

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN
GREGORY T. WITTMANN

*ALSO Admitted in Texas

Writer's Direct Line: (424) 284-9669
jamie.hall@channellawgroup.com

July 12, 2026

VIA ELECTRONIC MAIL

Honorable Members of the Planning Commission
City of Goleta
130 Cremona Drive
Goleta, CA 93117
PERmeetings@cityofgoleta.gov
Brian.Hiefield@cityofgoleta.org

Re: Objection to Fairview Gardens Conditional Use Permit Project; Planning Commission Agenda Item B.1 (July 13, 2026); Case Nos. 25-0001-CUP and 25-0003-DRB; 598 N. Fairview Avenue, Goleta (APN 069-090-052); Improper Reliance on a Class 32 Categorical Exemption and Insufficiency of the Required Conditional Use Permit Findings

Dear Chair Miller and Honorable Members of the Planning Commission:

This Firm represents Protect the Soil Now (“PTSN” or the “Association”), an unincorporated association of residents of the City of Goleta who live in the neighborhoods immediately surrounding Fairview Gardens. We submit this letter in opposition to the proposed adoption of a Notice of Exemption (“NOE”) and approval of the Fairview Gardens Conditional Use Permit (the “Project”) as currently designed, and we respectfully request that the Commission modify the Project before taking any action.

At the outset, we wish to be clear about what this letter is *not*. PTSN and its members value Fairview Gardens. The Association does not oppose the farm, its historic and ongoing agricultural operations, its educational mission, or its rehabilitation of the historic farmhouse. Fairview Gardens has been a working farm for more than a century and is a valued part of this community. The Association’s members chose to live beside a farm and welcome its continuation. This Project

has the potential to be a wonderful thing for Goleta, but only if it is properly scaled and conditioned so that it does not come at the expense of the families who live at its fence line.

The Association's concern is narrow but significant. The Project is not simply a continuation of the farm's historic use. It would authorize a new and materially more intense level of activity, including as many as five festivals of 800 to 1,500 attendees and up to eight additional events of 250 to 750 attendees each year, with amplified music and amplified speech projected outdoors until 9:00 p.m., in a location almost entirely surrounded by homes. These are not the sounds of a farm; they are the sounds of an outdoor event venue. As the Association's retained acoustical expert explains, the Project as designed will cause significant noise impacts on the surrounding residences. For that and the additional reasons set forth below, the Project may not lawfully be approved on the present record.

This letter makes two legal points and then offers a constructive path forward. First, the Project is not categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 32 in-fill development, and the City must prepare an Initial Study and appropriate environmental review before it may act. Second, the findings required for approval of the Conditional Use Permit ("CUP") cannot be made on this record. Third, the Association proposes a set of targeted modifications and additional conditions of approval, attached as **Exhibit B** in redline form, that would allow the farm to thrive while protecting the neighbors from the Project's most serious impacts. The Association seeks modification of the Project, not its denial.

The expert acoustical report of Derek L. Watry of Wilson Ihrig / RWDI, dated July 9, 2026, is enclosed as **Exhibit A** and is incorporated herein by reference. The Association's proposed modified and additional conditions of approval are enclosed as **Exhibit B**. The Association also incorporates by reference the written comments and public testimony submitted by its members and by other residents in this proceeding, and requests that all materials it has cited or referenced, including by URL, be made part of the administrative record for the Commission's consideration.¹

¹ For purposes of Pub. Res. Code §21167.6(e)(7), the court in *Consolidated Irrig. Dist. v. Superior Court* (2012) 205 CA4th 697, 723, held that such evidence has been submitted to the agency "when the commenter has made the document readily available for use or study by lead agency personnel." The court concluded that citing the URL of a specific webpage amounts to submission of the document found on that page to the agency. As such, we expect all URL citations to be produced for consideration by decisionmakers.

I. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA AND AN INITIAL STUDY MUST BE PREPARED

A. *Legal Standard.*

Categorical exemptions are reserved for classes of projects that have been determined not to have a significant effect on the environment. (Pub. Resources Code, §§ 21080, subd. (b)(9), 21084, subd. (a).) Because they remove a project from CEQA review entirely, categorical exemptions are *narrowly construed* so as to afford the greatest protection to the environment. (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697.) The scope of a categorical exemption is a question of law determined by the courts, and *no deference* is owed to an agency’s interpretation of that scope. (*Los Angeles Dept. of Water & Power v. County of Inyo* (2021) 67 Cal.App.5th 1018, 1040–1041.) The agency bears the burden of demonstrating, with substantial evidence in the record, that *every* element of the claimed exemption is satisfied. “An agency’s application of an erroneous legal standard in making a CEQA determination constitutes a failure to proceed as required by law.” (*City of San Diego v. Board of Trustees of Cal. State Univ.* (2015) 61 Cal.4th 945, 956.)

The Class 32 exemption applies only where the project satisfies each of five conditions: (a) consistency with the general plan and zoning; (b) location “within city limits on a project site of no more than five acres substantially surrounded by urban uses”; (c) “no value as habitat for endangered, rare or threatened species”; (d) that approval “would not result in any significant effects relating to traffic, noise, air quality, or water quality”; and (e) adequate utilities and public services. (State CEQA Guidelines, § 15332.) The Project fails several of these conditions, and, independently, an exception to the exemption applies.

B. *The “Project” Is Not Confined to a Site of Five Acres or Less.*

The Fairview Gardens parcel is 12.23 acres, which is more than twice the five-acre ceiling for a Class 32 exemption. The City attempts to overcome this by asserting that the “development footprint” is limited to approximately 3.41 acres and by citing *Protect Tustin Ranch v. City of Tustin* (2021) 70 Cal.App.5th 951. That decision does not support the exemption here; if anything, it illustrates why the exemption fails.

In *Tustin Ranch*, the court upheld an infill exemption for a Costco gas station constructed within an existing 12-acre shopping center, finding substantial evidence that the “project site” was only the 2.38 acres actually altered. The decision turned on a fact that is absent here: not only was construction confined to 2.38 acres, but “[n]o new development or construction activity related to the proposed project [would] occur in the other portions of the shopping center ... nor [would] the existing operations at these uses change as a result of the proposed project.” (*Id.* at pp. 957, 960, *italics added.*) The remainder of the center would continue operating exactly as before.

Fairview Gardens is the opposite case. The stated purpose of this CUP is to *authorize new and intensified operations across the entire farm*. The application seeks to “formalize” and consolidate all “approved uses, areas of development, scope of development, type of development, and operational requirements for special events.” The CUP would authorize festivals of up to 1,500 attendees, events of up to 750 attendees, amplified music and speech, farm tours, and expanded animal keeping. These activities plainly will not remain within the 3.41-acre construction footprint, and they will change how the entire 12.23-acre property operates. Under CEQA, the “project” is “the whole of an action” that may cause a physical change in the environment (State CEQA Guidelines, § 15378, subd. (a)); and because a conditional use permit runs with the land, the relevant measure is the maximum activity the permit authorizes, not the applicant’s assurance that it will do less. When the whole of the authorized activity is considered, as *Tustin Ranch* itself requires, by asking whether operations elsewhere on the parcel will change, the project site is not five acres or less, and Section 15332(b) is not satisfied.

C. The Record Contains No Substantial Evidence That the Site Has “No Value as Habitat” for Endangered, Rare, or Threatened Species.

The City’s entire basis for the habitat finding is a single sentence stating that “[t]he 2003 Fairview Gardens CUP specified that there was no onsite habitat of biological value for endangered, rare, or threatened species.” (NOE, § (c).) A twenty-three-year-old conclusion from a prior permit is not substantial evidence of present conditions. No current biological survey or reconnaissance has been performed or placed in the record. The site’s condition has not remained static in the intervening decades. The farm suspended active operations and portions of the site lay fallow before recent replanting, so even a valid 2003 observation would not reliably describe present habitat conditions. The absence of evidence of protected species is not the same as evidence of their absence, and a categorical exemption cannot rest on a stale document that predates the current Project by more than two decades.

