

From: [Andy Newkirk](#)
To: [Andy Newkirk \(anewkirk@cityofgoleta.org\)](mailto:anewkirk@cityofgoleta.org)
Subject: FW: Goleta Zoning - maximum height
Date: Thursday, April 11, 2019 12:01:00 PM
Attachments: [RS zone district maximum height.pdf](#)
[Second Dwelling Units.pdf](#)
[Accessory Structures.pdf](#)

From: Ken Alker [ken@impulse.net]
Sent: Thursday, March 21, 2019 11:40 PM
To: Katie Maynard
Subject: Goleta Zoning - maximum height

Dear Commission Maynard,

Attached please find my "RS zone district maximum height.pdf" letter dated May 27, 2016 of which we spoke this evening.

Per the letter, I don't think that it is wise to restrict housing to 25'.

People today are building two-story homes, and having an arbitrary limit of 25' is going to make for some ugly houses with non-gabled (ie. flat) roofs.

When it comes to height, I think people are going to chose function over form in order to get the size home they need, which will result in compromises that won't be architecturally appealing. This is explained in my letter.

I'm in a DR zone and would like to keep the height allowance I am current granted (35') for my home, accessory units, and ADU, however, the draft code reduces my allowable height to 25'. I think the others who are in DR zones would appreciate keeping their allowed height as well.

Allowing for a 32% modification in height (per tonight's workshop slides) would get us to the 33' stated in my letter, and a 40% modification would get us to the 35' that I am currently allowed to build to. But this would require approvals while, currently, we have that right without seeking approvals.

Another solution would be to create an overlay for those who currently have DR zoning. But this should include the other aspects of zoning that people who own property in the DR zones have currently so their property potential (and values) are not decreased by moving them into new more restrictive zones.

Another way to tackle this would be what I describe in my letter "Second Dwelling Units.pdf" also dated May 27, 2016 where I suggest allowing multiple ADUs but only on larger lots. This same mechanism could be applied to building heights. My letter suggests allows one ADU per very 10,000 square feet of land. Similarly, retaining the 35' height currently allowed for those of us in DR zones could be extended to anyone with greater than 10,000 square feet of land; we probably all fall into this category. While this isn't my preferred method, it probably has the same result.

Those of us with DR zoning have the space, and NEED the utility to build tall barns and other accessory units, and to build ADUs to similar heights.

It would be nice to be able to build more than one ADU at greater than 800sqft since we've got the space. In my case, and probably others, there are no views to preserve.

I have also attached my "Accessory Structures.pdf" letter dates June 2, 2016 because it, likewise, talks to height in the DR zones. While much of this letter got addressed in the re-write of the zoning code, the height component I need for a future barn was not.

Thanks for your consideration.

Please write back and let me know you received this.

Sincerely,
Ken Alker
(805) 685-2030

RS ZONE DISTRICT MAXIMUM HEIGHT

Ken Alker
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May 27, 2016

Anne Wells
City of Goleta Planning Manager
130 Cremona Drive
Goleta, CA 93117

Dear Anne,

In the DRAFT Goleta Zoning Ordinance dated November 2015, the RS base zoning district shows a Maximum Building Height of 25' (Table 17.07.030). In the General Plan, the Recommended Structure Height is 25'. Note that in the General Plan, this is a "Recommended" height, while in the DRAFT Ordinance it appears that this has become an absolute. At the very least, the term "Recommended" should be carried forward from the General Plan to the Zoning Ordinance. However, I feel it would be best to set the maximum height to 35' in the Ordinance. In certain circumstances, it may be appropriate to limit this height (Costal Zone, etc.), in which case such limits could be spelled out in the Ordinance. Setting the maximum height to 35' and then creating restrictions for unique situations is more appropriate than arbitrarily setting a 25' height and requiring people to apply for exceptions.

Trying to build a two-story home restricted to 25' is very difficult and severely limits architectural design styles. If one wants a 9' plate height on the lower story, as the house gets wider (35'-40') it becomes increasingly difficult, if not impossible, to build a unit that looks good with a gabled roof and a 25' height limit. A flat roof would solve this, but this severely limits architectural style and increases costs due to the precautions necessary to prevent leaking.

I asked my father, a General Contractor, to study this issue, and have attached his conclusions and a spread sheet showing the grade to rooftop build-up for a conventional two-story home.

