulated in a manner that ensures protection of coastal resources; internal conflicts regarding language for the protection of native trees and trees within ESHA; and concepts related to ESHA protection that have been recently identified and required by the Coastal Commission have not been included, such as wildlife permeable fencing and bird safe building measures.
- Hazards Related to Sea Level Rise. While staff support the basic intent and structure of many of these policies and appreciate the quality of information that informed the development of these policies, some concerns remain, including: the lack of reference points to explain the genesis of the chosen SLR projections (8.5, 24.1, and 54.5 inches); the lack of clarity regarding implementation of numeric policy triggers; inconsistencies regarding the trigger and scope for site-specific hazard studies; inconsistent restrictions on shoreline protective devices; references to mitigation fees that have not been fully developed; and lengthy policies that include background information that is not essential to implementing the policy.
- Land Use. Most land use policies were reviewed under other relevant topics and therefore comments are embedded into those separate topics rather than under the topic of land use. One overarching concern regarding the land use provisions is that the level of detail in the allowed uses in Tables 2-1 through 2-4 should be deferred to the Implementation Plan / Zoning Code. Other minor items are pending additional coordination.
- Public Access. Some concerns with regard to public access planning include: the need for policies that protect lower-cost visitor-serving overnight accommodation; the potential interpretation of policies to allow for barriers to access, including physical and regulatory barriers; potential residential parking programs and unspecified timing restrictions on public accessways and coastal parking areas; the need for clarifications and refinements regarding methods, timing, and management of access easements; reliance on using the State Lease 421 road as a key component for access even though it must be removed when the lease is abandoned; the need for accurate and appropriate internal cross-references to coastal access and recreation maps; the need for restructuring this LUP section to ensure that policies are broadly applied to protect, maintain, and maximize public access, rather than applied only under specified circumstances; inconsistent guidance on whether beach and bluff trail alignments are proposed; the need to add measures to address temporary events and temporary use of beaches; and the intended applicability of trails and open space policies.

- Public Facilities. Some concerns with regard to public facilities planning include: preauthorization of specific public works projects that have not yet been evaluated or approved pursuant to a coastal development permit; the potential siting of new development where adequate public facilities may not exist; the need for additional language to link capacity planning for public works facilities to certified buildout in the Coastal Zone; the use of various types of permits (other than a CDP) to implement the LCP which affects timing, triggers, and sometimes the ability to analyze an issue prior to approval of new development; and the need for overarching public facilities siting, design, and resource protection strategies necessary to adequately implement the policies of Chapter 3 of the Coastal Act.
- Transportation. Some concerns with regard to transportation planning include: preauthorization of transportation projects; language that implies that siting or design of transportation projects has the potential to override protection of coastal resources; insufficient triggers to ensure that strategies are proactively implemented to reduce vehicle miles traveled; inadequate assurance that transportation facilities must be limited to the minimum necessary to support LCP buildout; the need for coastal resource-specific policies to adequately address impacts or conflicts typically associated with transportation projects; the need for new development to mitigate for any impacts to traffic congestion on coastal roadways; and inconsistent terminology and associated provisions regarding off-street parking.
- Visual Resources. Some of the primary concerns with the City's approach to Visual Resources protection include: the limitations on view protection to only specific mapped vantage points; language that proposes to protect views by minimizing "impairment" is not sufficient to protect scenic and visual qualities in the Coastal Zone; permit applications do not require site-specific visual assessments when new development has the potential to impact scenic or visual resources; specific developments that often have impacts to visual resources are not individually addressed to provide a standard of review in the LUP; policies do not address ocean and island views to utilize methods specific to these types of views (e.g., maintaining bluewater views or public view corridors, etc.); method of protection of ridgeline views is limited; and policies do not indicate that additional bluff setbacks may be necessary to protect public views along the shoreline.
- Water Quality. Some of the primary concerns with the City's approach to water quality protection include: the limited application of a Low Impact Development (LID) approach to stormwater management; the need to avoid new stormwater outfalls to the maximum extent feasible; the need for post-development BMPs to address changes in runoff flow as well as pollution prevention; rainy season grading/construction restrictions are limited to sites adjacent or within ESHA; and post-development flow regimes should mirror pre-development flows to the extent feasible.

We would also note that the same issues that are summarized above are further translated into the Implementation Plan portion of the LCP (received in February 2016) given that the Implementation Plan is written to implement the LUP.

