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Our File Number:
23042-1

September 9, 2019

VIA PERSONAL DELIVERY

City of Goleta
Planning Commission

Re: Newland Property, 5544 Hollister Avenue (APN 071-090-036)

Dear Members of the Planning Commission:

This firm represents the Newland Family, owners of the above-referenced property. The property is located at the corner of Hollister Avenue and Dearborn Place, just to the west of the interchange between Highway 217 and Hollister Avenue.

The subject property has been in the Newland Family for approximately 100 years. It originally was part of a large walnut ranch. Currently there are several old residential cottages on the property, which are rented. The property is designated as "Recreation" in the City's existing General Plan, but is zoned for residential purposes, with a designation of DR-10.

The property is subject to several acquisitions by the City for two major public works projects now proceeding – the Ekwil Fowler Project and Phase II of the San Jose Creek Project. Eminent domain proceedings have already been filed against our clients by the City. These two projects, and the property to be acquired for them, will have a devastating impact on the remainder of the property. In particular, the Ekwil Fowler Project includes a traffic roundabout on the southeast corner of the property, which will result in a substantial limitation on vehicular

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access to the remaining cottages on the property. Our clients intend to make substantial claims for property value and severance damages as a result of these proposed takings.

The City's proposed new zoning ordinance would effect a zoning change of our client's property to Open Space (OS). In addition, the new zoning ordinance has significantly increased regulation regarding Environmentally Sensitive Habitat Areas (ESHA). The existing depiction of the ESHA on our clients' property (attached), together with the increased restrictions in the zoning ordinance, would essentially prevent any development on the property at all. Our clients do not understand that a reputable biologist was responsible for the ESHA area depicted on the property, and were never consulted about the ESHA area. The ESHA designation, the new ESHA restrictions, and the new zoning designation constitute a complete taking of our clients' property.

Our clients are very disappointed that the City intends to take this action, which is for no apparent purpose other than to freeze development so that the property can be acquired cheaply by the City. The property has enjoyed its residential zoning status since the City's incorporation and before, while in County jurisdiction. Our clients therefore have an expectation that this zoning will continue indefinitely into the future.

This matter will move into protracted litigation if the City pursues adoption of the new zoning ordinance. The City has already filed eminent domain proceedings against our clients for property rights allegedly necessary for the San Jose Creek Project and the Roundabout Project. We have already filed a cross-complaint in that litigation, seeking recovery for inverse condemnation. Our clients' recovery for inverse condemnation will be completely justified if the City pursues adoption of the new zoning ordinance.

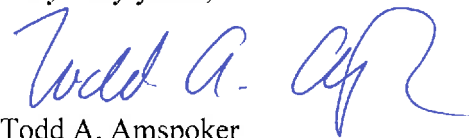
There is no apparent reason for rezoning our clients' property other than to allow the City to acquire it at a cheap price. The property has been operated with residential structures for more than 75 years. The City apparently does not have any actual plans to use the property for park purposes. Pursuing an appropriate residential development on the property would be a far better use of the City's resources, and our clients' resources.

We have enclosed pertinent maps and diagrams which illustrate the points made in this letter.

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Based upon the foregoing, and on behalf of our clients, we respectfully request that the Planning Commission maintain the existing zoning on the property.

