



Zoning Administrator Hearing
Hearing Date: June 5, 2013

TO: Jennifer Carman, Zoning Administrator

FROM: Greg Nordyke, Code Enforcement Officer

SUBJECT: Cambridge Drive Community Church – Temporary Overnight Camping Permit

RECOMMENDATION:

Consider staff report, deliberate and determine whether to grant an appeal of the City of Goleta's ("City") approval of a temporary overnight camping permit ("permit") to Cambridge Drive Community Church ("Church").

BACKGROUND:

On April 1, 2013, Don Nason ("Applicant"), a member of the Board of Deacons of the Church, submitted an application for a temporary overnight camping permit ("permit") pursuant to Goleta Municipal Code ("GMC"), § 12.01.035. (A copy of the application is attached as "Exhibit A.")

On April 24, 2013, the City issued the permit.

On April 29, 2013, Robert J. Shull ("Appellant"), a resident living within 200 feet of the Church, submitted an appeal of the City's issuance of the permit. His appeal also included a petition with 79 signatures of residents who live in the neighborhood and oppose the City's issuance of the permit. Three of the 79 residents have notified the City to rescind their signatures from the petition.

DISCUSSION:

The City issued the permit because the Applicant's application met all of the requirements and conditions for a permit pursuant to GMC, § 12.01.035:

- A. *Permit Requirements and Conditions. A property owner utilizing its real property for a permitted nonprofit institutional use pursuant to City, State, and Federal law may apply for a permit to allow the activity of overnight camping, living or sleeping use or occupation of a vehicle on a paved vehicular parking portion of its real property as a transitional housing alternative, provided that the following conditions are met:*

1. *Any vehicle used for overnight accommodation must be removed from the property before 7:00 a.m. and shall not enter or reenter the lot for overnight accommodation prior to 7:00 p.m.;*
2. *The permitted activity must not conflict with express conditions imposed by the City on a use permit for the use of the real property;*
3. *The owner of the real property must make adequate and sanitary bathroom facilities and garbage disposal services available on-site to the occupants of the vehicle;*
4. *The number of vehicles allowed at any one time shall be specified and shall be determined based on the size of the parking area available for such activity, but in no event shall more than five vehicles be allowed on one property for such activity at any given time;*
5. *Each vehicle shall not be allowed to be parked less than 50 feet from the property line of any real property being used for any residential purpose;*
6. *The vehicle must be properly and currently licensed for operation on the highway in accordance with the California Vehicle Code;*
7. *The property owner shall maintain or cause to be maintained a registry of vehicles allowed on the property which shall include the identity of the vehicle, including the year, make and model and the name of the address of the registered owner of the vehicle; and the name of every occupant allowed to stay in the vehicle.*
8. *The registry shall be maintained for at least 90 days and shall be made available upon request of any law enforcement or City code compliance official;*
9. *The vehicle occupant(s) shall not allow unauthorized persons not listed on the registry to enter onto the property;*
10. *No fee, rent or other legal consideration shall be received by the owner of the real property for the vehicles overnight camping activity; however, the occupant of the vehicle may serve as a nighttime security personnel for the property owner;*
11. *A temporary Overnight Camping Permit has been obtained pursuant to this section and all conditions, restrictions, and limitations pursuant to this section have been satisfied.*
12. *The property owner has agreed to assume the administration and management of the use of the property pursuant to the temporary overnight camping permit or has entered into a management agreement under which the contracting party agrees to assume administration and management of a*

program to oversee such use of the property pursuant to the temporary overnight camping permit.

The Applicant is a nonprofit organization seeking to use its paved parking lot for overnight camping, living or sleeping as a transitional housing alternative. The Applicant has agreed to abide by all the above requirements and conditions. With respect to sanitary and garbage disposal facilities, as a condition of use, the Applicant will require users to provide their own sanitary facilities, but the Applicant will provide garbage disposal services. Moreover, the Applicant has signed a management contract with New Beginnings Counseling Center, a nonprofit counseling center dedicated to helping people cope with life transitions, to oversee administer and manage the use of the property.