The record in fact points the other way. The City’s own proposed Condition No. 71 requires a qualified biologist to conduct pre-construction nesting-bird surveys within 500 feet of disturbance areas during the February 1 to August 31 nesting season, to establish protective buffers of up to 500 feet for raptors, and to consult with the California Department of Fish and Wildlife. The City would not impose such a condition if the site truly had “no value as habitat.” That condition is a tacit acknowledgment that protected birds may nest on or adjacent to the site. At a minimum, a current biological survey must be prepared as part of an Initial Study; the habitat element of Section 15332(c) is not supported by substantial evidence on this record.

D. The Project Will Result in Significant Noise Impacts.

Section 15332(d) permits a Class 32 exemption only where approval “would not result in any significant effects relating to traffic, noise, air quality, or water quality.” The Project cannot

satisfy this condition, because the Association’s acoustical expert has demonstrated that the Project as designed will cause a significant noise impact.

Derek L. Watry of Wilson Ihrig / RWDI, a firm that has practiced exclusively in acoustics since 1966 and has prepared hundreds of noise studies for environmental review, reviewed the applicant’s acoustical work and concluded that it is “not adequately accurate” and that “the Project as proposed will result in a significant impact under the California Environmental Quality Act as currently designed.” (Ex. A, at p. 7.) Mr. Watry identifies fundamental flaws in the applicant’s August 19, 2021 study by 45dB Acoustics and its December 18, 2024 addendum:

- The applicant’s calculations rely on a *single mid-range frequency (500 Hz)*, which “completely neglects the effects of the low-frequency bass notes” that make amplified music audible and annoying inside neighboring homes. (Ex. A, at p. 5.)
- The applicant’s assumed barrier performance is “very unreasonable”: an online calculator credits a six-foot barrier with roughly 17 to 18 dB of attenuation, when the industry-standard Maekawa method shows only 5 to 8 dB for the same barrier. (Ex. A, at p. 5 & fn. 4.)
- The applicant *never measured* the existing ambient noise environment and instead modeled it from “crude” traffic data, capping the assumed ambient at 45 dBA, which “is highly unusual” and “may underestimate impacts.” (Ex. A, at pp. 4–5.)
- Even accepting the proposed barriers, the *maximum* levels of the louder passages of music would reach approximately 66 to 69 dBA at nearby residences, exceeding the existing ambient by 15 to 19 dB and far exceeding the 3 dB significance threshold that the applicant’s *own* consultant adopted. (Ex. A, at pp. 6–7.) With 24 homes immediately adjacent to the farm, “it is reasonable to anticipate that the noise will be ‘clearly discernable’” and disturbing. (Ex. A, at p. 6.)

The applicant’s analysis is also out of date. It was prepared in 2021 and measures the Project against the City’s prior noise standards, which the City revised in 2023. A noise study that never measured actual conditions and tests the Project against superseded standards is not the substantial evidence a categorical exemption requires.

Mr. Watry also explains that introducing amplified music into a residential community that has never before experienced it works a “change in character of the neighborhood” that “is every bit as part of the ‘noise’ issue as is the decibel level.” (Ex. A, at p. 3.) His report is substantial evidence supporting a fair argument that the Project may have a significant noise effect. Where such evidence exists, a Class 32 exemption is unavailable and the lead agency must conduct environmental review. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.)

The City's contrary conclusion is not only unsupported; it is internally contradictory. The NOE asserts that "noise generated by Fairview Gardens activities will not exceed 45 dB at property boundaries," yet proposed Conditions Nos. 52 and 56 set a limit of 60 dBA at the property lines and expressly contemplate amplified sources of up to 85 dBA at ten feet. The record cannot simultaneously establish that the Project will generate no more than 45 dBA and require conditions policing sound up to 60 dBA. A record this unstable on the very impact at issue cannot support a determination that there will be no significant noise effect.

E. The Project Is Inconsistent with the General Plan's Noise Policies

The first Class 32 criterion requires that the Project be consistent with the General Plan and all applicable General Plan policies. (State CEQA Guidelines, § 15332(a).) The City rests its consistency determination on Noise Element Policies NE 1.4 and NE 1.5, concluding that "approval of the Project would not result in significant noise impacts." As shown above and in **Exhibit A**, that premise is incorrect. The Project will cause a significant noise impact on the adjoining homes, and a project that generates significant noise impacts cannot be consistent with General Plan policies whose purpose is to protect residents from incompatible noise. Because the significant noise impact defeats the very policies on which the City relies, the Project is not consistent with the General Plan, and the first criterion of Section 15332 is independently not met.

F. The Exemption Cannot Be Salvaged by Mitigation.

A categorical exemption is available only for projects that will have no significant effect *without* mitigation. "If a project may have a significant effect on the environment, CEQA review must occur and only then are mitigation measures relevant." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1199–1200.) "Mitigation measures may support a negative declaration but not a categorical exemption." (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102; accord *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, 1206.)

Here, the noise-reduction measures on which the City relies are, by the applicant's own admission, *mitigation*. The 45dB Acoustics report does not describe its barrier walls as neutral project design features; it repeatedly calls them mitigation. For example, it states that "45dB Acoustics LLC therefore recommends mitigating noise barrier walls," and "'Mitigation' in this case is a solid noise barrier wall," and its central data table is captioned "Calculated Sound Level Increases ... Without and WITH Mitigation." The proposed conditions carry that mitigation into the permit: Condition No. 1 authorizes the Project "including mitigation measures," and Condition No. 56 requires sound barriers, calibrated sound-measurement devices, quarterly noise reporting, an acoustical engineer at events, and mandatory reduction of amplification if levels exceed 60 dBA at the property line. These are quintessential mitigation measures. Because the Project depends on mitigation to avoid a noise impact, it is ineligible for a categorical exemption as a matter of law.

Nor may the City credit these measures without first analyzing the impact they are meant to reduce. CEQA’s “requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount.” (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 210–211.) The City has never determined how much noise the festivals and events will actually generate before crediting the barriers, and, as **Exhibit A** shows, it cannot do so on the present analysis.

G. Independently, the Unusual-Circumstances Exception Bars the Exemption.

Even if the City could establish each element of Section 15332 (and it cannot), the exemption would still be unavailable under the exception in State CEQA Guidelines section 15300.2(c), which provides that a categorical exemption “shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” A challenger may establish this exception simply by presenting “evidence that the project will have a significant environmental effect”; such evidence “necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105; see *Protect Tustin Ranch*, supra, 70 Cal.App.5th at p. 961.) The Watry report supplies exactly that evidence as to noise. The exception is further supported by features that distinguish this Project from ordinary infill: the extraordinary scale of outdoor amplified events proposed in the midst of an established residential neighborhood, and the presence of a storm-drainage channel and culvert, with a documented history of flooding, that the Project would, for the first time, develop and program with public activity. The record of public comment further documents a history of intensifying, unpermitted event activity at this site that has generated noise complaints and law-enforcement response, confirming that the event use is not the ordinary infill activity the exemption contemplates. Other commenters have separately shown that the historical-resources exception of Section 15300.2(f) is implicated because the site includes a recognized historic resource. For these independent reasons as well, the Project is not exempt.

H. Conclusion: An Initial Study Is Required.

Because the Project fails Sections 15332(a), (b), (c), and (d), because it impermissibly relies on mitigation, and because the unusual-circumstances exception applies, it is not categorically exempt from CEQA. At a minimum the City must prepare an Initial Study to determine the appropriate environmental document; that review should address, among other things, the Project’s noise, a traffic impact analysis for event and festival traffic, and the hydrology of the on-site drainage channel. And because the record already contains a fair argument, supported by the substantial expert evidence in **Exhibit A**, that the Project may have a significant noise effect, the City should proceed to prepare a Mitigated Negative Declaration or an Environmental Impact Report.

