



**PLANNING COMMISSION  
MEETING MINUTES  
MONDAY, JANUARY 11, 2010**

6:00 P.M.  
City Hall  
130 Cremona Drive, Suite B  
Goleta, California

***Members of the Planning Commission***

*Brent Daniels, Chair  
Julie Kessler Solomon, Vice Chair  
Doris Kavanagh  
Bill Shelor  
Jonny Wallis*

*Patricia Miller, Secretary  
Tim W. Giles, City Attorney  
Linda Gregory, Recording Clerk*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:00 p.m. by Chair Daniels followed by the Pledge of Allegiance.

**ROLL CALL OF PLANNING COMMISSION**

Present: Planning Commissioners Daniels, Kavanagh, Shelor, Solomon, and Wallis.  
Absent: None.

Staff present: Director of Planning and Environmental Services Steve Chase, Current Planning Manager Patricia Miller, Assistant City Attorney Joanna Smith, Assistant Planner Shine Ling, and Recording Clerk Linda Gregory.

**PUBLIC FORUM**

No speakers.

Chair Daniels stated that the Public Forum item will remain open during the course of the meeting if someone happens to attend the meeting with regard to Item B-2, the Venoco, Inc., Appeal of the Notice of Violation, which was previously noticed.

Chair Daniels closed the Public Forum agenda item at 7:29 p.m., there being no requests to speak.

## AMENDMENTS OR ADJUSTMENTS TO AGENDA

Patricia Miller, Current Planning Manager, stated that staff suggests that after Administrative Agenda Item A-1 is considered, the order of the agenda be changed to consider Public Hearing Item B.2 (Venoco, Inc., Appeal of the Notice of Violation) prior to Public Hearing Item B.1 (Grant Appeal of Land Use Permit Approval of 08-161-LUP), because the applicant has withdrawn the appeal with regard to Item B.2.

### A. ADMINISTRATIVE AGENDA

#### A-1. Planning Commission Minutes for the Planning Commission Meeting of December 14, 2009.

Recommendation:

1. Approve the Planning Commission minutes for the meeting of December 14, 2009.

MOTION: Commissioner Shelor moved/Vice Chair Solomon seconded, to approve the Planning Commission minutes for the meeting of December 14, 2009, as submitted.

VOTE: Motion carried by the following voice vote. Ayes: Chair Daniels, Vice Chair Solomon, Commissioners Shelor and Wallis. Noes: None. Abstain: Commissioner Kavanagh.

### B. PUBLIC HEARING

#### CHANGE ORDER OF AGENDA

Per staff's recommendation, Chair Daniels changed the order of the agenda to consider Item B.2 (09-186-APP: Venoco, Inc., Appeal of the Notice of Violation) prior to considering Item B.1 (09-048-APP: Grant Appeal of Land Use Permit Approval of 08-161-LUP).

#### B-1. 09-048-APP: Grant Appeal of Land Use Permit Approval of 08-161-LUP; Morales Skateboard Ramp located at 464 Wakefield Road; APN 069-412-009.

Recommendation:

1. Adopt Planning Commission Resolution No. 10-\_\_\_, entitled "A Resolution of the Planning Commission of the City of Goleta, California, Granting Appeal 09-048-APP of Land Use Permit Approval of 08-161-LUP; Morales Skateboard Ramp located at 464 Wakefield Road; APN 069-412-009".

Staff speakers:

Shine Ling, Assistant Planner

Patricia Miller, Current Planning Manager

Steve Chase, Director of Planning and Environmental Services

Tim Giles, City Attorney

Joanna Smith, Assistant City Attorney

Site Visits and Ex-parte Conversations: Site visits were reported by Chair Daniels and Commissioner Wallis. Chair Daniels, Vice Chair Solomon, Commissioner Kavanagh, Commissioner Shelor and Commissioner Wallis reported no ex-parte conversations.