B. Application for Temporary Overnight Camping Permit. A temporary overnight camping permit may issue by the City, subject to the following conditions for application being met:

- 1. The applicant for the permit shall be the nonprofit property owner.*
- 2. The applicant shall file with the City a completed City application form providing the proposed location where the vehicles will be located and all additional information requested;*
- 3. The applicant shall file with the City a written declaration affirming that, at least 30 days prior to issuance of the permit, occupants of all residences and businesses located within 200 feet from the paved vehicular parking area where the vehicles will be allowed overnight have been notified of the proposed permit and have informed in writing in a form acceptable to the City of the proposed use and the contact information with the City to seek additional information or register concerns or objections; and*
- 4. The applicant shall pay any application fee that the City may require as established by City Council resolution.*

The Applicant is a nonprofit property owner, has filed a completed City application and a written declaration affirming that residences and businesses located within 200 feet from the Church's parking lot has been notified of the proposed permit. No City fee was required.

C. Grounds for Denial or Revocation of Permit. The City may deny or revoke a temporary overnight camping permit for any of the following reasons:

- 1. The activity is incompatible with the uses of properties within a 300-foot radius of the subject parcel;*
- 2. The activity constitutes a nuisance or any other threat to public health, safety, or welfare;*
- 3. Any condition of the permit has been violated; or*

4. *Any unauthorized person not listed on the registry has used the property for overnight accommodation or has been allowed by any person to enter onto the property.*

Currently, no facts justify the revocation of the permit. The use of properties within a 300-foot radius of the subject parcel is residential use. The permit granted is for residential use: the Church seeks to use its parking lot for temporary overnight sleeping or camping as a transitional housing alternative.

In addition, no facts show that a nuisance or threat to public health, safety or welfare exists.

Moreover, the City has not received a complaint that any condition of the permit has been violated or that an unauthorized person not listed on the registry has used the property or has been allowed by any person to enter onto the property without meeting the proper requirements.

Conclusion

The City's issuance of the permit to the Church should be upheld because all the requirements of GMC, § 12.01.035 have been met.

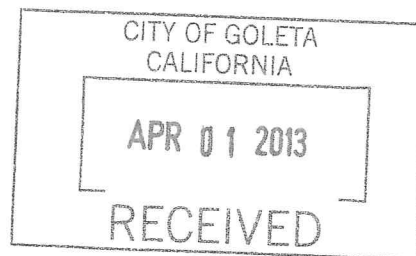
By:



Greg Nordyke
Code Enforcement Officer

April 1, 2013

City of Goleta
Neighborhood Services & Public Safety
130 Cremona Drive, Suite B



Dear Sir/Madam,

Enclosed is the completed application for a **Temporary Overnight Vehicle Camping Permit**, per your instructions, submitted by Cambridge Drive Community Church, 550 Cambridge Drive in Goleta, for participation in the Safe Parking Program of the New Beginnings Counselling Center of Santa Barbara. I have submitted a hand-drawn site plan according to your specifications and attached a Mapquest overview of the site and neighborhood marking the homes which have been notified as required. Please contact me as below with any questions.

Don Nason
for the Board of Deacons
Cambridge Drive Community Church
550 Cambridge Drive, Goleta
805 964 0436 (church number)
or
805 964 4895 (my home number)



TEMPORARY OVERNIGHT VEHICLE CAMPING PERMIT

Neighborhood Services & Public Safety
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 961-8084

Name of Applicant: Cambridge Drive Community Church
(Must be Non-Profit and Owner of Subject Property)

Contact Person: ROY DONKIN (PASTOR) Phone No: (805) 964 0436

24 hr Emergency Contact: Don Nason Phone No: (805) 964 4895

Address of Overnight Camping Use: 550 CAMBRIDGE DRIVE, GOLETA

Number of vehicles to be used for overnight camping (cannot exceed 5) ONE

Mailing Address: 550 CAMBRIDGE DRIVE GOLETA 93117

Will another party be administering case management to vehicle occupants? If so, provide name and phone no. NEW BEGINNINGS COUNSELING CENTER

(805) 637-6242

Application Requirements: A site plan meeting the attached site plan guidelines shall be submitted with this form or it will be rejected as incomplete. At least 30 days prior to the issuance of a Temporary Overnight Camping Permit, the applicant shall provide a copy of the "Public Notice of Temporary Overnight Camping Permit Application" form to occupants of all residences and businesses located within 200 feet from the proposed parking area where the overnight vehicles will be parked. A list of all addresses notified shall be submitted with this application (form attached).