I believe that a 35' maximum height should apply to the entire RS zoning district. But at the very least, the 25' limit should not be applied to any land that is in a DR zoning district under the current ordinance. Since some (or all) of the DR zoned properties are proposed to be rezoned into the RS zoning district, applying said limit would cause land owners in the DR zoning district to lose their option to build higher than 25'. I own property in the DR zone district where I intend to build a two-story accessory structure.

I would like the roof pitch of my new structure to match that of my existing structure. Due to the height limitations that are being imposed, I would be unable to match the roof pitch. There is a push for second dwellings to conform to the primary dwelling in architectural features, and style, and this could not be achieved in my situation, and probably others, with such a constrained maximum height (especially when the second dwelling is the second story of an accessory structure). My property is 2.5 acres, is in a valley, and is completely hidden from view. My neighbors have barns which are all about 35' tall, some likely taller. I don't want to have to fight for the right to build my accessory structure to a realistic height by going through extra permitting processes. The 35' maximum height that applies to my current DR zoning district should be carried forward in the new Ordinance, and, ideally, to the entire RS base zoning district.

Sincerely,

Ken Alker

BRUCE ALKER CONSTRUCTION

5540 West 5th Street #171 Oxnard, CA 93035 tel (805) 990-2919
CSLB LICENSE NUMBER: 747539

To: City of Goleta Planning Department

Dear Sirs,

Following are comments on the RS-xx building height restriction on SFR's contained in Draft Zoning Plan (GMC) Title 17:

The table on page two of this letter is a study of the build-up elements required to construct a conventional two story home on a raised foundation with a roof pitch of 6/12. Note that the height is 32' or 33' depending on 8' or 9' first story plate height. Consequently, a designer could not apply architectural diversity to SFR's in the RS-xx zone if you were constrained by the 25' height limit indicated in Table 17.07.030 of the "Draft City of Goleta Zoning Ordinance Title 17 Of the Municipal Code". The city government can of course mandate that all homes be low pitch or flat roof (aka 25' height limit) but this will give the Goleta community the appearance of cookie-cutter, boxy homes. Also, restricting the height to 25' will severely limit any stylized rooftop articulation of new home or remodel designs.

Thank you for your consideration.

Sincerely,

Bruce Alker

Bruce Alker

GRADE TO ROOF TOP BUILD-UP FOR CONVENTIONAL TWO STORY HOME.

	2 story Gable roof Raised Foundation 8' plate height 6/12 pitch 40' width home		2 story Gable roof Raised Foundation 9' plate height/8' plate 2nd floor 6/12 pitch 40' width home
Roof Sheathing and Materials (Spanish Tile)	8.0		8.0
Pitch gain	120.0		120.0
Roof rafters	12.0		12.0
Floor to Top Plate	96.0		96.0
2 nd Floor Diaphragm	1.0		1.0
Floor Joists (2 nd Floor)	14.0		14.0
Floor to Top Plate	96.0		108.0
1 st Floor Diaphragm	1.0		1.0
Floor Joists (1 st Floor)	14.0		14.0
Mud Sill	1.5		1.5
Raised Footing above Grade	18.0		18.0
Slope to 5'	1.3		1.3
	382.8	inches	394.8
			inches
SFR Height	32	feet	33
			feet

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May 27, 2016

SECOND DWELLING UNITS

Anne Wells
City of Goleta Planning Manager
130 Cremona Drive
Goleta, CA 93117

Dear Anne,

The DRAFT Goleta Zoning Ordinance dated November 2015, section 17.42.330 "Second Dwelling Units", paragraph "A. 2." states, "If the owner ceases to reside on the property, use of the residential second unit must be discontinued ... The Zoning Administrator may approve an exception to this requirement to discontinue the use in the case of temporary absences provided a relative is living on the property in a trustee relationship with the owner." In the event of a necessary absence, it may not be practicable, or even possible, for an owner to find a relative to move onto their property. This requirement could become unrealistic and unreasonable. I offer the following language as a direct replacement, "The Zoning Administrator may approve an exception to this requirement to discontinue the use when a) disability or infirmity require institutionalization of the owner, or b) the Zoning Administrator approves owner's request for temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause."

