

From: [Calo, Ben B \(San Luis Obispo\) USA](#)
To: [Paula Perotte](#); [Kyle Richards](#); [Roger Aceves](#); [Stuart Kasdin](#); [James Kyriaco](#); [Peter Imhof](#); [Anne Wells](#); [Andy Newkirk](#)
Cc: [Moore, Kenneth \(San Luis Obispo\) USA](#); [Jones, Trevor M \(San Luis Obispo\) USA](#); [Guerra, Erika \(San Ramon\) USA](#); [Damonte, Ana \(San Ramon\) USA](#); [Hungerford, Sean \(HTHJ\)](#); [Anderson, Ginger \(Stantec\)](#)
Subject: City of Goleta, Proposed Zoning Ordinance Comment Letter, Hanson Aggregates
Date: Friday, January 03, 2020 4:23:47 PM
Attachments: [Proposed Zoning Ordinance Comment Letter Hanson Aggregates January 2020.pdf](#)

Dear Mayor and Council Members,

On behalf of Hanson Aggregates Mid-Pacific Inc., please find attached a comment letter regarding the proposed zoning ordinance. We deeply appreciate the City's time and attention to this matter. We look forward to any questions and to coordinating with City staff as needed to make the appropriate revisions. I can be reached at 805.305.9971 or Ben.Calo@LehighHanson.com.

Thank you,

Ben Calo

Environmental & Land Management Specialist

Lehigh Hanson – Central Coast
P.O. Box 71
San Luis Obispo, CA 93406

Mobile: 805.305.9971
Fax: 805.543.1806
Email: Ben.Calo@lehighhanson.com

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Hanson Aggregates Mid-Pacific Inc.

PO Box 71

San Luis Obispo, CA 93406

Office: 805.543.2223

Fax: 805.543.1806

January 3, 2020

Attention: Mayor Paula Perotte and Councilmembers

City of Goleta
130 Cremona Drive
Goleta CA 9311

**Subject: Goleta New Zoning Ordinance
General Industrial Regulations Comments**

Dear Mayor and Councilmembers,

On behalf of Hanson Aggregates Mid-Pacific, Inc. ("Hanson"), thank you for the opportunity to request revisions to the November 2019 draft of the new zoning ordinance. We are making this request in order to allow our longstanding business to modernize in a way that is necessary for us to continue operating normally, and which otherwise would be prohibited under the new ordinance.

By way of background, for the past 60 years, Hanson and its predecessors have operated a ready-mix concrete plant at 50 South Kellogg Avenue (the "Facility"). The Facility is one of two concrete suppliers in Goleta's city limits, and the only one with union staff. The Facility is the only one in the City capable of producing over 1,500 cubic yards of concrete per day, with a permitted limit of up to 4,320 cubic yards of concrete per day, making it ideally suited to high-volume public works projects, and the only plant capable of producing high volumes of concrete in response to an emergency situation. The Facility has become an integral part of the local construction industry and has supplied countless public and private construction projects – primarily due to the exceptional quality and volume of its concrete products.

The Facility's concrete manufacturing equipment is aging, however, and needs to be modernized for the Facility to continue serving the City's needs. Currently, the Facility is a dry batch double-concrete batch plant, consisting of two concrete plants merged into a single concrete plant. Hanson intends to replace the existing plant equipment with modern equipment in a single-plant format.

The new equipment would be less complex, more efficient, and cleaner with reduced air emissions. It would occupy a smaller footprint, and be slightly lower in height (by approximately three feet). Replacing the plant equipment would not increase production, or introduce new or additional environmental impacts. The new equipment represents a typical upgrade for this type of facility that allows our legal use to continue while meeting all standards for reliability, efficiency, safety and emissions.

The Facility is properly zoned as “industrial” under the current and proposed zoning ordinance. Under the existing and proposed new zoning ordinance, however, the plant equipment exceeds height limits. The existing plant equipment and silos are 65-feet in height (55-feet in height from current grade) with a 30-foot antenna. Existing zoning regulations have a 45-foot height limit for structures; the proposed ordinance has a 35-foot limit. The existing equipment operates legally because it predates the existing height restrictions in the zoning ordinance. In its current form, however, the proposed ordinance does not clearly allow Hanson to replace aging equipment that are nonconforming as to height with modern components as Hanson intends.

The concrete plant itself is a piece of equipment that is manufactured elsewhere and brought on site, assembled and affixed to the ground. Hanson has explored whether it can modernize the plant within the proposed height limit, and found that no manufacturer makes plant equipment within this height limit; the process itself relies on a certain size, shape and height in its design. Thus, as written, the ordinance could require Hanson to maintain the existing plant as-is, using antiquated, unreliable, and less efficient equipment. If the plant equipment were to deteriorate beyond repair, Hanson could be forced to end operations in the City.