Adopting the NOE on this record would be a prejudicial failure to proceed in the manner required by law. In addition, the public has been deprived of a meaningful opportunity to assess the Project's visual impacts, because the story poles for the barn were removed almost immediately after they were installed. The neighbors and the Commission have not been able to evaluate the mass and scale of the largest structure proposed in the open field from anything other than a few photographs, which is a further reason to require additional environmental review and, at a minimum, to continue this matter.

II. THE REQUIRED CONDITIONAL USE PERMIT FINDINGS CANNOT BE MADE ON THIS RECORD

Independent of CEQA, the Project may not be approved because the mandatory CUP findings under Goleta Municipal Code ("GMC") Section 17.57.050 cannot be supported. The City must "set forth findings to bridge the analytic gap between the raw evidence and ultimate decision." (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514.) Findings must rest on substantial evidence, meaning "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts," not argument, speculation, or unsubstantiated opinion. (State CEQA Guidelines, § 15384.) A decision-maker may not "uncritically rely on every study ... presented by a project proponent"; "[a] clearly inadequate or unsupported study is entitled to no ... deference." (*Berkeley Keep Jets Over the Bay Com. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1355–1356.) Failure to support even one required finding precludes approval. (Cf. *Minney v. City of Azusa* (1958) 164 Cal.App.2d 12, 38.)

A. Finding A (Consistency with the General Plan) Cannot Be Made.

GMC Section 17.57.050(A) requires a finding that the use is consistent with the General Plan. For the reasons set out in Part I.E, it is not. The City's consistency determination depends on the conclusion that the Project complies with the General Plan's Noise Element (Policies NE 1.4 and NE 1.5), but the significant noise impact demonstrated in **Exhibit A** shows the opposite. A use that will subject the surrounding homes to significant, unmitigated event noise is not consistent with the General Plan policies enacted to protect them, and this finding cannot be made.

B. Finding B (Not More Injurious Due to Noise) Cannot Be Made.

GMC Section 17.57.050(B) requires a finding that the use "will not be more injurious to the health, safety, and general welfare of the surrounding neighborhood due to noise ... than from uses allowed in the district." The staff finding rests entirely on the deficient 45dB Acoustics analysis and on the observation that the neighbors "came to the nuisance." Neither supports the finding. As **Exhibit A** establishes, the amplified festivals and events are a new and materially louder use that will cause a significant noise impact, plainly more injurious than the quiet row-crop and orchard farming that has historically occurred. And the fact that homes were built next to

a farm is legally irrelevant to whether *this* intensified event use is injurious; residents who chose to live beside a working farm did not consent to a 1,500-person outdoor concert venue. The record of public comment describes a history of amplified-event noise at this site significant enough to draw complaints and law-enforcement response, the antithesis of a use that is “not more injurious” to the neighborhood. This finding cannot be made. The Association further observes that, although the Project proposes to concentrate its events on evenings and weekends to avoid public traffic impacts, those are precisely the times when the adjoining residents are home and most affected.

C. Finding C (Site Adequacy) Is Not Supported.

GMC Section 17.57.050(C) requires that the site be “adequate in size, shape, location, and physical characteristics” for the use. The Project’s own operational plan concedes that the site cannot accommodate its events: parking for larger events depends on off-site lots secured only by Memoranda of Understanding that may expire (Condition No. 44), and safe circulation depends on an access easement across the City’s Library property that has not been granted and requires future City Council approval (Condition No. 60). A site whose adequacy is contingent on agreements that do not yet exist and may be revoked has not been shown to be adequate. The applicant’s own founder conceded as much at the June 9, 2026 Design Review Board hearing (see Part III.1 below).

D. Finding D (Mitigation of Environmental Impacts) Is Internally Inconsistent.

GMC Section 17.57.050(D) requires a finding that “[a]ny significant environmental impacts are mitigated to the maximum extent feasible.” The staff finding states that “[n]o mitigation measures are necessary.” That is irreconcilable with the numerous noise-mitigation measures the Project actually incorporates (Conditions Nos. 1 and 56) and with the significant noise impact demonstrated in **Exhibit A**. The finding is both unsupported and internally contradictory, and it is premised on the invalid categorical exemption addressed in Part I.

Because at least these findings cannot be made on the current record, the CUP cannot lawfully be approved as proposed.

III. REQUESTED MODIFICATIONS AND ADDITIONAL CONDITIONS OF APPROVAL

The Association recognizes that Staff has proposed 84 conditions of approval, several of which address topics of concern to the neighbors. The Association does not seek to duplicate those conditions. Rather, it requests the targeted additions and revisions below, which are also presented in redline form against the pertinent Staff conditions as **Exhibit B** so that the Commission can readily act on them. These modifications are designed to preserve the farm’s agricultural and educational mission while meaningfully reducing the Project’s impacts on the surrounding homes.

Should the Commission proceed toward approval, the Association respectfully requests that the Project be conditioned as follows.

1. *Scale and Frequency of Events and Festivals (revise Conditions Nos. 1 and 56(f)–(g)).*

The scale of the proposed event program is the neighbors’ central concern, and it is one the applicant appears to share. At the June 9, 2026 Design Review Board hearing, the farm’s founder candidly acknowledged that “there’s no way we could possibly manage the level of events proposed,” explaining that the applicant “had to throw everything at this.” The event program should be scaled to what the farm can actually manage without harming its neighbors:

- Reduce the largest “events” from 4 to 8 per year at 250 to 750 attendees to no more than four (4) events per year, capped at 500 attendees each.
- Reduce “festivals” from five per year at 800 to 1,500 to no more than one (1) festival per year at up to 1,500 attendees.
- Reduce farm-to-table meals from twice monthly to no more than one (1) per month.
- Require a minimum of 25 days between any two events involving amplified sound, preserve at least 26 weekends per year entirely free of events and festivals, and require that weekday-evening activity after 5:00 p.m. not be discernible at the residential property lines.
- The entitlement should not exceed what the farm can realistically support. A conditional use permit authorizes the maximum use it describes, not the lesser level the applicant may intend, so the number and size of events should be capped at a level the neighborhood can absorb.

2. *Eligible Uses: No Weddings, Private, Corporate, or Outside-Hosted Events (revise Condition No. 1).*

The project description states that the event areas are “not available for private or corporate rental” and that “there are no weddings proposed,” but the operative conditions do not clearly define or enforce that limitation. The Association requests an express condition providing that events and festivals be limited to those hosted by Fairview Gardens itself in direct furtherance of its own agricultural and educational mission, and prohibiting weddings, private events, corporate events, and events hosted by or for outside or third-party organizations. To avoid any ambiguity, the condition should make clear that the prohibition on “private” and third-party events includes events sponsored, rented, or hosted by other entities, non-profit or otherwise. In addition, farm tours may continue year-round but shall not be amplified. Although tractor rides are not part of the Project as proposed, the Association asks that they be permitted only at the one authorized festival and the four authorized events and prohibited at all other times.

3. *Amplification, Hours, and Sound Attenuation (revise Condition No. 56).*

- Prohibit amplified music and amplified voice after 7:00 p.m., except for the limited events and festivals expressly permitted under item 1 (which shall in no event extend amplification beyond 9:00 p.m.), consistent with the recommendation of the Association's acoustical expert. (Ex. A, at pp. 7–8.)
- Increase the required sound barriers to a height of at least eight (8) feet, rather than six feet, and require that amplification limits expressly account for low-frequency (bass) sound. (Ex. A, at pp. 5, 8.)
- Cap amplified source levels at 74 dBA at ten feet (rather than 85 dBA), measured at a defined proxy monitoring position. (Ex. A, at pp. 7–8.)
- Daytime amplified sound including megaphones shall be located in the farmhouse envelope. Such daytime amplified sound shall not be discernible at the residential property lines.