The same paragraph states that, "The owner or a trustee of the owner of the lot must reside on the lot, either in the principal dwelling or in the second dwelling unit." Requirements by agencies restricting occupancy of a second-unit have been challenged legally. This could, perhaps, be extended to the principal dwelling. I am not an attorney, but I am aware of case law that, due to violations of the right to privacy, overturns ordinances in which agencies limit occupancy of a second unit to persons related to the main unit's owner. Government Code Section 65852.2 spells out many restrictions that local agencies may adopt, but the restriction that an owner or a trustee of the owner must reside on the lot is not one of them. Agencies are allowed to adopt less restrictive requirements, but this would be considered more restrictive. Additionally, the Division of Housing Policy Development states that restrictions and requirements should be developed in a manner that encourages the creation of second-units as opposed to restricting the development of second-units. Such a requirement would be considered a restriction of development of a second-unit by anyone who travels extensively, for instance. If it has not already been done, I suggest that someone looks into this paragraph further to ensure it is not overreaching.

Paragraph "A. 3. b." requires the exterior appearance of the second dwelling to be consistent with that of the principal dwelling in regard to architectural features and paragraph "A. 3. c." (regarding manufactured homes) requires consistency with roof pitch. It is common to build second dwelling units on top of accessory structures, resulting in a two-story structure. The 25' building height limitation in

the RS zone (Table 17.07.030) is too restrictive and may make these requirements impossible to achieve, especially if the already-existing principal building has a conventional pitched roof, as many of the outlying homes in Goleta have (which are the very homes that are most likely to add a second dwelling). I have addressed the 25' height limit in a different letter.

Paragraph "B. 1. a." states, "No more than one second dwelling unit is permitted on any one lot." While this makes sense for the majority of lots in Goleta, there are several large lots where multiple second dwellings could be located without creating excessive density. My property is 2.5 acres. My kids will likely never be able to afford a house in Goleta. My parents likely will not either. It would be nice someday to build second dwellings for my parents, as well as my children. Perhaps allowing multiple second dwellings only on larger lots would be in order. I suggest adding language to allow one second dwelling per every 10,000 (or 15,000, or even 20,000) square feet of land.

Paragraph "B. 1. d." limits second dwelling unit floor area to 800sqft. I understand that this was done in order to keep second dwelling units from creating excessive density. One of the uses of a second dwelling unit is to promote close family proximity. As per above, I foresee the possibility of building such a unit for my parents. My parents would not be comfortable or happy living in an 800 square foot dwelling. With 2.5 acres of land, a second dwelling unit larger than 800 square feet is very reasonable. I suggest either limiting second dwelling units to 50% of the principal dwelling gross square footage (the draft Ordinance says "primary unit" which is in conflict with the term elsewhere in this section), or capping at 1500 square feet (or at least 1200 square feet). As I understand it, the limitation on size is to ensure that the second dwelling looks subordinate to, and does not overwhelm the principal dwelling. Thus, I feel that limiting the second dwelling size to a fraction of the principal dwelling's gross square footage (including porches and garage) is more appropriate than using the principal dwelling's gross floor area. The reason for this is that a house on a large parcel may have a disproportionate amount of gross square footage attributable to porches rather than living space and this area contributes toward the bulk and scale of the principal dwelling, and thusly, should be included when determining the maximum size of the smaller, less dominant structure. Another option would be to instead cap second dwelling size based on land area.

Paragraph "B. 1. f." states that a second dwelling will not be permitted on a lot where there is a guest house. Removing the language surrounding guest houses, artist studios, and cabanas has brought clarity to the ordinance. I feel that the current ordinance was becoming overly complex in trying to foresee how different types of accessory structures might interplay with a second dwelling. That said, the draft Ordinance has incorporated "guest house" (per above quote) which is from the current ordinance and is not defined in the draft. I see no reason why a guest house and a second dwelling could not both exist simultaneously as they serve very different purposes. The definition of a guest house (from the current ordinance) states that it shall be used on a temporary basis, is not to be rented out, and may not have a kitchen or cooking facilities. On the other hand, a second dwelling unit is meant for permanent residence and may include all of the aforementioned amenities. Based on these facts, a guest house is, quite literally, extra and removed space from the primary dwelling where visitors may stay overnight while a second dwelling is where someone lives permanently. Since a second dwelling is meant for permanent living, just as is the primary dwelling, it would typically be unavailable for overflow from the primary dwelling as sleeping quarters for temporary guests. Disallowing a guest house on a parcel where there is already a second dwelling effectively punishes the land owner for having built a second dwelling and eliminates the possibility for the owner to house visitors outside of the primary dwelling.