The zoning ordinance amendment process presents Hanson and the City with a rare opportunity to allow important facilities like this to use the newest, cleanest and most efficient equipment. We do not believe that it is the City’s intent to prohibit industrial facilities such as Hanson’s from using modern equipment, or to encourage the use of antiquated and unreliable equipment. Hanson therefore asks for relatively minor modifications to the proposed ordinance allowing modernization to occur. Our requests are the following:

1. That the City include language in its new ordinance that allows the replacement of structures and equipment that are nonconforming as to height in the general industrial (“IG”) zone provided there is no increase in height, size or capacity.

As an example, Santa Barbara County exempts “specific structures and equipment,” and specifically concrete ready-mix silos from the height limits of its M-1 zone if “compliance would render operations technically infeasible.” (S.B.C. Code, § 35.30.090, subd. (E)(3)(a).) Santa Barbara County further exempts height limits for structures and equipment associated with facilities in M-2 zones if “compliance would render operations technically infeasible.” (S.B.C. Code, § 35.30.090, subd. (E)(3)(b).) We welcome you to review and consider the language as highlighted in Attachment 1.

Adding a similar exemption to the City’s proposed ordinance would allow Hanson to modernize and preserve its longstanding business. Additionally, in other parts of the proposed ordinance, we observe that the City will be allowing for the replacement of non-conforming structures in non-industrial zones if there is no increase in size. (See Draft Ord., § 17.25.020(B)(8)(b).) A similar allowance here is even more appropriate for industrial facilities that are existing, properly zoned and sited.

2. Height limits be restored to previous limits (45’) and allowances made for equipment to extend beyond 45 feet. Although this will not cover our silos, we believe maintaining the 45-foot limit in this industrial zone is appropriate and provides our Facility with the flexibility to make other modifications in the future.

Hanson deeply appreciates the City’s time and attention to this matter. We look forward to any questions and to coordinating with City staff as needed to make the appropriate revisions. I can be reached at 805.305.9971 or Ben.Calo@LehighHanson.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Calo", with a long horizontal flourish extending to the right.

Ben Calo
Environmental and Land Management Specialist

Attachments:

1. Santa Barbara Countywide Land Use & Development Code 35.30.090.E.3

cc: Kyle Richards, Mayor Pro Tempore
Roger S. Aceves, Councilmember
Stuart Kasdin, Councilmember
James Kyriaco, Councilmember
Peter Imhoff, Planning Director
Anne Wells, Planning Manager
Andy Newkirk, Senior Planner
Ken Moore, Trevor Jones, Erika Guerra, Ana Demonte (Hanson Aggregates)
Sean Hungerford (HTHJ Law)
Ginger Anderson (Stantec)

Attachment 1

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

Standards for All Development and Land Uses

35.30.090

higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.
 3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.
 4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 through D.3 above, are not cumulative.
- E. Exemptions for specific structures and equipment. The following structures and equipment may exceed the applicable height limit as provided below where the excess height is not prohibited by Section 35.28.060 (Airport Approach Overlay).
1. Coastal Zone only.
 - a. Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs, allowed in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities), or to operate the La Goleta gas storage reservoir (located on Assessor's Parcel Number 071-210-001, as of June 30, 2006), may exceed the applicable height limit for a period of four years or less, provided the temporary use is completed in a diligent manner.
 - (1) Upon written request by the operator, the Director may grant up to two one-year extensions, provided that the operator is diligent in completing an established drilling program.
 2. Coastal Zone and Inland area.
 - a. Amine columns, distillation columns, stripper columns, and flare stacks associated with gas processing, oil and gas production, or oil and gas transportation allowed in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities) may exceed the applicable height limit where compliance would render such facilities technically infeasible.
 - b. Workover/pulling rigs necessary to service oil, gas and injection wells may exceed the applicable height limit, provided that the use of these rigs is completed in a diligent manner.
 - (1) Within the Coastal Zone, this includes workover/pulling rigs necessary to operate the La Goleta gas storage reservoir (located on Assessor's Parcel Number 071-210-001, as of June 30, 2006).
 - c. Small Wind Energy Facilities. See Chapter 35.57 (Wind Energy Conversion Systems) height limits for Small Wind Energy Facilities.
 - (1) Subsection 35.30.090.E.2.c of this Development Code shall remain in effect only until January 1, 2017, and is repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.
 3. Inland area only.
 - a. Silos used to store and load concrete ready-mix in the M-1 zone may exceed applicable height limits where compliance would render operations technically infeasible.
 - b. Structures and equipment associated with facilities in the M-2 zone may exceed applicable height limits where compliance would render operations technically infeasible.
 - c. Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs, or to