4. *Enforcement, Monitoring, and Neighbor Complaint Mechanism (new condition; revise Conditions Nos. 52 and 56).*

- Establish graduated enforcement with defined penalties for noise and operational violations, and provide that three (3) verified violations trigger a mandatory public review of the CUP before the Planning Commission, at which conditions may be modified or the permit revoked.
- Require independent, third-party acoustical monitoring of every event and festival exceeding 250 attendees, with the monitor empowered to require reductions in amplification and to report results to the City, and require attendance monitoring and an annual event log submitted to the City. Self-monitoring by the operator alone is not enforceable. (Ex. A, at p. 8.)
- Require at least two weeks' advance written notice to the City and to noticed neighbors of any event expected to exceed 150 attendees.
- Require the City or the Permittee to maintain a dedicated telephone hotline and email address for neighbor complaints during events, and require an annual mailing to surrounding residents inviting public comment on farm operations.

5. *Off-Site Parking Contingency (revise Condition No. 44).*

- Provide that if any off-site parking Memorandum of Understanding expires or is rescinded, permitted event attendance is automatically and immediately reduced so that no event exceeds the parking capacity actually secured on-site plus remaining off-site agreements. No event may proceed that exceeds then-available secured parking.

6. *Setback of Event and Gathering Uses from Residential Property Lines (new condition).*

On a 12.23-acre parcel there is ample room to conduct events without pressing them against the neighbors' fences. The Association requests a condition establishing a use setback measured from all residential property lines, within which no amplified-sound source, stage, festival, or large gathering may be located. Consistent with the applicant's own siting of festivals approximately 200 to 440 feet from the property lines, the Association requests that no event or festival amplified-sound source be located within at least 200 feet of any residential property line, superseding the 20-foot setback in Condition No. 56(a). This buffer is a reasonable use of the site's size and is the single most effective way to reduce impacts on the neighbors.

7. *East-Perimeter Setback and Safety Barrier, Agricultural Service Road, and Screening (new condition).*

A storm-drainage channel and culvert run along the east perimeter of the farm adjacent to the neighboring residences. This channel, which floods during and after rainstorms and has caused flooding of an adjacent home as recently as 1998, and which the Association understands has not been used by the farm for gatherings, should not be developed or programmed with picnic areas or educational events. The Association requests a condition requiring the Permittee to install a cyclone fence or equivalent barrier along the east side of the east perimeter road, extending 45 feet north from the residential property boundary, and to designate the resulting triangular area as off-limits to planned or unplanned gatherings of any size, guided or unguided tours, or occupation of any kind. The perimeter setback should be extended northward along the channel to protect this uniquely situated residence, and the channel should not be mischaracterized as a natural "creek" to avoid analysis of the flooding hazard.

The Association further requests that the precise boundaries of this off-limits area be confirmed on the ground by a qualified surveyor or landscape professional, so that the area is correctly located.

Relatedly, the Project's plans depict a new agricultural service road that runs south along the east side of the property, parallel to the drainage channel, and then turns to run along the southern property line at the fence line of the adjoining homes. This road appears only as a graphic on pages 15 to 17 of the Notice of Exemption; it does not appear to be described or analyzed in the CUP, the staff report, or the Notice of Exemption, and it does not follow the farm's historic service-road alignment. A new, unanalyzed perimeter road running along the residential fence line will bring noise, dust, and vibration directly to the neighbors, contrary to the finding required by GMC Section 17.57.050(B) that the use will not be more injurious to the neighborhood due to noise, dust, or vibration.

The Association requests that the agricultural service road be reconfigured so that it does not run along the fence line of the southeast-corner residence. Specifically, moving south along the planned north-south service road that runs west of and parallel to the drainage channel, the road should curve to the right approximately 45 feet out from the southeast-corner residence before meeting the new southern boundary road, as shown in the annotated exhibit the Association is submitting. Because farm roads are not counted as agricultural-support areas under the conservation easement, this reconfiguration would not reduce the land in agricultural production or otherwise implicate the easement. The Association further requests that the corner resident at 451 Albany Court be permitted to plant screening vegetation on the farm side of the perimeter fence; and asks that majority electric vehicles be used on the agricultural service road, consistent with the farm's transition to electric equipment; and asks that vehicles using the AG Service road be dedicated farm vehicles and not large trucks.

8. *Relocation of Farmworker Housing (revise Condition No. 65(b)(i)).*

The Association supports farmworker housing at Fairview Gardens; its objection is to the *siting* of the housing, not to the housing itself. As proposed, the eight-unit, roughly 7,200-square-foot complex is a high-density, duplex-style building placed directly against the northern and eastern residential property lines of single-family homes, as close as approximately 40 feet away. Its architecture and density are found nowhere else in this neighborhood. This is not a new problem, and the City has already resolved it once. In 2008 the City Council found that farmworker housing sited at the periphery of this farm was “detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood,” and it relocated the housing to a central location near the farmhouse to abate that nuisance. (Resolution No. 08-27, Finding 2.5; reaffirmed by Resolution No. 10-55, § 2.5.) The current proposal would recreate the very condition the City previously found to be a nuisance. The Association requests that the housing be relocated away from the residential property lines to the centralized development envelope near the farmhouse, along the driveway, that the City approved for permanent housing in 2008, the only location ever lawfully approved for housing on this farm, where sewer and utilities were already trenched and remain in place. In the alternative, the housing may be sited at another interior location away from the homes. The Association further requests that the number of units be reduced to lower the density imposed on the neighborhood. Relocation to the already-approved, utility-served 2008 envelope would reduce privacy, light, and noise impacts on the nearest homes, conserve fertile soil, and *facilitate*, not obstruct, the delivery of this housing. The City's own Design Review Board, on June 9, 2026, unanimously recommended that the applicant “study the location of housing alternatives or adjusting the locations to meet public comment,” and individual Board members stated that they were “not completely convinced that it's in the right place” and “concerned about the location of the worker housing adjacent to the neighborhood.” At Final Design Review, the housing should be relocated and set back a meaningful distance from the residential property lines,

and its design should more closely reflect the character of the farmhouse and surrounding neighborhood.

The neighbors have identified two readily available alternative locations, both supported by a widely signed petition: siting the housing near the Goleta Library, or on the existing driveway near the farmhouse. A third option is the area where the farm's yurts now stand, which are unpermitted and were to have been removed years ago. To the extent the applicant contends that the conservation easement or its designated "agricultural support" areas compel the current siting, that contention is mistaken. The Santa Barbara County Land Trust, which holds the easement, has stated in writing, including in its December 10, 2024 letter and in a more recent letter submitted with the public comments for the July 13, 2026 Planning Commission hearing, that the designated agricultural-support areas "may be reconfigured from time to time and do not need to be contiguous," and that it is willing to modify or exchange those areas as necessary to accommodate this Project. Contrary to any suggestion that approval from the Attorney General would be required, the easement holder has already confirmed in writing that the proposed adjustment "will not adversely affect the agricultural productivity of the property." The agricultural-support area in which the applicant proposes to place the housing is presently used only to store unused equipment. Relocating the proposed housing therefore requires no sacrifice of the easement's purposes. This relocation would also allow the area it is proposed to occupy to be returned to being agricultural land.

9. *Animal Keeping: Absolute Prohibition on Roosters (confirm and clarify Condition No. 53).*

Condition No. 53 prohibits "roosters," and the Association requests that this absolute prohibition on roosters be expressly retained and not weakened. Because the project description and related materials describe animal keeping in terms of "chickens" and "small animals," language that could be read to include roosters, the Association requests that the conditions be clarified to state unambiguously that no roosters shall be kept on the property under any circumstances. The Association also requests that a Condition of Approval be added requiring the applicant to keep all small animals within the fenced enclosure located within a 25-foot by 80-foot fenced enclosure adjacent to the shared property line with the Library, about 170' east of feet from Fairview Avenue and about 25' north of the northeastern portion of the Library building.

10. *Barn Massing and Produce-Stand Operations.*

- Reduce the massing of the multi-functional barn, including by removing the mezzanine/upper level and reducing the footprint, so that it reads as a farm building rather than a commercial event venue. The City's Design Review Board unanimously

recommended that the applicant “study a reduced visual impact of the barn from ... Fairview, perhaps ... shifting it a bit so that it’s lower in the landscape,” and a Board member questioned the need for a two-story design with a mezzanine that “isn’t accessible.” The barn’s size is not justified by historic conditions, and a reduced barn would also free the central area needed to relocate the housing. Incorporate the applicant’s proposed height reduction as an enforceable condition, and specify the events and gatherings, if any, that may occur within the barn.