Consider a larger parcel where parents are living in a second dwelling, the primary dwelling has no guest bedrooms, and the kids and grandchildren come to visit; there is no place to house the guests overnight. Allowing both a second dwelling and guest house is only logical, especially on a larger parcel. The only reason I can surmise to disallow the creation of both a guest house and a second dwelling would be in anticipation that a land owner might utilize a guest house for the purposes intended of a second dwelling. However, the very definition of a guest house legally eliminates that possibility, and to disallow a guest house for this reason would not be appropriate. Code enforcement of violations surrounding illegal use of a guest house would be the more appropriate course of action.

Paragraph "B. 2. c." states that, "the maximum height of such unit must not exceed 16 feet." I suggest changing maximum height to "either 16 feet or the height of the dwelling to which the second unit is attached." If one has a single story primary residence with an 18' roof line and wants to extend the roof line to the newly attached second dwelling to maintain consistency and character, the draft Ordinance would not allow such an architectural feature. By adopting my suggestion, one still prevents the second dwelling from becoming taller than the primary residence, which I assume was the goal of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Ken Alker".

Ken Alker

Ken Alker
290 Winchester Canyon Road
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June 2, 2016

ACCESSORY STRUCTURES

Anne Wells
City of Goleta Planning Manager
130 Cremona Drive
Goleta, CA 93117

Dear Anne,

The DRAFT Goleta Zoning Ordinance dated November 2015, section 17.25.020 "Accessory Structures" Paragraph "B. 1." states, "An accessory structure may be constructed on a lot on which there is a permitted main building to which the accessory building is related." In Agricultural zone districts, accessory structures should be allowed even when there is no main building.

Paragraph "B. 2." states, "Where two contiguous immediately adjoining residential lots are under the same ownership, and one lot contains a single-unit dwelling, an accessory structure may be permitted on the adjoining vacant lot ... The owner must sign a statement, which will, at a minimum, require that any on-site improvements be removed should either of the lots be sold separately." This statement is ambiguous. It should specify that the on-site improvement that must be removed is the accessory structure on the adjoining lot, but that removal will not be required if a single-unit dwelling has since been constructed on said adjoining lot.

Paragraph "D. 1. b." regarding Residential Districts, states that "Accessory Structures must be setback a minimum of three feet from interior side and rear property lines." Table 17.07.30 states that Residential Districts have interior-side (this is hyphenated in paragraph "D. 1. b." but not in table 17.07.30) and rear property setbacks which are all greater than three feet. Further, current zoning Section 35-267 "Accessory Structures", paragraph 4 states, "An accessory structure may be located in the required rear yard setback provided that it is located no closer than five (5) feet to the principal structure and that it occupies no more than forty (40) percent of the required rear yard, and that it does not exceed a height of twelve (12) feet." The current zoning paragraph seems reasonable; I suggest this language is used instead of the language in the draft Ordinance paragraph "D. 1. b." in order to clear up the conflicting requirements.

Paragraph "E." limits the height of Accessory Structures in Residential Districts to 12 feet except on Parcels greater than 10,000 square feet, in which case they may be up to 16 feet, and additional height up to that of the main building may be allowed if it matches the main building. I categorically disagree with this limitation. I believe the maximum height should conform to the height requirements of the zoning district in which the structure is built, and that there should not be extra restrictions on Accessory Structures built in residential districts. I have every intention of building a barn and/or a garage that will be greater than 16 feet in height, and taller than my main building. It is absolutely impractical to build what I have desired to build since purchasing my property with such height

restrictions. Nearly every one of my neighbors has a barn, and they are all MUCH taller than the draft limitations would allow. One of my neighbors has an artist studio atop their barn, which would never work at 16 feet, and is nearly twice as tall as their main building, and it looks great. In fact, this paragraph seems to be trying to create a situation where no one can build barns or even two story structures on their property. I believe this is completely unfair and unreasonable. I hope this was just an oversight. Currently, the DR zoning district allows for thirty-five (35) foot buildings and structures. At the very least, this limitation should be eliminated for any land that is in a DR zoning district under the current ordinance. Since some (or all) of the DR zoned properties are proposed to be rezoned into the RS zoning district, applying these limitations would cause land owners in the DR zoning district to lose their option to build reasonably tall structures. That said, I still believe the requirement should be dropped entirely. This by far the most disturbing restriction I have found in the draft Ordinance thus far. Please give this your utmost attention; it is of very great concern to me.

Sincerely,

A handwritten signature in cursive script that reads "Ken Alker".

Ken Alker