We remain committed to working with you on these challenging issues. Moving forward, we recommend renewed efforts focused on generating a revised draft LUP that complies with the Chapter 3 policies of the Coastal Act. Once the draft LUP is finalized, we can move on to revisions to the Implementation Plan that reflect the LUP. Although the grant has ended, we welcome continued collaboration on LCP development. Please let us know the best way to move forward and if additional meetings might be helpful. For example, your staff indicated the possible formation of a City Council subcommittee to discuss LCP issues and address the outstanding concerns. We are certainly willing to participate in such an effort. I would appreciate having a discussion with you about ways to move forward together on the Goleta LCP. Thank you for your time and attention to this matter.

Sincerely,



Steve Hudson
Deputy Director

cc: Michelle Green, City Manager, City of Goleta
Anne Wells, Planning Manager, City of Goleta
John Ainsworth, Acting Executive Director, CCC
Barbara Carey, District Manager, CCC
Shana Gray, Planning Supervisor, CCC

Attachments: Comment charts by topic separately provided in digital format via email.

December 16, 2019

Dear Mayor Perotte and Council Members,

The General Plan has many excellent policies to protect and enhance Goleta's visual and aesthetic character. Many of these policies have been incorporated with robust development standards into the NZO. However, the Design Review Board needs several additional "tools," development standards and "findings," to use in the review process and in decision-making. Please consider what I present below and include the additional standards in the NZO that will protect, preserve and enhance the community character of our fair City.

Regrettably I won't be able to attend Tuesday's meeting to testify on these items and hope what I have written is helpful and informative as to the importance of what I discuss. I want to express my appreciation for all your efforts in the 6-year long NZO process, particularly in welcoming the public "to the table" to have their concerns heard, acted upon and incorporated into the NZO. Thank you! Best wishes for the holiday season and the New Year!

Cecilia Brown

Viewshed Protection: Please support staff's addition of story pole guidelines in the Public Notification section 17.52.050 as well as their response to Councilmember Kasdin's interest in increased viewshed protection thru a revision to the NZO text to include structure height limitation on a protected public viewshed.

In addition to the story pole guidelines, it is important that the DRB have viewshed protection findings to use during project review. *None now exist for them to use.* Therefore, the proposed addition of two viewshed protection measures into their findings would further enhance protection of viewsheds. Below are two proposals for consideration:

: J. Story poles have evaluated the visual impact of proposed development on views along scenic corridors. (This finding would be used in concert with the newly proposed story pole guidelines.)

K. Views from locations identified on the General Plan Scenic Resources Map, General Plan Figure 6-1 are protected by minimizing any impairment that results from new development (this is General Plan Policy VH 1.2)

Request incorporate these measures into Section 17.50.80 Required Findings

Section 17.35.060 Lighting

A purpose of the lighting ordinance is to provide development standards to control outdoor lighting, reduce over-lighting, and to help achieve "Dark Sky" lighting standards. Numerical standards in the NZO which are to be set by the city for the type of lighting the City wants to achieve for various kind of land uses are needed for each kind of City land use (e.g., car dealership outdoor display areas, neighborhood commercial areas). Unfortunately the NZO lacks many standards for project lighting to ensure such compliance.

A recent lighting project reviewed by the DRB illustrates the dilemma of the NZO not having a complete set of standards for them to use in project review: A convenience store next to a residential area was the subject of neighborhood complaints because the parking lot lighting

the applicant had installed (without city review) was too bright. To remedy the situation, the applicant was going to install new lighting and needed DRB to review its lighting plan. A requirement of the lighting ordinance is a lighting plan which includes a “total site lumens” value.

But The NZO provides no “total site lumens” development standards either for the applicant to use in designing his project or for the DRB to use in reviewing the applicant’s lighting plan. The applicant had to make an educated guess as what might work and the DRB had to guess at what is appropriate for “total site lumens” value for the parking lot in its project review. Will the “guess” the applicant or the DRB has to make be good enough or even appropriate to ensure it meets the standards the City envisions for its lighting ordinance to ensure the parking lot isn’t over-lighted?

Remedy this uncertainty: The NZO is a document of precise numerical standards in all its many applications and one is needed for “total site lumens” in the lighting ordinance. Not having one to use is unacceptable. In my Nov 5th letter, I gave the City a way to get standards for “total site lumens:” Use the International Dark Sky Association Model Lighting Ordinance (MLO) below.
https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

The MLO has several methods the city could use to set its standards. But regrettably staff in responding to my comments in their Nov 15th document misunderstood how the MLO parameters could be applied to city land uses. Thus a valuable approach to setting illumination levels for various types of lands used to minimize adverse impacts of lighting was dismissed as not workable and thus the absence of having any such standard to use in the NZO.