Shine Ling, Assistant Planner, presented the staff report. He focused on the key issues raised in the Land Use Permit appeal.

Staff responded to questions from the Planning Commissioners.

William Grant, appellant, stated that he appreciates skateboarders, and that the issue is not of any particular activity. The issues of concern are the deleterious effects of random, itinerant noise at high volume in a neighborhood because it is not like a steady hum. The noise is from the grinding of wheels and the clatter of boards that often gets projected off of the ramps. He expressed concern that the noise factors that are generated by these devices are uncommon and would have a negative effect on the general quality of life when located in residential neighborhoods. From his perspective, if this type of activity is deemed something that would be positive for the community, he would think the discussion would move in the direction of finding some vacant land to install a public facility that would benefit the broader community without impacting individual residents. He noted that his two children are in bed fairly early and he would not want them to wake back up at 9:00 p.m. because of itinerant noise.

Richard P. Morales, applicant, stated that the skateboard ramp was given to his family and that his intent was to have a safe place for his children to ride skateboards in his backyard where they can be supervised, but not for the use of any other skateboarders. He stated that the skateboard ramp has been in his yard for two years and it has not been assembled. He believes that the noise can be mitigated considerably by placing baffling in the transitions, then boxing off the side of the ends, placing one more layer of plywood, placing a layer of roofing felt between the additional layer, then a layer of masonite board, and caulking the seams so it would be pretty much a seamless riding surface. He noted that this skateboard ramp is very sturdy. Mr. Morales stated that when he used the ramp before it was transported, it was not very noisy. He said that the ramp was used by the previous owner for a few years and that he did not receive complaints. He believes that by incorporating the proposed noise mitigation measures, it would be quieter than skateboarding in the street. He proposed modifying the hours from 11:00 a.m. or 12:00 noon until one-half hour after dusk. He said that the ramp would not be used during the day because his three children would be in school, and they also attend sport events after school and on weekends. He stated that the use would not be continuous and that his family would be respectful to the neighborhood. He would imagine that the view of the ramp from Mr. Grant's yard would be minimal. He stated that the platforms are cut off. He also stated that when his family is not home, a chain would be placed across the ramp so it could not be used by other persons. He noticed, when researching on the internet, that approximately the same number of cities have denied skateboard ramps as have approved them. He reiterated that the purpose of his intent is to have a safe environment for his children to play.

Chair Daniels asked if anyone in the audience wished to speak.

No one responded.

PUBLIC HEARING CLOSED FOR PUBLIC COMMENT AT 6:37 P.M.

Staff responded to questions from the Planning Commissioners.

In response to a question from Commissioner Shelor regarding whether any sound levels were associated with the actual project being used, Shine Ling, Assistant Planner, stated that the ramp has not been completed and it was not possible to know the sound levels.

William Grant, appellant, stated that he spoke to an acoustic engineer regarding the use of baffles which is essentially like creating a large drum. Even if it is sealed, he believes the motion on the wood with people using the ramp will generate a tremendous amount of noise, from 60 to 85 decibels. He pointed out that the bedrooms in his home are located on the corner of the house near the ramp.

Chair Daniels stated that the appellant and the applicant will have an opportunity to provide additional information or clarification.

Robert P. Morales, applicant, stated that he called up several national manufacturers of wooden skateboard ramps to ask them how to mitigate the noise. He stated that the manufacturers advised from their experience that the ramp be enclosed along with the installation of insulation and roofing felt to caulk it, which he believes would dampen the noise quite a bit. The applicant also stated that he would definitely consider modifying the hours of use.

William Grant, appellant, reiterated his observation that if the Planning Commission deems it desirable to have these kinds of skateboard ramp devices, consideration should be given to finding a public place to provide for a way that a lot of people could share in the use where it is not going to impact the quality of life in the residential area. He noted that this is a difficult balance that would have to be made.

Commissioner Shelor asked the appellant whether there were any possible mitigations for this project that would make it permissible in his neighborhood, such as a certain decibel level that would be satisfactory.