- Prohibit farmstand operations, queuing, or sales within the public right-of-way along Fairview Avenue.
- Prohibit deliveries by five-ton trucks, semi-trailers, and other large trucks to the farm stand and other farm-envelope uses via the Fairview Avenue and Stow Canyon Road access. Large delivery vehicles have blocked visibility and entry at Stow Canyon Road, and deliveries should be limited to appropriately sized vehicles.

The Association has deliberately framed these requests to complement, not duplicate, the Staff conditions. We would welcome the opportunity to work with Staff and the applicant to refine this language.

IV. CONCLUSION.

Fairview Gardens is a community treasure, and the Association wants it to endure. But the Project as currently designed is not categorically exempt from CEQA, and the findings required for the Conditional Use Permit cannot lawfully be made on this record. The Association therefore respectfully requests that the Planning Commission: (1) decline to adopt the Notice of Exemption and direct the preparation of an Initial Study and the appropriate CEQA document; and (2) continue this item and modify the conditions of approval as set forth in **Exhibit B** before taking any action to approve the Project. These modest, targeted changes would reconcile the farm’s mission with the rights of the families who live beside it.

The Association reserves all rights and objections, incorporates by reference all comments and testimony it and its members have submitted in this proceeding, and requests that it be placed on the list of interested parties to receive notice of all further actions relating to the Project.

Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments, or concerns.

Sincerely,



Jamie T. Hall
Channel Law Group, LLP

Enclosures:

Exhibit A: Acoustical Review by Derek L. Watry, Wilson Ihrig / RWDI (July 9, 2026)

Exhibit B: Proposed Modified and Additional Conditions of Approval (Redline)

cc: Peter Imhof, Planning and Environmental Review Director
Brian Hiefield, Senior Planner
Winnie Cai, Assistant City Attorney
Protect the Soil Now

EXHIBIT A

Acoustical Review by Derek L. Watry, Wilson Ihrig / RWDI (July 9, 2026)

5900 Hollis St., Suite T1
Emeryville, CA 94608
USA

Tel: +1.510.658.6719
E-mail: solutions@rwdi.com



WILSON
IHRIG



7/9/2026

Jamie T. Hall, Esq.
Channel Law Group, LLP
8383 Wilshire Blvd., Suite 750
Beverly Hills, CA 90211

**Re: Fairview Gardens CUP – Notice of Exemption
Review and Comment on Noise
RWDI Reference No. 2606084**

Dear Mr. Hall,

Per your request, Wilson Ihrig / RWDI has reviewed various documents pertaining to the noise aspects of the subject project. Wilson Ihrig / RWDI, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our nearly 60 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

The two most pertinent documents that we have reviewed are:

Acoustics Analysis: Fairview Gardens Farm

45dB Acoustics, Project No. 21065

August 19, 2021

Acoustics Analysis: Center for Urban Agriculture at Fairview Gardens

45dB Acoustics, Project No. 21065

December 18, 2024

These two documents are used to support development of the project by substantiating that there would be no noise impacts to the surrounding residences with the inclusion of mitigation measures.

While the core mission of Fairview Gardens is unquestionably admirable, the proposed project seeks to expand the use of the property from its historic *raison d'être* – farming – to become more of an event and festival space. The current plans call for up to 4 – 8 of events with 250 - 750 people and 5 events with up to 1,500 people. The larger events would require shuttle busses and off-site parking which would add a new and different noise character to the neighborhood than exists now. More concerning to the residential neighbors, however, is the amplified speech and music that will be part of the larger festivals, and that is the focus of this comment letter.

ADVERSE EFFECTS OF NOISE¹

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as cognitive decline, increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

¹ More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://iris.who.int/handle/10665/66217>)



COMMENTS ABOUT 'NOISE'

Whenever the subject of 'noise' comes up, decibels inevitably are calculated and assessed. The 45dB reports do this, and I shall do so below. However, the type of decibels that are almost ubiquitously used for noise assessments utilize the so-called 'A-weighted' decibel scale. 'A-weighting' is a frequency filter that de-emphasizes high and low frequencies in a manner similar to typical human hearing. It works very well for broadband sounds without much information content, e.g., freeway noise. It does not work so well when speech and music are of concern because they both contain information and music, in particular, often contains a low frequency, rhythmic beat. Although this beat may not register high on the A-weighted decibel scale, it is common that low-frequency noise from a neighbor's stereo is very bothersome.

In a situation like this where amplified music is being introduced into a community that has not experienced it before, the change in character of the neighborhood is every bit as part of the 'noise' issue as is the decibel level of that noise. The City of Goleta Noise Restrictions recognize this in §9.09.040 Disturbing the Peace in which many pertinent factors that apply in this situation are laid out (highlights added):

9.09.040 Disturbing the Peace.

A. Disturbing the Peace—Excessive or Unreasonable Noise. It is unlawful for any person to make, cause or suffer or permit to be made or caused, upon any premises owned, occupied or controlled by him or her in the City, any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to the inhabitants of the City, or any number thereof.

B. Factors Used in Determining Whether a Violation Has Occurred. The factors which shall be considered by the City in determining whether to issue a citation for a violation and whether a violation of this section has occurred shall include, but not be limited to, the following:

1. The volume of the noise, music, or related sound;
2. The intensity of the noise, music, or related sound;
3. The continuousness or repetitive nature of the noise, music, or related sound;
4. Whether the nature of the noise, music, or related sound is unusual for the area in which it occurs;
5. Whether the origin of the noise, music, or related sound is natural or unnatural to the area in which it occurs;
6. The volume and intensity of the background noise or sound, if any;
7. The proximity of the noise, music, or related sound to residential sleeping facilities or to overnight accommodations, such as hotels and motels;
8. The proximity to offices, places of business or other areas where work is known to be carried on, of the noise, music, or related sound;
9. The nature and zoning of the area within which the noise, music, or related sound emanates;
10. The time of day or night the noise, music, or related sound occurs and the relationship of this time to the normal activities of the area in which it occurs and in relation to the other factors listed in this subsection;
11. The duration of the noise, music, or related sound;
12. Whether the noise, music, or related sound is recurrent, intermittent, or constant;
13. Whether the noise, music, or related sound is produced by a commercial or a noncommercial activity;
14. Whether the person or business responsible for the noise, music, or related sound has been previously recently warned that complaints have been received about the noise, music, or related sound and such person or business has failed to reduce it to an appropriate level. (Ord. 12-17 § 2)

BRIEF DISCUSSION OF NOISE SOURCE LOCATIONS AND LEVELS

There are three main areas that are proposed for amplified speech and music:

1. By the Retail Farm Stand near the intersection of Fairview Avenue and Stow Canyon Road. In both 45dB reports, this is called **Location #1**.
2. On the patio to the west of the historic farmhouse. In both 45dB reports, this is called **Location #3**.
3. In the Large Event Area south of the historic farmhouse. In the 2021 report, this is Location #5, whereas in the 2024 report, this is Location #4. I shall use **Location #5/4**.

Every sound/noise analysis starts with a source level. The source levels at each of these locations are not clear from the two reports.

Location #1: Page 1 of the 2021 report states, "In this area it is desired to have unamplified relatively low-level live music and / or spoken voice such as for a reception or welcome music. Estimated levels of 75 dBA @ 10 feet (3 meters) allow for conversation with some raised voices to be heard, while providing a lively "cocktail hour" music sound level." However, the document later states, "At Location #1, a source sound power of 100 dB was utilized. This equates to a sound pressure of 79 dBA at 10 feet."²

Location #3: Page 2 of the 2021 report states, "... a musical group or speaker sound level of approximately 85 dBA at 10 feet will comply with the Noise Element, though it may be audible at the property line", whereas page 10 states, "At Location #3, a source sound power of 95 dB was utilized. This equates to a sound pressure of 74 dBA at 10 feet." However, the 2024 report reiterates at page 2 that during festivals and events "... amplified concerts of approximately 85 dBA at 10 ft can work anywhere on the property with mitigation, and are anticipated to comply with the County Code."