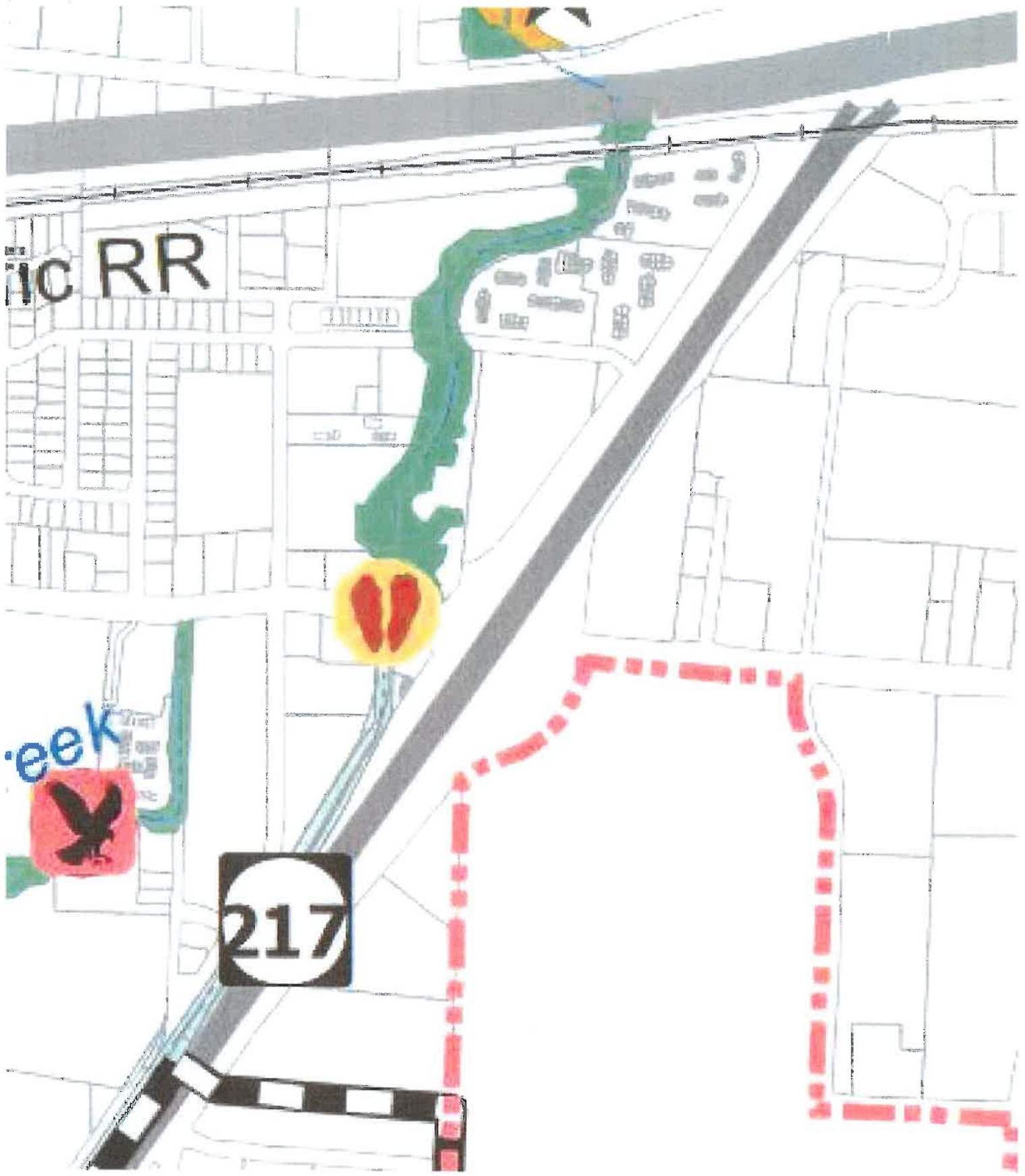
Very truly yours,



Todd A. Amspoker
For PRICE, POSTEL & PARMA LLP

TAA:ks
Enclosures

cc: Jeff Newland

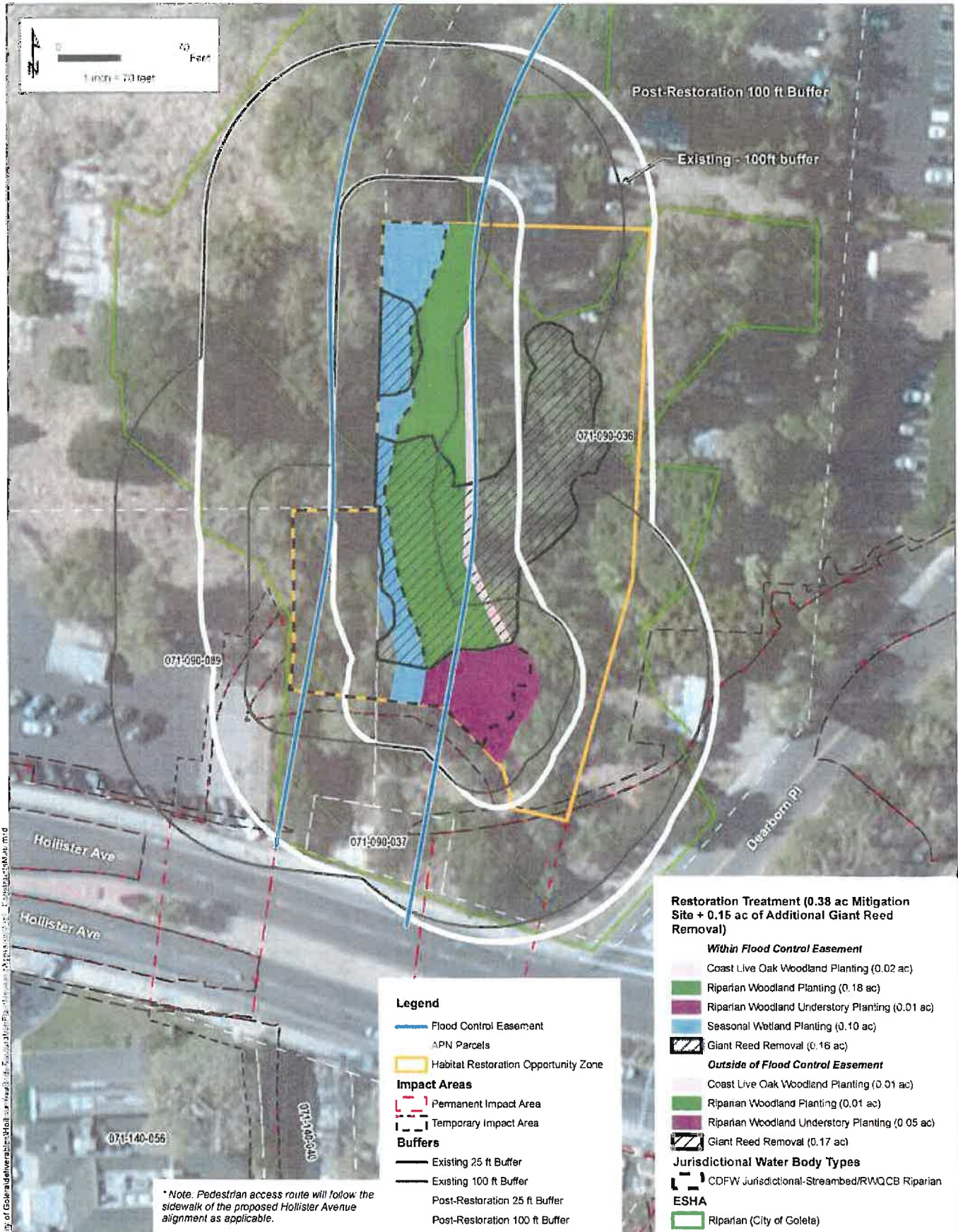


