

From: [Gillian Fennessy](#)
To: [Gillian Fennessy](#)
Subject: FW: Please direct staff to work on senior care housing - NZO Public Comment 43
Date: Monday, September 23, 2019 11:39:53 AM

From: I [herseld@aol.com]
Sent: Saturday, September 21, 2019 12:33 PM
To: Katie Maynard
Subject: Please direct staff to work on senior care housing

Dear Commissioner Maynard -

Let me begin by thanking you sincerely for supporting my efforts to ensure that the New Zoning Ordinance provides for Senior Care housing ... including market rate senior housing.

Planning Director Peter Imhof has confirmed with the City Attorney that a General Plan amendment will also be necessary to accommodate zoning ordinance revisions to provide for Senior Care as we are proposing. Luckily an opportunity to amend the General Plan is coming up on October 15, 2019:

"If a majority of the Planning Commission supports the idea, the Planning Commission may recommend the Council initiate an amendment to the General Plan to allow residential care facilities by right in single-family zones. Absent such a General Plan amendment, the zoning ordinance is limited by Housing Element policy 3.2d to 6 persons/small residential care facility. "

"As chance would have it, the City Council will be considering initiation of a General Plan Amendment to the Housing Element (related to rental inclusionary housing) on 10/15/19. In principle, if there is Council support, the change you are requesting to the Housing Element could be combined with this GPA, which, if adopted, would in turn allow the new Zoning Ordinance to contain a parallel provision, if also supported by Council."

Peter T. Imhof
Director, Planning & Environmental Review Department

I would like to thank Planning Commissioner Maynard for requesting staff to do whatever it takes to allow senior care housing (up to 14 seniors per household in residential zones). I watched the hearing online for the accuracy (between 1:30 to 1:45). Two other Planning Commissioners also support the provision of Senior Housing. There was a majority support.

As Planning Director Imhof suggests we can initiate an amendment to the General

Plan on October 15 to give us flexibility and subsequently amend the zoning ordinance to provide the specifics. I see at least two possibilities:

1 - Going back to previous ordinance 35-292.a.4 (14 seniors/house with no CUP requirement).

2 - Specify the number of seniors permitted in each house based on 300 SQ.FT. per senior. This approach would avoid the need to require even a minor CUP.

Please keep in mind the State wanted a policy with no restriction or CUP requirement. The State says for a minimum of 6 seniors no discretionary approval shall be required. If we are going to propose higher numbers of senior (more than 6) the same spirit no discretion should be maintained.

After talking with Planning Department staff, I learned that they did not think there was majority support to come up with a solution. This may be because the Planning Commission discussion was not summarized at the end of the hearing as the other issues were. I was asked to contact you for clarification. (please see attached email).

The hearing video clearly shows the support from Commissioner Maynard, Miller and Smith. (between 1:30 to 1:45 PM)

Mr. Kimbell has also submitted a letter to staff and informing them that there was majority support from the Commissioners.

In the hearing the City Attorney stated that the General Plan is overly specific, almost like a zoning ordinance. Also in the hearing some Planning Commissioners and staff seemed to be going through contortions to maintain consistency with the General Plan. It is common across the State of California to amend the general plan up to 4 times per year to make it more aligned with City goals and needs. Commissioner Maynard talked about amending the General Plan if necessary to allow for our Senior Housing objectives.

With a General Plan Amendment, resolving the senior care issues could easily become reality. Please see the exchange between Mr. Kimbell and Peter Imhof below (email chain.)

Personally, I believe it would be the best to reinstate the previous ordinance Sec.35-292.a.4. This ordinance has been around for a long time and it seems to be an easy way to get back on course.

The ordinance doesn't limit the number of people of any class who can occupy a single family home except seniors, who are limited to 6. That is unfair ...

Finally Please keep in mind two important facts:

1 - The State never said 6 seniors per house is the maximum and no CUP. You may recall the Planning Director stated this in the hearing and the city attorney agreed.

The state has no restriction and it is within the jurisdiction of local governments. This means that you have the flexibility to do as you wish.