William Grant, appellant, stated that this type of random itinerant noise from the use of the skateboard ramp and the conversations that go along with it are normal things for a public park and are not things that he believes would work in a residential area.

PUBLIC HEARING CLOSED AT 6:56 P.M.

Vice Chair Solomon recused herself and exited the Council Chambers.

The majority of Planning Commissioners commented the applicant and appellant have both shown good faith and a lack of animosity.

Commissioner Wallis commented that she would be able to make the findings that the proposed skateboard ramp would be consistent with the General Plan Policies NE 1; NE 6 and NE 7. She noted that there is no proof at this time that the noise levels generated by the use of this ramp will be excessive or unacceptable. She stated that there is no noise-specific study, noting that she does not believe one could be made under these circumstances. Also, the City does not have a comprehensive noise ordinance in place at this time. If this ramp project moves forward, she believes it could be conditioned. She believes that the proposed change for the hours of use to 12:00 noon to 7:00 p.m. would be reasonable. She noted that no complaints have been received from other neighbors. The traffic and parking issues would not be of concern since the applicant stated that the ramp would only be used by his family.

Commissioner Kavanagh commented that she agrees with Commissioner Wallis that there is no specific information to make the finding that the project would be inconsistent with the General Plan with regard to excessive noise. She would support the proposed change for the hours of use.

Commissioner Shelor commented that he agrees with the appellant that there is a real need for a recreational skateboard park in Goleta. He believes it is important for the City to uphold the intent of Noise Element Policy NE 1 in the General Plan. It is also important that the City establish a noise ordinance which contains measurable standards for sound. He cannot make a finding with regard to excessive and nuisance noise until levels and duration of sound from the various uses of the skateboard ramp are established scientifically. Therefore, he would not be able to make recommended Finding A that the proposed project would not conform to General Plan Policy NE 1.

Chair Daniels commented that he would support changing the project description regarding the hours of use if the applicant believes the changed hours of use are appropriate. He believes it would be appropriate that the ramp may be used also by the applicant's guests.

Robert P. Morales, applicant, stated that the proposed hours of use from 12:00 p.m. to 7:00 p.m. would be acceptable.

Tim Giles, City Attorney, summarized the proposed amendments made by the Planning Commission to the recommended resolution: 1) Change the word "Granting" to "Denying" in the resolution title. 2) Remove the word "not" from Section 2.a, second sentence in the second paragraph, to read: The proposed project would conform to General Plan Policy NE 1 (to protect Goleta residents from excessive noise), Policy NE 6 (to limit nuisance noise in order to ensure relative quiet and peace in residential areas), and Policy NE 7 (feasibility of noise-reducing measures). 3) Change the word "Grant" to "Denial" in the title of Section 3 to read: Denial of Appeal. 4) Change the word "granted" to "denied" and change the word "rescinded" to "authorized" in the first sentence of Section 3 to read: Appeal 08-171-APP is denied, and the approval of the skateboard ramp portion of Land Use Permit 08-161-LUP is hereby authorized consistent with the applicant's modifications at the appeal hearing. 5) Change the language in Section 2.c to indicate that the skateboard ramp is authorized by the Land Use Permit. Tim Giles, City Attorney, stated that staff will work with the applicant to

make modifications to the Land Use Permit. The use of the skateboard ramp shall be limited to 12:00 p.m. to 7:00 p.m. daily.

MOTION: Commissioner Wallis moved/Commissioner Kavanagh seconded, to deny the appeal from William Grant of the Land Use Permit Approval of 08-161-LUP; Morales Skateboard Ramp located at 464 Wakefield Road; APN 069-412-009, therefore allowing the Skateboard Ramp to move forward subject to the Conditions of Approval recommended by staff, and as agreed to at the Planning Commission meeting on January 11, 2010, that include limiting use of the skateboard ramp from 12:00 p.m. to 7:00 p.m. daily, and subject to the changes suggested by the City Attorney; and to thereby adopt Planning Commission Resolution No. 10-01, entitled, "A Resolution of the Planning Commission of the City of Goleta, California, Denying Appeal 09-048-APP of Approval of Land Use Permit 08-161-LUP For 464 Wakefield Road; APN 069-412-009", as amended at the Planning Commission meeting on January 11, 2010.