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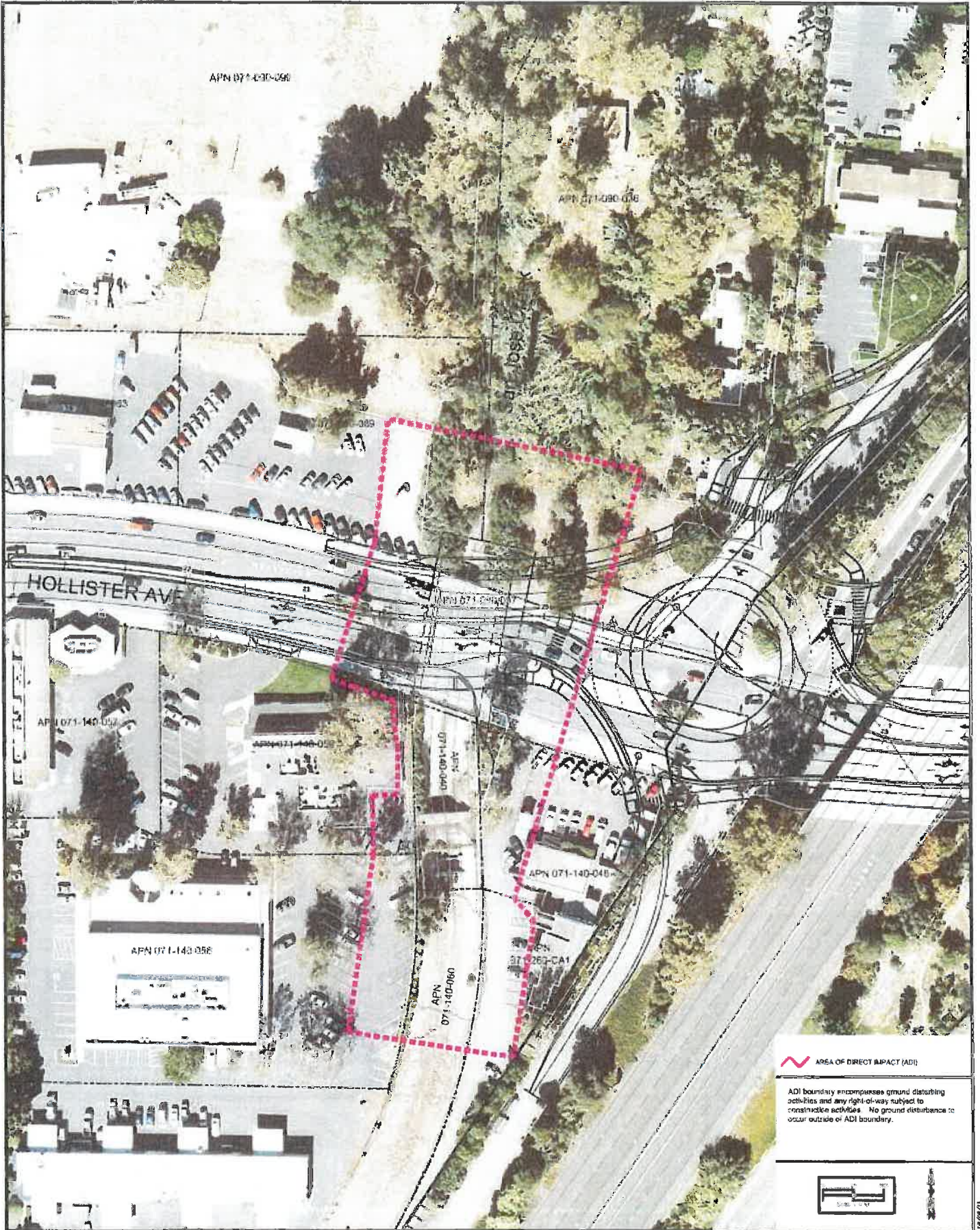
Hollister Avenue
 Bridge Replacement Project
 City of Goleta, CA
 05-SB-0-GLTA BRLS-5481 (013)


AECOM

Source: [1] Esri World Imagery
 NAIP2016, USDA FSA, 7/13/2016.

Figure 1. Constraints Map

\Projects\GIS\Public\City of Goleta\Water\Bridges\05-SB-0-GLTA\BRLS-5481\Map_Series\05-SB-0-GLTA-013.mxd