2 - The General Plan provides for Supportive housing for the "Target Population in single family residences with no restriction on the number of seniors and no CUP requirement. We should use the same approach for senior housing.

Although we are working on a City wide zoning ordinance, the reality is that the land that I am proposing for senior care is the only large (4.5 acres) piece of property left in Goleta (see attached aerial photo). It is the only opportunity to provide senior care housing. I welcome you to come out and take a look at the property if you get a chance before the September 23 hearing. The property is located Yedid Hillway off of Stow canyon road next to 5750 Stow Canyon Road. My house is located on the same property at 625 Dara Road. Please feel free to call me for a tour any questions.

Thank you very much,

Hersel Mikaelian
(805) 252-0775

=====

Hi Hersel,

Since the subdivision map is already final and recorded, you would not owe impact fees associated with the subdivision itself. Our Current Planning Division can let you know any additional fees that might be owed with the approval of individual houses on the existing lots. As fees owed would always apply only to the particular development approved by the City, I don't think there is any need for clarification in the ordinance.

We have included your and Mr. Kimbell's comments concerning senior care with public comments transmitted to the Planning Commission for its consideration. We are presenting any changes to the draft ordinance in response to the Commission's deliberation on this topic on 9/9. I did not hear support from a majority of Commissioners for the change you requested to the definition of small residential care facilities regarding number of persons allowed (6 vs. 14). You are of course free to seek clarification from the Commission at the hearing on Monday, 9/23, or to contact individual Commissioners to discuss in advance, if you disagree.

Best regards,

Peter T. Imhof
Director, Planning & Environmental Review Department
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117
(805) 961-7541

-----Original Message-----

From: Peter Imhof <pimhof@cityofgoleta.org>

To: Kim Kimbell <KKimbell@aklaw.net>

Cc: herseld@aol.com <herseld@aol.com>; Anne Wells <awells@cityofgoleta.org>
Sent: Fri, Sep 20, 2019 5:12 pm
Subject: RE: Senior Care Facilities

Mr. Kimbell,

We have not prepared draft changes related to residential care facility size to the draft new Zoning Ordinance or General Plan being presented to the PC on Monday, 9/23. However, we will more clearly present to the PC the existing General Plan constraints, which you correctly identified in your 9/17/19 letter as Housing Element policy 3.2d (together with Land Use Element Table 2-1, establishing allowable uses and standards for residential use categories). **If a majority of the Planning Commission supports the idea, the Planning Commission may recommend the Council initiate an amendment to the General Plan to allow residential care facilities by right in single-family zones. Absent such a General Plan amendment, the zoning ordinance is limited by Housing Element policy 3.2d to 6 persons/small residential care facility.**

As chance would have it, the City Council will be considering initiation of a General Plan Amendment to the Housing Element (related to rental inclusionary housing) on 10/15/19. In principle, if there is Council support, the change you are requesting to the Housing Element could be combined with this GPA, which, if adopted, would in turn allow the new Zoning Ordinance to contain a parallel provision, if also supported by Council.

Best regards,

Peter T. Imhof
Director, Planning & Environmental Review Department
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117
(805) 961-7541

From: Kim Kimbell <KKimbell@aklaw.net>
Sent: Friday, September 20, 2019 4:51 PM
To: Peter Imhof <pimhof@cityofgoleta.org>
Cc: herseld@aol.com
Subject: Senior Care Facilities

Mr Imhof:

I gather from a recent email you sent Mr. Mikaelian that you do not intend to prepare any changes to the pending zoning ordinance or General Plan to show how senior housing could be enabled in residential zones.