Right of Entry

In signing this application form, the applicant is agreeing to allow the City Code Enforcement Officer to enter the premises at reasonable times to inspect the property for conformance with the Temporary Overnight Camping Permit or to perform the duties imposed by the Goleta Municipal Code, provided that if such premises are occupied at the time of inspection, that credentials be presented to the occupant and entry requested.

In signing this application for a Temporary Overnight Camping Permit, the undersigned applicant hereby acknowledges and agrees to abide by the requirements of Section 12.01.035 of the Goleta Municipal Code.

Property Owner/Applicant's Signature D. Nason Date 4/1/2013

Print Name DON NASON

STAFF USE ONLY (BELOW THIS LINE)

The Temporary Overnight Camping Permit is hereby:

Approved X Disapproved _____

Signature [Handwritten Signature]

Date 4-24-13/MOJ/120

Title BDE ENFORCEMENT

Phone No: (805) 941-7556

Comments/Conditions (If disapproved, state reasons): _____

Multiple horizontal lines for writing comments or conditions.

Attachments:

- Section 12.01.035 Temporary Overnight Camping Permit – Requirements and Conditions
- Temporary Overnight Camping Permit - Site Plan Guidelines
- Public Notice of Temporary Overnight Camping Permit Application
- Public Notification Address List

Goleta Municipal Code**12.01.035 Temporary Overnight Camping Permit.**

A temporary overnight camping permit shall be considered valid subject to the requirements and limitations set forth in this section.

A. Permit Requirements and Conditions. A property owner utilizing its real property for a permitted nonprofit institutional use pursuant to City, State, and Federal law may apply for a permit to allow the activity of overnight camping, living or sleeping use or occupation of a vehicle on a paved vehicular parking portion of its real property as a transitional housing alternative, provided that the following conditions are met:

1. Any vehicle used for overnight accommodation shall be removed from the property before 7:00 a.m. and shall not enter or reenter the lot for overnight accommodation prior to 7:00 p.m.;
2. The permitted activity must not conflict with express conditions imposed by the City on a use permit for the use of the real property;
3. The owner of the real property must make adequate and sanitary bathroom facilities and garbage disposal services available on-site to the occupants of the vehicle;
4. The number of vehicles allowed at any one time shall be specified and shall be determined based on the size of the parking area available for such activity, but in no event shall more than five vehicles be allowed on one property for such activity at any given time;
5. Each vehicle shall not be allowed to be parked less than 50 feet from the property line of any real property being used for any residential purpose;
6. The vehicle must be properly and currently licensed for operation on the highway in accordance with the California Vehicle Code;
7. The property owner shall maintain or cause to be maintained a registry of vehicles allowed on the property which shall include the identity of the vehicle, including the year, make and model and the name and address of the registered owner of the vehicle; and the name of every occupant allowed to stay in the vehicle;
8. The registry shall be maintained for at least 90 days and shall be made available upon the request of any law enforcement or City code compliance official;
9. The vehicle occupant(s) shall not allow unauthorized persons not listed on the registry to enter onto the property;
10. No fee, rent or other legal consideration shall be received by the owner of the real property for the vehicles overnight camping activity; however, the occupant of the vehicle may serve as a night-time security personnel for the property owner;
11. A temporary overnight camping permit has been obtained pursuant to this section and all conditions, restrictions, and limitations pursuant to this section have been satisfied;
12. The property owner has agreed to assume administration and management of the use of the property pursuant to the temporary overnight camping permit or has entered into a management agreement under which the contracting party agrees to assume administration and management of a program to oversee such use of the property pursuant to the temporary overnight camping permit.