Location #5/4: The 2021 reports states that this location will use the same source level as Location #3, which implies 74 dBA at 10 feet was used for the 2021 analysis, but that 45dB asserts that 85 dBA at 10 feet would not result in any undue disturbance to the community.

COMMENT ABOUT EXISTING AMBIENT SOUND LEVELS

The 45dB reports assert that it is adequate to estimate the existing ambient noise levels by calculation rather than by direct measurement. While it is correct that both the FHWA and

² The sound power level quantifies the total amount of acoustical energy emitted by a source. This is a fixed value that is not associated with any distance. The sound pressure level quantifies the loudness or volume of a sound at a given distance. As is common knowledge, the loudness of a source typically reduces with distance as the sound energy spreads out. For the purposes of this letter, the reader should focus on the sound pressure levels, i.e., the loudness at the given distances.

Caltrans promote that to some degree, it is highly unusual for a project proponent noise report to not anchor or calibrate a model with at least a cursory measurement. In this case, it is particularly important because of the sensitivity of neighboring residents to amplified concert noise during the late-night hours (the project description asserts that amplified music may be played until 9:00 p.m.). The calculated noise levels necessarily depend on traffic volume, mix, and speed data that is not available on an hourly basis (see pages 8 and 9 of the 2021 report to observe the crudeness of the traffic data used in the analysis).

All that said, in my discussion of noise impacts below, I will rely on the data presented in the 2021 report as the best available estimate. However, I strongly recommend that noise measurements be made should the noise analysis be revised again. The estimates and conclusions reached in the reports may underestimate impacts due to the failure to measure the ambient noise.

COMMENT ABOUT CALCULATIONS OF AMPLIFIED NOISE LEVELS AT RESIDENCES

45dB used an online calculator for the 2021 analysis. I am not familiar with the online calculator used by 45dB so cannot speak to its accuracy. However, as can be seen from Figures 8 and 9 of the 2021 report (page 17), the calculations were made using a single frequency, 500 Hz. This is improper because it completely neglects the sound energy at all other frequencies. In particular, because it is a mid-range frequency, it completely neglects the effects of the low-frequency bass notes. While it also neglects the high-frequency treble tones, that is of less importance because low-frequency noise travels farther and is harder to block with a barrier.

The calculations I have made with respect to this situation begin with a frequency spectrum for music that includes octave bands from 31.5 to 8000 Hz.³ For attenuation with distance, I use the same simple, free-field relation that 45dB does: minus 6 dB per doubling of distance. Finally, for the barrier attenuation, I use the well-regarded formula from Maekawa that takes frequency into account (low frequencies are harder to block than high frequencies) as well as the relative heights and positions of the source, receiver, and barrier (if any).⁴

After the calculations are made using the octave band levels, I then compute the A-weighted level. The details of my calculations are appended to this letter.

³ Source: *Architectural Acoustics*, M. David Egan, McGraw Hill, 1988.

⁴ As a side note, the Maekawa formula indicates that the proposed barrier – a 6-foot barrier placed 6 feet from a 5-foot high noise source – will provide 5 to 8 dB of attenuation. This is very reasonable. In contrast, the online calculator used by 45dB seems to indicate by the results in Table 4 of the 2021 report that the same barrier will provide on the order of 17 to 18 dB of attenuation. That is very unreasonable for a barrier that is only 1 foot higher than the source.



SUMMARY AND ASSESSMENT OF NOISE LEVEL CALCULATIONS

Tables 1A and 1B summarize the results of my calculations. The calculations for Table 1A use the lower source levels cited in the 2021 analysis for Locations #3 and #5/4, whereas those in Table 1B use the higher source levels mentioned in the 2021 report and reiterated in the 2024 report. I have presumed that the source level at Location #1 near the farm stand would remain at the higher level stated in the 2021 report.

TABLE 1A NOISE LEVELS AT RESIDENTIAL RECEIVERS USING LOWER SOURCE VALUES

Source Loc.	Receiver	Evening Ambient (dBA)	Source SPL @ 10' (dBA)	Distance: Source-Receive (feet)	Without 6' Barrier			With 6' Barrier		
					Avg (dBA)		Max (dBA)	Avg (dBA)		Max (dBA)
#1	5885 Via Fiori (property line)	58	79	82	61	[3]	76 [18]	53	[<]	68 [10]
#1	5885 Via Fiori (2nd floor window)	58	79	102	59	[1]	74 [16]	54	[<]	69 [11]
#3	467 Kings Way (2nd floor window)	47	74	204	48	[1]	63 [16]	40	[<]	55 [8]
#3	5883 Marston (2nd floor window)	41	74	626	38	[<]	53 [12]	30	[<]	45 [4]
#5/4	5883 Marston (2nd floor window)	41	74	511	40	[<]	55 [14]	32	[<]	47 [6]

TABLE 1B NOISE LEVELS AT RESIDENTIAL RECEIVERS USING HIGHER SOURCE VALUES

Source Loc.	Receiver	Evening Ambient (dBA)	Source SPL @ 10' (dBA)	Distance: Source-Receive (feet)	Without 6' Barrier			With 6' Barrier		
					Avg (dBA)		Max (dBA)	Avg (dBA)		Max (dBA)
#3	467 Kings Way (2nd floor window)	47	85	204	59	[12]	74 [27]	51	[4]	66 [19]
#3	5883 Marston (2nd floor window)	41	85	626	49	[8]	64 [23]	41	[=]	56 [15]
#5/4	5883 Marston (2nd floor window)	41	85	511	51	[10]	66 [25]	43	[2]	58 [17]

Each row in the tables is for a single receptor position indicated by house address. For Location #1, the first entry replicates the calculation parameters of the 45dB calculation shown in Figure 8 of the 2021 report. All other calculations are for second floor windows of the residences because that is where bedrooms are most likely located.

Shown in the appended calculation details but not in the tables, the calculations also take elevation change into account. The land in the area of Fairview Gardens is generally upward sloping from south to north. The area of the farm of most concern with is the part east of the farm house which slopes downward from the farmhouse to the neighborhoods to the east, south and north. The total distance between each source and receiver pair is shown in the tables. In all cases with barriers, the barriers are 6 feet from the source and 6 feet high as described in the 45dB reports.

The tabulated results include both the average (technically, equivalent) noise level and the maximum expected noise level. The latter is simply 15 dB higher than the average as noted at page 2 of the 45dB 2024 report.

The amount that a calculated noise level at a residence exceeds the existing ambient is shown in brackets ([]) next to each calculated noise level. For example, in Table 1B, amplified noise from Location #3 at 467 Kings Way without a barrier would be 59 dBA which is 12 dB higher than the existing ambient. Following the standard set by 45dB at page 9 of the 2021 report, if the music noise level is more than 3 dB above the existing ambient, it is shown in red typeface. If the music noise level is the same as the ambient, "[=]" is shown, and if it is less, "[<]" is shown.

As can be seen in Table 1B, at the higher source noise level of 85 dBA at 10 feet, both the average and maximum noise levels without the mitigating barriers far exceed the existing ambient. Even with the barriers, the average level at 467 Kings Way exceeds the 3 dB standard set by 45dB and the maximum levels still far exceed the existing level. This is a "significant" impact under the California Environmental Quality Act. In simple terms, this means that the louder passages of music (and, perhaps, speech) would be clearly discernable – and therefore annoying – at the residences.

The situation is clearly better if the lower source levels promoted in 2021 are adhered to. In that case, the average levels all meet the 3 dB standard. However, the maximum levels still exceed the existing ambient sound levels by substantial amounts over the 3-dB-increase standard without mitigation and by large, though lesser amounts, with the mitigation. Again, this is a significant" impact under the California Environmental Quality Act. The tolerance of people to noise varies widely, but as 24 homes are immediately adjacent to the Fairview Gardens property, it is reasonable to anticipate that the noise will be "clearly discernable" and at least some of the neighboring residents will be annoyed by the sound levels indicated in Table 1A, particularly in the late-night hours.