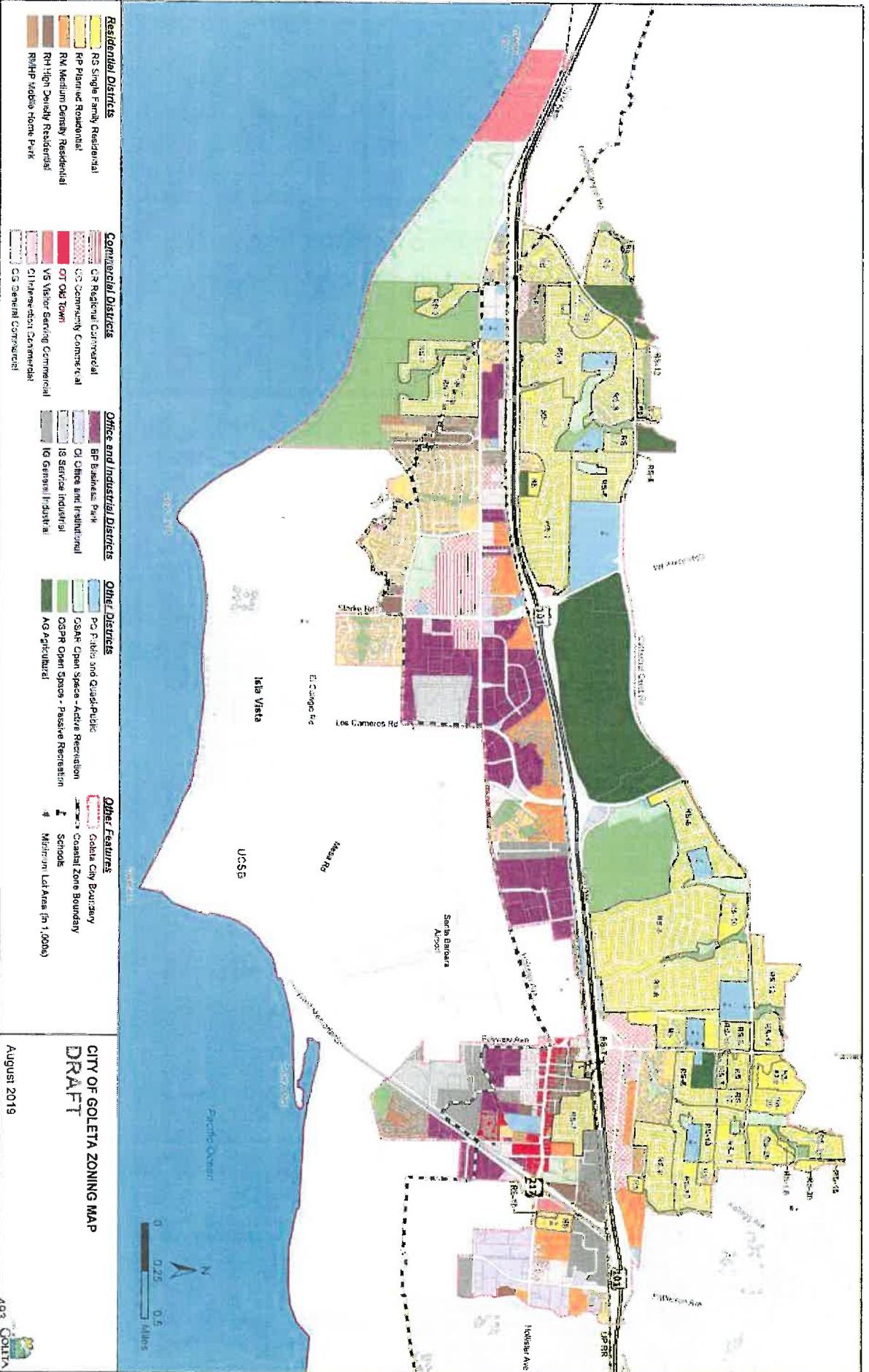
 AREA OF DIRECT IMPACT (ADI)

ADI boundary encompasses ground disturbing activities and any right-of-way subject to construction activities. No ground disturbance to occur outside of ADI boundary.



<p>LOCAL AGENCY APPROVAL</p> <p>CITY OF GALEA: _____ DATE: _____</p>	<p>CALTRANS APPROVAL</p> <p>CALTRANS DISTRICT 5 PROFESSIONALLY QUALIFIED STAFF: _____ DATE: _____</p>	<p>CALTRANS DLAE APPROVAL</p> <p>DISTRICT 5 LOCAL ASSISTANCE ENGINEER: _____ DATE: _____</p>	<p>CITY OF GALEA DEPARTMENT OF PUBLIC WORKS 130 CRENSHAW DRIVE, SUITE B • COLETA • CA • 93117 TEL (865) 981-7500 • FAX (865) 685-2835</p>	<p>HOLLISTER AVE BRIDGE REPLACEMENT BRIDGE No. 51C-0027 CONTRACT No. 2013-028 FEDERAL AID PROJECT No. BRLS-5481(013) AREA OF POTENTIAL EFFECT MAP</p>	<p>SHEET 1 OF 1 SHEETS</p>
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PLOT DATE: 04/04/13



- Residential Districts**
- RS Single Family Residential
 - RP Planned Residential
 - RM Medium Density Residential
 - RH High Density Residential
 - RHHP Mobile Home Park

- Commercial Districts**
- CR Regional Commercial
 - CS Community Commercial
 - OT Old Town
 - VS Visitor Center Commercial
 - CG General Commercial

- Office and Industrial Districts**
- BP Business Park
 - CI Office and Institutional
 - IS Service Industrial
 - IG General Industrial

- Other Districts**
- PO Public and Quasi-Public
 - OSAF Open Space - Active Recreation
 - OSPR Open Space - Passive Recreation
 - AG Agricultural

- Other Features**
- Goleta City Boundary
 - Coastal Zone Boundary
 - Schools
 - Mile in Lot Area (in 1,000s)

CITY OF GOLETA ZONING MAP
DRAFT

August 2019