VOTE: Motion carried by the following voice vote: Ayes: Chair Daniels; Commissioners Kavanagh, Shelor and Wallis. Noes: None. Recused: Vice Chair Solomon.

**B-2. 09-186-APP: Venoco, Inc., Appeal of the Notice of Violation (09-130-NOV) of City Permit No. 08-134-DP AM; 7979 Hollister Avenue; APN 079-210-042.**

Recommendation:

1. Accept applicant's withdrawal of Appeal Case No. 09-186-APP.

MOTION: Commissioner Kavanagh moved/Commissioner Wallis seconded, to accept the applicant's withdrawal of Appeal Case No. 09-186-APP.

VOTE: Motion carried by the following voice vote: Ayes: Chair Daniels; Vice Chair Solomon; Commissioners Kavanagh, Shelor, and Wallis. Noes: None.

Vice Chair Solomon re-entered the meeting at 7:28 p.m.

Chair Daniels closed the Public Forum agenda item at 7:29 p.m., there being no requests to speak.

**C. DIRECTOR'S REPORT**

Patricia Miller, Current Planning Manager, reported: 1) The regular Planning Commission meeting for January 26, 2010, will be cancelled because there are no items for the agenda. 2) The election of the Chair and Vice Chair of the Planning Commission for 2010 will be held at the Planning Commission meeting on February 8, 2010. 3) Tonight's meeting will be the last meeting attended by Commissioner Kavanagh who has submitted her letter of resignation. Patricia Miller extended her gratitude and thanks to Commissioner Kavanagh for her service on the Planning Commission.

Steve Chase, Director of Planning and Environmental Services, reported: 1) On November 17, 2009, the City Council took final action regarding the General Plan Track 3 Amendment

Work Program. The updated General Plan document will be provided to the Planning Commission members. 2) The League of California Cities Planners Institute will be held on March 24-26, 2010, in Monterey. 3) Steve Chase expressed his appreciation, along with other members of staff, to Commissioner Kavanagh for her role and contribution on the Planning Commission.

**D. PLANNING COMMISSION COMMENTS**

Commissioner Shelor expressed appreciation for the opportunity to work with Commissioner Kavanagh on the Planning Commission. He wished her the best.

Vice Chair Solomon expressed appreciation for the opportunity to work with Commissioner Kavanagh on the Planning Commission, stating that she has left a wonderful legacy.

Commissioner Wallis expressed appreciation to Commissioner Kavanagh for her ability to present her perspectives and for her congeniality while serving on the Planning Commission.

Chair Daniels expressed appreciation for Commissioner Kavanagh's service on the Planning Commission. He noted that her perspectives from being a member of the community for over forty years provided for a good background and understanding, and her work in the business sector made for a good balance.

Commissioner Kavanagh stated that it has been an honor to serve on the Planning Commission and expressed appreciation for her appointment. She thanked staff for their education and assistance which has been very helpful. She noted that she moved to Goleta with her family in 1966 and she has lived in many different areas in the City. She stated that moving from the City has been a big decision.

Commissioner Wallis stated that at this time it is not likely that she will be able to attend the Planning Commission meeting on February 8, 2010.

Chair Daniels stated that he will not be able to attend the Planners Institute in March because the date will conflict with the International FIRST Robotics Competition that will be attended by the team from Dos Pueblos High School.

**E. ADJOURNMENT: 8:00 P.M.**

Prepared by Linda Gregory, Recording Clerk

GOLETA PLANNING COMMISSION

Minutes approved on March 8, 2010.