City council wanted a “Dark Sky” lighting ordinance as I recall during earlier hearings, but it is not achievable without complete lighting ordinance development standards. As an interim measure, the Lighting Guidelines (see link below) the DRB developed for their use a decade ago could be updated easily <https://www.cityofgoleta.org/home/showdocument?id=1928> and be used until the City decides how and when it wants to proceed in devising 21st century lighting ordinance development standards and putting them into the NZO.

From: Peter Imhof

Sent: Monday, December 16, 2019 11:41 AM

To: Deborah Lopez <dlopez@cityofgoleta.org>; Liana Campos <lcampos@cityofgoleta.org>

Cc: Anne Wells <awells@cityofgoleta.org>

Subject: FW: Adoption of the New Zoning Ordinance Single Family Zone, Floor Area Ratios, Height Limitation, and Story-Poles

Deborah and Liana,

See public comment on tomorrow's NZO item below.

From: herseld@aol.com <herseld@aol.com>

Sent: Monday, December 16, 2019 11:13 AM

To: James Kyriaco <jkyriaco@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>; Roger Aceves <raceves@cityofgoleta.org>; Paula Perotte <pperotte@cityofgoleta.org>; Kyle Richards <krichards@cityofgoleta.org>; Michelle Greene <mgreene@cityofgoleta.org>; Peter Imhof <pimhof@cityofgoleta.org>; Winnie Cai <wcai@cityofgoleta.org>; kkinbell@aklaw.net

Subject: Adoption of the New Zoning Ordinance Single Family Zone, Floor Area Ratios, Height Limitation, and Story-Poles

Councilmember, please do the right thing, deny the PC recommendation and adopt the 40% FAR, 28 feet height and leave the story pole to DRB discretion and Planning Director just like any other cities and the counties and other local jurisdictions. After all, you are talking about the need for housing. Taking 82% of someone's property isn't the right thing!

Below, I am resending my previous letter to you:

Dec 17: Public Hearing: Adoption of the New Zoning Ordinance
Single Family Zone, Floor Area Ratios, Height Limitation, and Story-Poles

Dear Madam Mayor and members of the City Council -

Madam Mayor, once you told me wisely, "The development in the City of Goleta has been like a pendulum, too much or too little, and a problem. Therefore, the middle always gets hurt." And I agreed with you. I believe I am the middle that is getting hurt.

Now, the pendulum is swinging too far to the "too little." We need unanimous Council help, fairness, and leadership in the following matters which unfortunately have been controlled by a few individuals (members of the public) who really believe that they have the authority to represent the majority of the public.

Here are my concerns:

1- Change FAR to 40%. Section 17-07.040: Please change the proposed FAR (32% - 18%) to a simple 40%. This number is consistent with the County of Santa Barbara and other local jurisdictions (which have set FAR's at 40%).

The current City of Goleta FAR's were first created arbitrarily without any basis, study, consideration or consulting with experts. When the new City Council studied and attempted to fix the FAR standards under former Planning Director, Steve Chase, the recommendation was to leave FAR's in place as a "guideline/ recommendation" that could be applied. This allowed the City to avoid a full CEQA review and associated time and expenses since the FAR's were not in the zoning ordinance, but rather a recommendation. Sec. 35-71.13.

<https://www.cityofgoleta.org/home/showdocument?id=7875> Page 75 and Appendix F.

Under the proposed New Zoning Ordinance, the recommendation has been deleted and now it is included as a set standard that states "maximum

FAR". This proposed FAR has had no study, no CEQA analysis and the word "recommendation" has been deleted.

<http://nebula.wsimg.com/9599b5adbcc440753b94c52829f9fb47?AccessKeyId=8B11547F66E8794DD29E&disposition=0&alloworigin=1> Pae: 11-7 and 11-8.

It appears there are different FAR's within the same zone, which is a flawed approach and biased against larger parcels. This approach is confusing and arbitrary and is like spot zoning which is not legal. For example, if a lot size is 6000 sq. ft. it allows 33% FAR. If the lot size is 12,000 sq. ft. a 25% FAR and if the lot size is 20,000 sq. ft. it allows 18% FAR. An 18% FAR means that 82% of the property isn't developed. There is no reason why 82% of a property should remain in open space effectively making it economically infeasible to build or improve this type of property. This represents a regulatory taking in my opinion.

FARs are supposed to serve properties uniformly throughout a zone district rather than discriminating against larger parcels in the same zone.

2 - Change Height Limit from proposed 25 to 27 - 28 feet for a two-story house.

Today almost every architect agrees a two-story house with high ceilings require about 27.5 to 28 feet height elevation.