CONCLUSIONS AND RECOMMENDATIONS

The introduction of amplified music and speech at medium events and large festivals at Fairview Gardens will inevitably change the character of the community surrounding the historic farm. While the noise study commissioned for the project acknowledges that and proposes some mitigation measures to ameliorate the noise impact, I believe the calculations in the study are not adequately accurate because they depend on a single, mid-range frequency and the barrier insertion loss calculation seems overly optimistic. The calculations I have made take the frequency content of music into account and use a well-regarded barrier insertion loss formula that also accounts for frequency. These calculations indicate that even with the proposed barriers, the louder passages of music and, perhaps, speech will be clearly discernable at neighboring residences and will exceed the 3-dB-increase standard established by the 45dB report. As such, I believe that the Project as proposed will result in a significant impact under the California



Environmental Quality Act as currently designed. In order to reduce the noise impacts from the Project, I suggest at a minimum the following conditions be imposed upon the use permit:

1. Restrict the source sound level to 74 dBA at 10 feet for all locations. As can be seen in Table 1A of this letter, this would keep the maximum noise level with the proposed 6-foot barriers to within 10 dB of the existing ambient. (Note that the source at Location #1 in Table 1A is 79 dBA at 10 feet; reducing it to 74 dBA would reduce the maximum levels by 5 dB.) Because it would be awkward, if not difficult, to measure the source level at 10 feet during a performance, a proxy level at a more convenient location or locations could be determined. For example, the "official" measurement position for Location #1 could be on the sidewalk on the far side of Stow Canyon Road.
2. Increase the height of the proposed barriers to at least 8 feet. Higher would be better. As 45dB notes in their reports, the barriers should be no more than 6 feet from the sound sources
3. Require all amplification of speech and music to cease after 7:00 p.m.
4. Third-party monitoring of noise for all events with more than 250 people in attendance and/or for all events using amplification of speech and music. The third-party monitor shall be empowered to take all appropriate actions to reduce noise as set forth above.

Please let me know if you have any questions about the information presented in this letter.

Very truly yours,

Wilson Ihrig / RWDI

Derek L. Watry
Technical Director

[illegible][illegible][illegible]

[illegible][illegible]

[illegible]

EXHIBIT B

Proposed Modified and Additional Conditions of Approval

EXHIBIT B

Protect the Soil Now: Proposed Modified and Additional Conditions of Approval (Fairview Gardens CUP, Case Nos. 25-0001-CUP; 25-0003-DRB)

PROPOSED MODIFIED AND ADDITIONAL CONDITIONS OF APPROVAL

Submitted by Protect the Soil Now, July 13, 2026

Conventions. This exhibit proposes revisions to the Staff-recommended Conditions of Approval (Exhibit E to the proposed Resolution) and adds new conditions. Proposed additions are shown underlined in blue; proposed deletions are shown in ~~red-strikethrough~~. Unmodified text of each condition is quoted only to the extent necessary for context. New conditions are labeled “NEW.” These revisions are intended to complement, and not duplicate, the Staff conditions; condition numbers below track the Staff numbering in Exhibit E.

Condition No. 1 (Project Description): Events and Festivals

- Events: These include fundraising events, farm-to-table meals, seasonal events, open house, lectures etc. ... The estimated attendance is between ~~250-750~~up to 500 attendees and could occur ~~between 4-8~~no more than four (4) times per year, excluding the farm-to-table meals. The farm-to-table meals are planned to occur ~~2-times per month~~no more than once (1) per month.
- Festivals: ~~Five (5) festivals are planned with an estimated rolling attendance of between 800-1500 visitors in total~~No more than one (1) festival per year is planned, with a maximum attendance of 1,500 visitors, spread out over the festival day. These events would occur on Saturdays between 10 am – 9 pm and Sundays between 1 pm – 9 pm.

***PTSN note:** Conforms the project description to the reduced event/festival program requested in the letter (§ III.1). Attendance shall be actively monitored and logged (see revised Condition No. 56).*

Condition No. 1 (Project Description): Eligible Uses; No Weddings, Private, Corporate, or Outside-Hosted Events

All programs and events will be community events open to the public for community benefit for the purpose of being ancillary uses to support the organization’s educational mission ... No private or corporate rentals, and/or weddings are authorized with this CUP. Events and festivals shall be limited to those hosted by Fairview Gardens itself in direct furtherance of its own agricultural and educational mission. For clarity, no weddings, private events, corporate events, or events sponsored, rented, or hosted by or for any outside or third-party organization (non-profit or otherwise) are authorized. Farm tours may continue year-round but shall not be amplified; and, although tractor rides are not part of the Project as proposed, they shall be permitted only at the one authorized festival and the four authorized events and prohibited at all other times.

***PTSN note:** Ensures the farm’s own educational-mission events cannot be used as a vehicle for large third-party or non-profit gatherings.*

Condition No. 44 (Off-Site Parking)

The Permittee must also maintain the off-site parking agreements for the life of the CUP. If any of the parking agreements expire or are rescinded, the Permittee must inform the City in writing within five (5) business days and the maximum number of participants must be reduced. Specifically, if any off-site parking Memorandum of Understanding expires or is rescinded, the maximum permitted attendance for all events and festivals shall be automatically and immediately reduced so that no event or festival exceeds the parking capacity then secured on-site plus any remaining valid off-site agreements. No event or festival may proceed that would exceed the then-available secured parking.

EXHIBIT B

Protect the Soil Now: Proposed Modified and Additional Conditions of Approval (Fairview Gardens CUP, Case Nos. 25-0001-CUP; 25-0003-DRB)

Condition No. 52 (Programs and Events): Noise Limit and Enforcement

As outlined below in Condition 56, the noise levels at all property lines must not exceed 60 dBA during events. Further, events must be conducted in a manner that meet the conditions outlined in Section 9.01.080 of the GMC. Enforcement. The City may issue a notice of violation for any exceedance of the noise limits or other event conditions. Graduated penalties shall apply as established by the City, and three (3) verified violations of the noise or event conditions within any 24-month period shall trigger a mandatory noticed public review of this CUP before the Planning Commission, at which the Commission may modify the conditions of approval or revoke the permit. The Permittee shall maintain a dedicated telephone hotline and email address, published to surrounding residents, for the reporting of noise and event complaints during all events.

Condition No. 56 (Operational Measures for Programs and Events)

56(b), Amplified sound levels, barriers, and cutoff time:

Amplified music/sounds from any events must not exceed 60 dBA at any of the common property lines with the adjacent uses. Further, sound measuring 95 dBA at 10 feet from the source is prohibited at any time. Amplified sound at up to ~~85-dBA~~74 dBA at 10 feet from the sources are permitted but must be accompanied with the utilization of sound attenuation measures including setbacks, speaker orientation, and physical barriers such as permanent/temporary walls or hay bales ~~6-feet high~~at least 8 feet high or at least as high at the top of the loudspeakers. All amplification of music and voice shall cease no later than 7:00 p.m., except during the four events and the one festival authorized under Conditions Nos. 56(f) and 56(g), which may continue until 9:00 p.m. ... If the implementation of the sound attenuation measures do not result in a noise reduction to 60 dBA at the property line, then the amplification must be reduced immediately to not exceed 60 dBA at the adjacent property lines.

PTSN note: Source-level cap (74 dBA at 10 ft), 8-foot minimum barrier height, and 7:00 p.m. amplification cutoff reflect the recommendations of the Association's acoustical expert (Ex. A, at pp. 7–8).

