

**From:** [Andy Newkirk](#)  
**To:** [Andy Newkirk](#)  
**Subject:** FW: NZO Comments  
**Date:** Tuesday, December 17, 2019 2:57:15 PM  
**Attachments:** [LETTER-NZO-Comments-TheGrange-250-270-Storke-2019-12-17.pdf](#)

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**From:** TROY WHITE <[twhite@twlandplan.com](mailto:twhite@twlandplan.com)>  
**Sent:** Tuesday, December 17, 2019 2:26 PM  
**To:** Anne Wells <[awells@cityofgoleta.org](mailto:awells@cityofgoleta.org)>; Deborah Lopez <[dlopez@cityofgoleta.org](mailto:dlopez@cityofgoleta.org)>; Peter Imhof <[pimhof@cityofgoleta.org](mailto:pimhof@cityofgoleta.org)>  
**Subject:** NZO Comments

See attached.

Thanks,

**Troy A. White, AICP**  
**PRINCIPAL**

**TW LAND PLANNING & DEVELOPMENT, LLC**  
m: 805.698.7153  
e: [twhite@twlandplan.com](mailto:twhite@twlandplan.com)

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|--|---|
| <b>SANTA BARBARA OFFICE</b>                            | <b>VENTURA OFFICE</b>                               |
| 903 State Street, Suite 202<br>Santa Barbara, CA 93101 | 1068 E. Main Street, Suite 225<br>Ventura, CA 93001 |

[www.twlandplan.com](http://www.twlandplan.com)

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Troy A. White, AICP  
TW Land Planning & Development, LLC  
[www.twlandplan.com](http://www.twlandplan.com)  
805.698.7153



## TW LAND PLANNING & DEVELOPMENT, LLC

SANTA BARBARA OFFICE  
903 State Street, Suite 202  
Santa Barbara, CA 93101  
Ph: (805) 698-7153

VENTURA OFFICE  
1068 E. Main Street, Suite 225  
Ventura, CA 93001

December 17, 2019

City Councilmembers  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, California 93117

RE: New Zoning Ordinance (NZO) Comments

Dear City Councilmembers,

On behalf of Storke Road II LP, property owner of the property at 250-270 Storke Road (Rusty's Pizza, The French Press, Ca'Dario Cucina Italiana, etc), we wish to offer the comments identified below with respect to the New Zoning Ordinance (NZO). Due to previous commitments, we will be unable to attend tonight's hearing, but hope that these written comments will be thoughtfully considered during your NZO deliberations.

With respect to your Key Topics and Other Items Worksheet (12/17/2019), please see the following comments:

### **ITEM # B.7**

#### **Section 17.01.040(E) - Vesting**

Storke Road II LLP has been processing the proposed remodel of its property since 2017. As the timeline below demonstrates, what was supposed to be a simple remodel of the shopping center has turned out to be anything but simple. After a circuitous path through the planning process, we are now finally at the point where the City will accept our Development Plan Amendment (DPAM) application for processing.

- 10/10/2017 – 01/23/2018: "The Grange" remodel project located at 250-270 Storke Road reviewed by DRB on 10/10/2017, 12/12/2017, and 01/23/2018.
- 10/18/2018: Substantial Conformity Determination (SCD) application filed with the City on 10/18/2018.
- 02/28/2019: At the direction of City staff, the SCD application was withdrawn and application for an As-Built Development Plan was submitted.
- 08/15/2019: As-Built DP Application deemed complete.
- 10/14/2019: As-Built DP Application approved by City staff.
- 12/16/2019: DP Amendment application submitted.

We would ask that the Council consider refinements to NZO Section 17.01.040(E) to allow projects such as ours to continue to be processed under the existing zoning ordinance rather than having to start a new planning process. We suggest the following refinements:

*4. Project Applications Deemed Complete. At the Applicant's election, a project application that is determined to be complete prior to ~~September 1, 2019~~ the New Zoning Ordinance becoming effective, shall either:*

- a. Be processed under the zoning regulations at the time of the determination; or*
- b. Be processed under this Title.*

*The allowances under this provision shall sunset on December 31, 2021 if a project has not received all required land use entitlements, after which, the project shall be subject to all regulations of this Title.*

*5. Project Applications Not Deemed Complete. Projects for which an application has not been submitted and deemed complete prior to ~~September 1, 2019~~ the New Zoning Ordinance becoming effective shall be subject to the regulations of this Title.*

## **ITEM # B.16**

### **Chapter 17.16 - AE Airport Environs Overlay District**

We agree with and support City Staff's recommendation that AE Overlay Section 17.16.030 be revised to eliminate the requirement to consult with Airport Land Use Commission staff and Santa Barbara Airport staff, where not required by law.

With respect to AE Overlay Section 17.16.040(C), we suggest the following refinements to ensure that existing and proposed development that is consistent with non-residential commercial uses previously found compatible with the ALUP by the ALUC will be permissible:

*C. Non-Residential Uses. ~~All non-residential uses within the Clear and Approach Zones must be consistent with ALUP Table 4-1.~~*

*1. Prohibited Uses. The following uses are not permitted within the Airport Clear and Approach Zones unless such use is found consistent with the ALUP by the ALUC or is approved by the City Council upon a two-thirds vote with specific a finding that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code, Section 21670.*

- a. Hazardous installations or materials such as, but not limited to, oil or gas storage and explosive or highly flammable materials.*
- ~~b. Any use which may result in a permanent or temporary concentration of people greater than 25 persons per acre.~~*

Also, the Council may wish to consider language that could be incorporated into the NZO AE Overlay which would address pre-existing structures, minor additions, and/or changes of use which do not demonstrably change the permitted use of the overall project site.

## CONCLUSION

Thank you for your consideration of these suggested refinements to the NZO. Should you have any questions, concerns or require additional information, please do not hesitate to give me a call at (805) 698-7153. I may also be e-mailed at [twhite@twlandplan.com](mailto:twhite@twlandplan.com)

Most sincerely,



Troy A. White, AICP  
Principal

CC: Marc Winnikoff, Storke Road II LP  
Matt Woodruff, LYNX Property Management