B. Application for Temporary Overnight Camping Permit. A temporary overnight camping permit may issue by the City, subject to the following conditions for application being met:

1. The applicant for the permit shall be the nonprofit property owner;

2. The applicant shall file with the City a completed City application form providing the proposed location where the vehicles will be located and all additional information requested;

3. The applicant shall file with the City a written declaration affirming that, at least 30 days prior to issuance of the permit, occupants of all residences and businesses located within 200 feet from the paved vehicular parking area where the vehicles will be allowed overnight have been notified of the proposed permit and have been informed in writing in a form acceptable to the City of the proposed use and the contact information with the City to seek additional information or register concerns or objections; and

4. The applicant shall pay any application fee that the City may require as established by City Council resolution.

C. Grounds for Denial or Revocation of Permit. The City may deny or revoke a temporary overnight camping permit for any of the following reasons:

1. The activity is incompatible with the uses of properties within a 300-foot radius of the subject parcel;

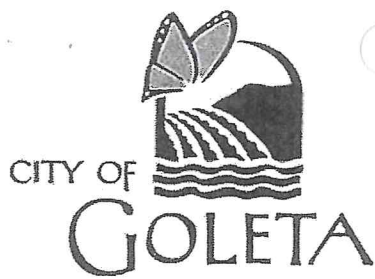
2. The activity constitutes a nuisance or any other threat to public health, safety, or welfare; or

3. Any condition of the permit has been violated; or

4. Any unauthorized person not listed on the registry has used the property for overnight accommodation or has been allowed by any person to enter onto the property.

D. Hearing and Appeal on Permit Decision. Any party may file a written request for a hearing before the Zoning Administrator with the Planning and Environmental Services Department within 10 days following a decision by the City to grant, deny or revoke a temporary overnight camping permit. The public shall be provided notice of the hearing in compliance with State law. The hearing shall be opened no more than 45 days following the request for hearing being received by the City. A decision shall be made by the Zoning Administrator within 10 days of the hearing. Any decision of the Zoning Administrator regarding denial of an application for a temporary overnight camping permit may be appealed to the Planning Commission by filing a written appeal with the Planning and Environmental Services Department within 10 days of the Zoning Administrator's Decision. The decision of the Planning Commission is final.

E. Issuance upon Grant of Permit Application. A temporary overnight camping permit shall be issued on a form approved by the City. The permit shall be issued and valid only for the specific activity and property and under such conditions as indicated on the permit. (Ord. 12-04 § 3)



TEMPORARY OVERNIGHT VEHICLE CAMPING PERMIT SITE PLAN GUIDELINES

Neighborhood Services & Public Safety
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 961-8084

The following items shall be shown on all site plans:

1. **SCALE** - The scale may not be less than 1 inch equals 20 feet.
2. **LEGEND** - The legend must include the scale used and a description of all symbols used on the plan.
3. **TITLE BLOCK** - The Title Block shall be located in the lower right-hand corner and include: the name and phone number of applicant; address of project; and date of preparation.
4. **PROPERTY BOUNDARIES** – Existing and proposed lot lines, dimensions, and acreages including easements.
5. **SURROUNDING LAND USES** – Land uses for the subject parcel and all abutting parcels (e.g. single-family residential, multi-family residential, commercial, industrial, etc.)
6. **STRUCTURES** – Show location, dimensions, and use of existing structures.
7. **YARDS** – Dimensions between exterior walls of structures and property lines.
8. **STREETS** – Depict existing streets (including names), alleys and other vehicle accessways.
9. **PARKING AND CIRCULATION** – Label and dimension all existing parking areas including internal driveways, aisles, parking stalls, and loading spaces. Indicate the surface of the parking areas (e.g. asphalt, concrete, gravel, dirt, etc.).
10. **FENCES AND WALLS** – Location and height of any fences located along property lines.
11. **TRASH STORAGE/RECYCLING** – Location of refuse and recycling areas.