56(c), Monitoring, logging, and third-party verification (additions):

The Permittee will utilize commercially available self-management tools to measure and control sound levels during events. ... In addition, the Permittee shall retain an independent, third-party acoustical monitor for every event or festival exceeding 250 attendees; the monitor shall be empowered to require reductions in amplification and shall report results to the City. The Permittee shall monitor and record attendance at every event and festival and shall submit an annual event log to the City documenting the date, type, attendance, and amplification of each event. The Permittee shall provide at least two (2) weeks' advance written notice to the City, and to residents within the noticing radius, of any event or festival expected to exceed 150 attendees.

56(f), Events with amplified sound:

Events with up to ~~750~~500 attendees, including those with amplified music and/or voice, ~~will occur in the evenings during the week, ending no later than 9 pm, and during daytime hours on the weekends, ending no later than 7 pm.~~may occur on weekdays or weekends and may continue until 9:00 p.m., up to 8~~four (4)~~four (4) times per year, except farm-to-table events that ~~will occur 2 times per month~~shall occur no more than once (1) per month.

EXHIBIT B

Protect the Soil Now: Proposed Modified and Additional Conditions of Approval (Fairview Gardens CUP, Case Nos. 25-0001-CUP; 25-0003-DRB)

***PTSN note:** Consistent with the letter (§§ III.1 and III.3): the four events (up to 500 attendees) and the one festival (Condition 56(g)) are the occasions that may run until 9:00 p.m.; all other amplified sound ceases at 7:00 p.m. (Condition 56(b)). These events are not confined to weekdays.*

56(g), Festivals:

~~Festival events, including those with amplified music and/or voice, shall only occur between the hours of 10 am and 9 pm on Saturday's, and between the hours of 1 pm and 9 pm on Sunday's. No more than one~~ (1) festival shall occur per year, of up to 1,500 attendees. The festival shall occur only between 10 a.m. and 9 p.m. on a Saturday or between 1 p.m. and 9 p.m. on a Sunday. Sound attenuation measures include utilizing setbacks, speaker orientation, and physical barriers such as temporary walls or hay bales.

56(i), Spacing and quiet periods (NEW subpart):

A minimum of twenty-five (25) days shall separate any two events or festivals involving amplified sound. At least twenty-six (26) weekends per calendar year shall remain entirely free of events and festivals. Weekday-evening activity after 5:00 p.m. shall not be discernible at the residential property lines.

56(j), Daytime amplified sound (NEW subpart):

Daytime amplified sound, including from megaphones and public-address systems, shall be located within the farmhouse envelope and shall not be discernible at the residential property lines.

Condition No. 53 (Animal Keeping): Absolute Prohibition on Roosters

No prohibited animals, including roosters, as provided for in Section 17.41.060 (C), are allowed to be kept on the site. For the avoidance of doubt, no roosters shall be kept on the property under any circumstances, notwithstanding any reference to "chickens" or "small animals" elsewhere in the project description or these conditions. In addition, all animals authorized by this CUP, including chickens and other small animals, shall be kept within the 25-foot by 80-foot fenced enclosure located adjacent to the shared property line with the Library, approximately 170 feet east of Fairview Avenue and approximately 25 feet north of the northeastern portion of the Library building.

***PTSN note:** Confirms and clarifies the existing rooster prohibition and makes the enclosure location (stated in the staff report) an enforceable condition.*

NEW Condition: Setback of Event and Gathering Uses from Residential Property Lines

No amplified-sound source, stage, festival, or large gathering shall be located within at least 200 feet of any residential property line. This use setback supersedes the 20-foot event-source setback in Condition No. 56(a).

***PTSN note:** Uses the size of the 12.23-acre parcel to buffer the neighbors; consistent with the applicant's own siting of festivals 200–440 feet from the property lines. PTSN may adjust the distance.*

Condition No. 65(b)(i) (Design Review): Farmworker Housing Location

~~Alternative locations of the staff housing and consider modifying the design of the staff housing to more closely reflect the character of the farmhouse.~~ The staff (farmworker) housing shall be relocated away from the northern and eastern residential property lines to reduce privacy, light, and noise impacts on the adjacent residences (currently as close as approximately 40 feet), and the number of units shall be reduced to lower density. At Final Design Review, the applicant shall relocate the housing to one of the interior locations the neighbors have identified: the centralized development envelope near the farmhouse along the driveway

EXHIBIT B

Protect the Soil Now: Proposed Modified and Additional Conditions of Approval (Fairview Gardens CUP, Case Nos. 25-0001-CUP; 25-0003-DRB)

(the envelope the City approved for permanent housing in 2008, where sewer and utilities were already trenched), near the Goleta Library, or in the area where the farm's yurts now stand. This relocation is consistent with the City Council's prior relocation of farmworker housing to a central location to abate a nuisance (Resolution No. 08-27, Finding 2.5; Resolution No. 10-55, § 2.5). The conservation easement does not preclude relocation: the Santa Barbara County Land Trust has confirmed in writing (its December 10, 2024 letter, and a more recent letter in the Planning Commission public comments) that the agricultural-support areas may be reconfigured from time to time and need not be contiguous. The design of the housing shall more closely reflect the character of the farmhouse and surrounding neighborhood. Relocating the housing would also allow the area it now occupies to be returned to being agricultural land.

***PTSN note:** This strengthens the Design Review Board's own recommendation to study alternative housing locations, and sites the units nearer existing utility trenching to conserve fertile soil.*

NEW Condition: East-Perimeter Safety Barrier and Setback

Prior to commencement of any authorized programs, events, or festivals, the Permittee shall install a cyclone fence or equivalent barrier along the east side of the east perimeter road, extending forty-five (45) feet north from the residential property boundary adjacent to the drainage ditch and culvert. The triangular area east of that barrier, which has not been used by the farm since at least 1998, shall be designated off-limits to planned or unplanned gatherings of any size, to guided or unguided tours, and to occupation of any kind. The perimeter setback shall be extended northward along the ditch. This condition addresses documented safety hazards, including the stormwater channel, eroding bank, and fall hazard along the ditch. The precise boundaries of the off-limits triangular area shall be confirmed on the ground by a qualified surveyor or landscape professional so that the area is correctly located.

NEW Condition: Agricultural Service Road (Rerouting, Screening, and Vehicle Limits)

The agricultural service road along the east and south perimeter shall be reconfigured so that it does not run along the fence line of the southeast-corner residence. Moving south along the planned north-south service road that runs west of and parallel to the drainage channel, the road shall curve to the right approximately 45 feet out from the southeast-corner residence before meeting the southern boundary road, as shown in the annotated exhibit submitted by the Association. The corner resident at 451 Albany Court, which is uniquely located, shall be permitted to plant screening vegetation on the farm side of the perimeter fence. Vehicles using the agricultural service road shall be majority electric, consistent with the farm's transition to electric equipment, and shall be dedicated farm vehicles, not large trucks such as five-ton trucks or semi-trailers.

***PTSN note:** The service road is depicted only on pages 15 to 17 of the Notice of Exemption and is not otherwise described or analyzed. Farm roads are not counted as agricultural-support areas under the conservation easement, so the reconfiguration raises no easement concern.*

NEW Condition: Barn Massing and Produce-Stand Operations

The massing of the multi-functional barn shall be reduced, including by removing the mezzanine/upper level and reducing the footprint, so that it reads as a farm building rather than a commercial event venue, and the applicant's proposed height reduction shall be incorporated as an enforceable condition. The Project shall specify the events and gatherings, if any, that will occur within the barn; if the barn is not to be used for larger gatherings, its footprint shall be reduced accordingly. Farmstand operations, customer queuing, and sales shall not occur within the public right-of-way along Fairview Avenue. In addition, deliveries by five-ton trucks, semi-trailers, and other large trucks to the farm stand and other farm-envelope uses via the

EXHIBIT B

Protect the Soil Now: Proposed Modified and Additional Conditions of Approval (Fairview Gardens CUP, Case Nos. 25-0001-CUP; 25-0003-DRB)

Fairview Avenue and Stow Canyon Road access shall be prohibited; large delivery vehicles have blocked visibility and entry at Stow Canyon Road, and deliveries shall be limited to appropriately sized vehicles.