A house's ceiling height has evolved over the years. In the '60s and 70s, the standard ceiling height was 8 feet in height. Today, for better air circulation and larger homes the ceiling plates are 10 feet.

Only two individuals at the last PC hearing very late in the session talked the PC into going along with their comments, 25 feet elevation to the

highest point of the roof, the ridge (not even the mean) and the PC bought it. So, the public has no idea that these changes happened at the last moment!

There are many, many existing homes that already exceed this height. If the 25 feet limit is enacted, it will effectively ensure that those with existing homes are allowed to have taller structures than those who develop in the future. This is not a good precedent for the City, nor is it good planning to limit new homes to such a small height – this will lead to poor design and lower home values.

The two people who spearheaded this specific issue don't represent the entire city of Goleta. They are existing homeowners who are selfishly trying to limit future development. No one else such as an expert or architect defended these views at the hearing. Sadly, there was no study presented and no factual information was provided to support this limitation!

3 - Story-Poles should not be mandatory for each building design.

At the Planning Commission hearing, the Commissioners listened only to the same 2 individuals who dictated their opinions as if they were representing the entire community. These people asked the PC to mandate story-poles for any new construction. Again no one was in the PC hearing room except me. They stated that the story poles would serve as a form of public notice. This is totally ludicrous. First, they set the FAR's too low so as to discriminate against larger parcels, then, they made the height of the houses to be completely unreasonable. And finally, they throw at you mandatory story-poles. What's left ---- to eliminate building in Goleta?

The City of Goleta keeps talking about a shortage of housing and at the same time uses a FAR that minimizes and restricts space and bedrooms. If the FAR, height, and story-poles are going to become requirements in the ordinance, then I urge you to offer something economically feasible, simple

and consistent with other jurisdictions.

I just can't understand why the PC did not reach out to DRB for guidance. Why was the right of the public not preserved? If the PC recommendation gets adopted by your Council (Dec. 17, 2019) then the DRB will be required to comply with unreasonably restrictive rules with no justification and that will unnecessarily hamstring the design of new development.

I have worked for 43 years to bring about the rights to my property and now the PC recommendation wants to wipe out 82% use of the property?

Moreover, I have been working hard to bring about Senior Care Housing on my property but these PC recommendations are going to kill any chance at Senior Care Housing.

I am asking all the Council members to uphold the law and your fiduciary duties to preserve the rights and to carefully study the newly drafted rules I have itemized above that the Planning Commission has recommended to the City Council and speak up and take action to protect the community's right just like surrounding cities and counties.

We just can't let a few people ruin our lives.

Respectfully,

Hersel Mikaelian

From: Bonnie Moore <bjgmoore@gmail.com>
Date: December 16, 2019 at 11:11:01 PM PST
To: Paula Perotte <pperotte@cityofgoleta.org>, Kyle Richards
<krichards@cityofgoleta.org>, Roger Aceves
<raceves@cityofgoleta.org>, Stuart Kasdin
<skasdin@cityofgoleta.org>, James Kyriaco
<jkyriaco@cityofgoleta.org>
Subject: Old Town Sidewalks and Fencing

We would like to bring to your attention some of our concerns regarding the current sidewalk project.

The proposed project is for the removal of sidewalks which have been in place for the past 60+ years.

Our property at 5704 Gato Avenue has had an easement apron into the property for the use by utility companies to be able to access the 2 poles from that property since 1957.

We are now being told this one apron will be removed to allow for additional parking (1 space).

When work needs to be done on the poles how will the utility companies be able to access the poles for their repair work?
There is no easement allotment on another property for this work to take place.

If a vehicle is blocking access, how does that happen?

Another concern at this same property which is a quarter acre parcel has a large frontage (200+ feet) currently with a chain-link fence. We are hearing that chain link is being thought of as a non-acceptable type fencing.

Chain link allows drivers to see other vehicles on the street as well as pedestrians and bikers.

We removed all the growth material when we purchased the property and do not plan on adding a blinder to the fencing for safety.

There is also discussion of having fences no higher than 3 feet.

There are safety issues with a 3-foot fence where children are involved.

A 3-foot fence will allow easy access to reach over and take a child.

3-foot fencing allows easy access to private property which would allow anyone to step over the fence and come into that private property to do damage and or steal. In our property, we have fruit trees; 3 ft. fencing will not stop thieves.

3-foot fencing or a split rail fence will not keep out aggressive/dangerous dogs off the property; they will jump the fence or crawl under the fence.

Law enforcement can clearly see the property from the street as no one can hide behind a chain link fence. There is a wooden fence near the home for resident privacy.

