

From: [Andy Newkirk](#)
To: [Andy Newkirk](#)
Subject: FW: Adoption of the New Zoning Ordinance Single Family Zone, Floor Area Ratios, Height Limitation, and Story-Poles
Date: Monday, December 16, 2019 5:03:00 PM

From: herseld@aol.com <herseld@aol.com>
Sent: Monday, December 16, 2019 11:13 AM
To: James Kyriaco <kyriaco@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>; kkimbell@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> Page: 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