TEMPORARY OVERNIGHT VEHICLE CAMPING PERMIT PUBLIC NOTIFICATION LIST

APPLICANT: CAMBRIDGE DRIVE COMMUNITY CHURCH

ADDRESS OF PROPOSED OVERNIGHT CAMPING:

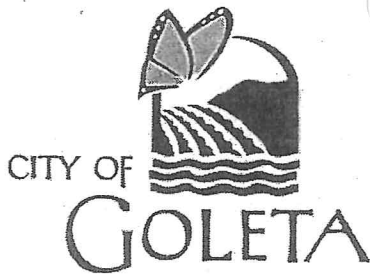
550 CAMBRIDGE DRIVE (in parking lot)

Please list the specific addresses of the neighboring residences and businesses located within 200 feet of the paved vehicular parking area to be used for overnight camping, and the date notified.

- | | |
|--------------------------------|---------------------|
| 1. <u>605 CAMBRIDGE DRIVE</u> | Date <u>3/29/13</u> |
| 2. <u>5611 STOW CANYON RD.</u> | Date <u>3/29/13</u> |
| 3. <u>5614 STOW CANYON RD.</u> | Date <u>3/29/13</u> |
| 4. <u>5621 STOW CANYON RD.</u> | Date <u>3/29/13</u> |
| 5. <u>5624 STOW CANYON RD.</u> | Date <u>3/29/13</u> |
| 6. <u>5570 CORALINO ST.</u> | Date <u>3/29/13</u> |
| 7. <u>5580 CORALINO ST.</u> | Date <u>3/29/13</u> |
| 8. <u>5590 CORALINO ST.</u> | Date <u>3/29/13</u> |
| 9. <u>5645 PEMBROKE CT.</u> | Date <u>3/29/13</u> |
| 10. <u>5655 PEMBROKE CT.</u> | Date <u>3/29/13</u> |
| 11. <u>5665 PEMBROKE CT.</u> | Date <u>3/29/13</u> |
| 12. <u>5675 PEMBROKE CT.</u> | Date <u>3/29/13</u> |
| 13. _____ | Date _____ |
| 14. _____ | Date _____ |
| 15. _____ | Date _____ |

As applicant of the associated Temporary Overnight Parking Permit, I hereby attest to delivering Public Notices of the Temporary Overnight Camping Permit Application to the above addresses on the indicated dates of notification.

Donal O. Nam Date 3/29/13
Signature of Applicant



PUBLIC NOTICE OF TEMPORARY OVERNIGHT VEHICLE CAMPING PERMIT APPLICATION

DATE DELIVERED: 4-24-13/MAILED

You are being advised that the below organization has applied for a Temporary Overnight Camping Permit to allow up to five (5) vehicles to be parked on site and used for overnight habitation (camping, living or sleeping purposes) between the hours of 7:00 p.m. and 7:00 a.m. daily as allowed by Section 12.01.035 of the Goleta Municipal Code (see reverse side), subject to issuance of a Temporary Overnight Camping Permit.

Address to be used for Overnight Camping:

550 CAMBRIDGE DRIVE (in church parking lot)

Applicant: CAMBRIDGE DRIVE COMMUNITY CHURCH

As required by Section 12.01.035 of the Goleta Municipal Code, at least 30 days prior to issuance of a Temporary Overnight Camping Permit, occupants of all residences and businesses located within 200 feet from the overnight parking area must be notified of the proposed permit application and be provided with the contact information where they can seek additional information or register written concerns or objections.

For more information or to submit written comments or concerns, please contact:

Greg Nordyke, Code Enforcement Officer
Phone: (805) 961-7556
Fax: (805) 961-8084
Email: gnordyke@cityofgoleta.org

City of Goleta
Neighborhood Services & Public Safety
130 Cremona Drive, Suite B
Goleta, CA 93117

Para información en español, por favor llame al (805) 961-7555 y pregunte por Vyto Adomaitis.