Had the city not decided that we all need new sidewalks; we would not be looking at an expense of bringing our fencing (approx. 2 feet in some areas of survey) out to city property due to the proposed sidewalk project.

We want the chain link fencing to be allowed as it has been in the 60+ years where several properties have the chain link fencing.

The new city of Goleta accepted existing boundaries of the county from its inception however now we are redoing what was accepted.

Robert & Bonnie Moore



TW LAND PLANNING & DEVELOPMENT, LLC

SANTA BARBARA OFFICE
903 State Street, Suite 202
Santa Barbara, CA 93101
Ph: (805) 698-7153

VENTURA OFFICE
1068 E. Main Street, Suite 225
Ventura, CA 93001

December 17, 2019

City Councilmembers
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

RE: New Zoning Ordinance (NZO) Comments

Dear City Councilmembers,

On behalf of Storke Road II LP, property owner of the property at 250-270 Storke Road (Rusty's Pizza, The French Press, Ca'Dario Cucina Italiana, etc), we wish to offer the comments identified below with respect to the New Zoning Ordinance (NZO). Due to previous commitments, we will be unable to attend tonight's hearing, but hope that these written comments will be thoughtfully considered during your NZO deliberations.

With respect to your Key Topics and Other Items Worksheet (12/17/2019), please see the following comments:

ITEM # B.7

Section 17.01.040(E) - Vesting

Storke Road II LLP has been processing the proposed remodel of its property since 2017. As the timeline below demonstrates, what was supposed to be a simple remodel of the shopping center has turned out to be anything but simple. After a circuitous path through the planning process, we are now finally at the point where the City will accept our Development Plan Amendment (DPAM) application for processing.

- 10/10/2017 – 01/23/2018: "The Grange" remodel project located at 250-270 Storke Road reviewed by DRB on 10/10/2017, 12/12/2017, and 01/23/2018.
- 10/18/2018: Substantial Conformity Determination (SCD) application filed with the City on 10/18/2018.
- 02/28/2019: At the direction of City staff, the SCD application was withdrawn and application for an As-Built Development Plan was submitted.
- 08/15/2019: As-Built DP Application deemed complete.
- 10/14/2019: As-Built DP Application approved by City staff.
- 12/16/2019: DP Amendment application submitted.

We would ask that the Council consider refinements to NZO Section 17.01.040(E) to allow projects such as ours to continue to be processed under the existing zoning ordinance rather than having to start a new planning process. We suggest the following refinements:

4. Project Applications Deemed Complete. At the Applicant's election, a project application that is determined to be complete prior to ~~September 1, 2019~~ the New Zoning Ordinance becoming effective, shall either:

- a. Be processed under the zoning regulations at the time of the determination; or*
- b. Be processed under this Title.*

The allowances under this provision shall sunset on December 31, 2021 if a project has not received all required land use entitlements, after which, the project shall be subject to all regulations of this Title.

5. Project Applications Not Deemed Complete. Projects for which an application has not been submitted and deemed complete prior to ~~September 1, 2019~~ the New Zoning Ordinance becoming effective shall be subject to the regulations of this Title.

ITEM # B.16

Chapter 17.16 - AE Airport Environs Overlay District

We agree with and support City Staff's recommendation that AE Overlay Section 17.16.030 be revised to eliminate the requirement to consult with Airport Land Use Commission staff and Santa Barbara Airport staff, where not required by law.

With respect to AE Overlay Section 17.16.040(C), we suggest the following refinements to ensure that existing and proposed development that is consistent with non-residential commercial uses previously found compatible with the ALUP by the ALUC will be permissible:

C. Non-Residential Uses. ~~All non-residential uses within the Clear and Approach Zones must be consistent with ALUP Table 4-1.~~

1. Prohibited Uses. The following uses are not permitted within the Airport Clear and Approach Zones unless such use is found consistent with the ALUP by the ALUC or is approved by the City Council upon a two-thirds vote with specific a finding that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code, Section 21670.

- a. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials.*
- ~~b. Any use which may result in a permanent or temporary concentration of people greater than 25 persons per acre.~~*

Also, the Council may wish to consider language that could be incorporated into the NZO AE Overlay which would address pre-existing structures, minor additions, and/or changes of use which do not demonstrably change the permitted use of the overall project site.

CONCLUSION

Thank you for your consideration of these suggested refinements to the NZO. Should you have any questions, concerns or require additional information, please do not hesitate to give me a call at (805) 698-7153. I may also be e-mailed at twhite@twlandplan.com

Most sincerely,



Troy A. White, AICP
Principal

CC: Marc Winnikoff, Storke Road II LP
Matt Woodruff, LYNX Property Management