I distinctly recall at least two Commissioners requesting a proposal from staff as to what changes are necessary to the pending zoning ordinance and to the General Plan to permit

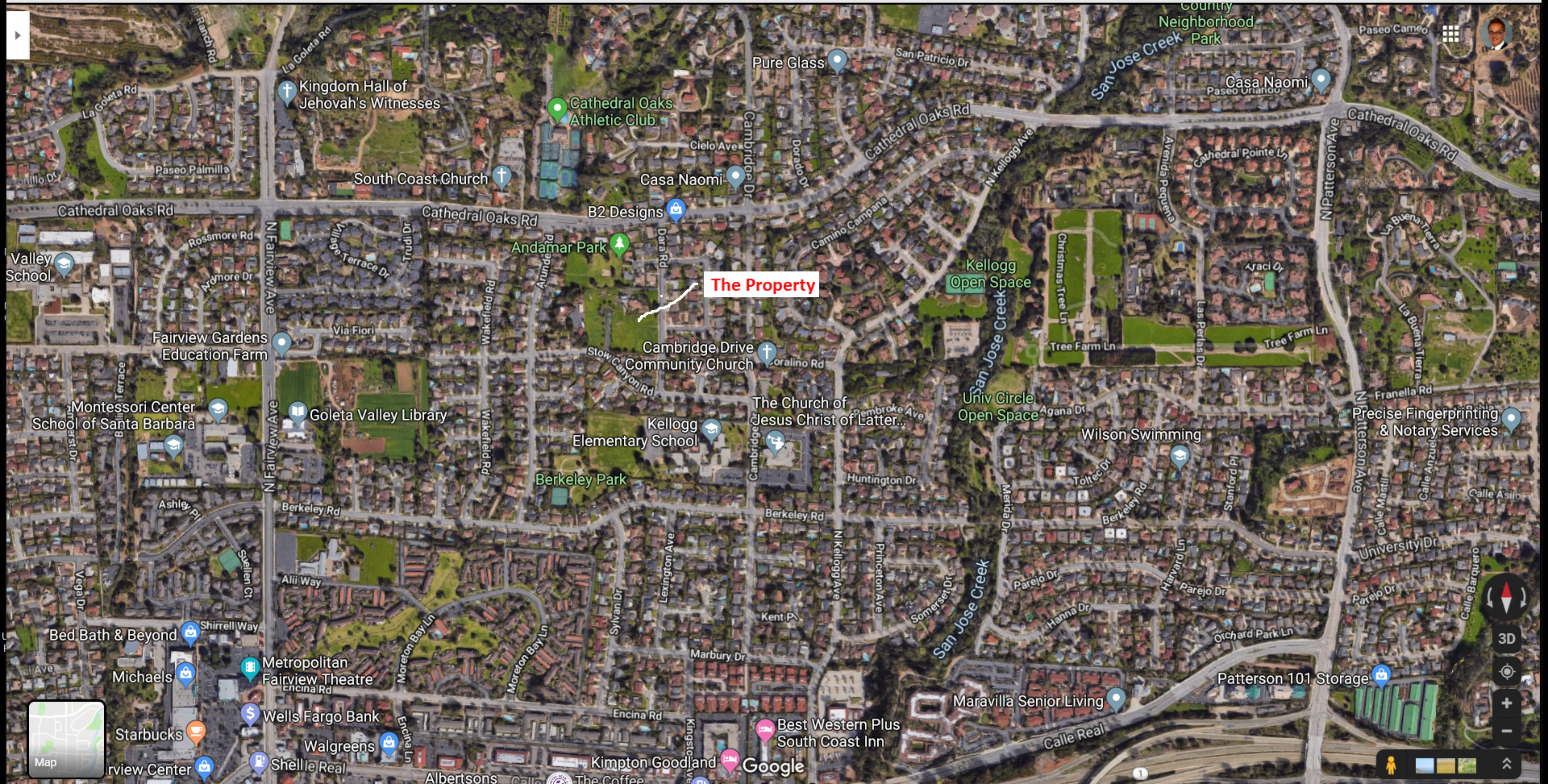
more than six seniors in a single family home. I sent you a letter explaining what I found necessary to accomplish this.

Since the next hearing this Monday will be dedicated to finishing the list of flagged items, it seems that staff's plan in response to the Commissioners' request could be presented at the next meeting of the Commission two weeks later.

Please advise me and Mr. Mikaelian what staff's response to the Commissioners' request will be.

Regards,

Charles D, Kimbell



The Property