Regulations Governing Temporary () Overnight Camping Permits – §12.01.035 of the Goleta Municipal Code:

A. Permit Requirements and Conditions. A property owner utilizing its real property for a permitted nonprofit institutional use pursuant to City, State, and Federal law may apply for a permit to allow the activity of overnight camping, living or sleeping use or occupation of a vehicle on a paved vehicular parking portion of its real property as a transitional housing alternative, provided that the following conditions are met:

1. Any vehicle used for overnight accommodation shall be removed from the property before 7:00 a.m. and shall not enter or reenter the lot for overnight accommodation prior to 7:00 p.m.;
2. The permitted activity must not conflict with express conditions imposed by the City on a use permit for the property;
3. The owner of the real property must make adequate and sanitary bathroom facilities and garbage disposal services available on-site to the occupants of the vehicle;
4. The number of vehicles allowed at any one time shall be specified and shall be determined based on the size of the parking area available for such activity, but in no event shall more than five vehicles be allowed on one property for such activity at any given time;
5. Each vehicle shall not be allowed to be parked less than 50 feet from the property line of any real property being used for any residential purpose;
6. The vehicle must be properly and currently licensed for operation on the highway in accordance with the California Vehicle Code;
7. The property owner shall maintain or cause to be maintained a registry of vehicles allowed on the property which shall include the identity of the vehicle, including the year, make and model and the name and address of the registered owner of the vehicle; and the name of every occupant allowed to stay in the vehicle;
8. The registry shall be maintained for at least 90 days and shall be made available upon the request of any law enforcement or City code compliance official;
9. The vehicle occupant(s) shall not allow unauthorized persons not listed on the registry to enter onto the property;
10. No fee, rent or other legal consideration shall be received by the owner of the real property for the vehicles overnight camping activity; however, the occupant of the vehicle may serve as a night-time security personnel for the property owner;
11. A temporary overnight camping permit has been obtained pursuant to this section and all conditions, restrictions, and limitations pursuant to this section have been satisfied;
12. The property owner has agreed to assume administration and management of the use of the property pursuant to the temporary overnight camping permit or has entered into a management agreement under which the contracting party agrees to assume administration and management of a program to oversee such use of the property pursuant to the temporary overnight camping permit.

B. Application for Temporary Overnight Camping Permit. A temporary overnight camping permit may issue by the City, subject to the following conditions for application being met:

1. The applicant for the permit shall be the nonprofit property owner;
2. The applicant shall file with the City a completed City application form providing the proposed location where the vehicles will be located and all additional information requested;
3. The applicant shall file with the City a written declaration affirming that, at least 30 days prior to issuance of the permit, occupants of all residences and businesses located within 200 feet from the paved vehicular parking area where the vehicles will be allowed overnight have been notified of the proposed permit and have been informed in writing in a form acceptable to the City of the proposed use and the contact information with the City to seek additional information or register concerns or objections.

C. Grounds for Denial or Revocation of Permit. The City may deny or revoke a temporary overnight camping permit for any of the following reasons:

1. The activity is incompatible with the uses of properties within a 300-foot radius of the subject parcel;
2. The activity constitutes a nuisance or any other threat to public health, safety, or welfare; or
3. Any condition of the permit has been violated; or
4. Any unauthorized person not listed on the registry has used the property for overnight accommodation or has been allowed by any person to enter onto the property.

D. Hearing and Appeal on Permit Decision. Any party may file a written request for a hearing before the Zoning Administrator with the Planning and Environmental Services Department within 10 days following a decision by the City to grant, deny or revoke a temporary overnight camping permit. The public shall be provided notice of the hearing in compliance with State law. The hearing shall be opened no more than 45 days following the request for hearing being received by the City. A decision shall be made by the Zoning Administrator within 10 days of the hearing. Any decision of the Zoning Administrator regarding denial of an application for a temporary overnight camping permit may be appealed to the Planning Commission by filing a written appeal with the Planning and Environmental Services Department within 10 days of the Zoning Administrator's Decision. The decision of the Planning Commission is final.

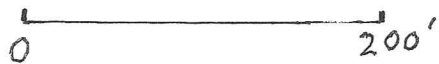


Map of:
550 Cambridge Dr
Goleta, CA 93117-2140

Notes



©2013 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)



X homes within 200' of parking area ☉