

January 17, 2020

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**EMAIL (CITYCLERKGROUP@CITYOFGOLETA.ORG)**

Mayor Paula Perotte and Members of the City Council  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

RE: New Zoning Ordinance -- Proposed Amendment

Dear Mayor Perotte and Members of the City Council:

This letter is presented on behalf of SyWest Development, the owner of the former drive-in property at 907 S. Kellogg Avenue ("Property"). SyWest has appeared at a number of recent public hearings to express its concerns with the New Zoning Ordinance (NZO). The purpose of this letter is to propose a solution to the problems we have been describing to you.

As we have previously pointed out, SyWest has a pending application before the City for an industrial project on the Property. The application was prepared at great expense, and was determined to be complete by the City in March 2018. At SyWest's request, preparation of an EIR was placed on temporary hold to allow SyWest time to determine whether its discussions with the Santa Barbara County Foodbank would make it possible for Foodbank to consolidate all of its operations to the SyWest site.

The community and SyWest were surprised in September 2019 when the Planning Commission added to the NZO a provision planning a "sunset date" on the period of time available to an applicant, like SyWest, to secure its permits. The draft of the NZO currently before the Council includes a sunset date of December 31, 2021, which is approximately 23 months away. This 23 month period is simply too short for any applicant in SyWest's position to complete all of the procedures – including preparation of an EIR – to secure project approvals.

More to the point, the timing for those city approval procedures are outside of SyWest's control. A land use applicant does not control how quickly an EIR consultant is engaged, how long the necessary studies require to be completed, when the draft EIR will be presented and released for public comment, how long the consultant needs to prepare responses to public comments, and when the project is presented to the Planning Commission for review and approval. Moreover, an applicant cannot control whether a project approval is appealed or when an appeal hearing will be scheduled.

While SyWest cannot control the time it takes to process its permit application, it will certainly bear the burdens if the NZO deadlines are not met. The NZO imposes significant new restrictions on SyWest's ability to build the project it has designed, including new height limits and creek setback requirements.

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Based on these considerations, SyWest respectfully requests that the City Council consider an amendment to the NZO that will extend the sunset date. Our specific proposed language is attached to this letter for your staff's review and your consideration.

Thank you for considering these views.

Sincerely,

A handwritten signature in black ink that reads "Steven A. Amerikaner". The signature is fluid and cursive, with a large initial 'S'.

Steven A. Amerikaner

Enclosure: Proposed revision to NZO, Sec. 17.01.040, E, 4

cc Peter Imhoff, City Planning Director ([pimhoff@cityofgoleta.org](mailto:pimhoff@cityofgoleta.org))  
Anne Wells ([awells@cityofgoleta.org](mailto:awells@cityofgoleta.org))  
Michael Jenkins, City Attorney ([mjenkins@cityofgoleta.org](mailto:mjenkins@cityofgoleta.org))

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NZO, Section 17.01.040, E, 4

Current Text

4. Project Applications Deemed Complete. At the Applicant's election, a project application that is determined to be complete prior to September 1, 2019, 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.

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Proposed Text

4. Complete Project Applications ~~Deemed-Complete~~. At the Applicant's election, a project application that is determined to be complete prior to September 1, 2019, shall either:
- a. Be processed under the zoning regulations in effect at the time of the determination; or
  - b. Be processed under this Title.

The Applicant's option under clause "a" allowances under of this provision shall terminatesunset on the "Sunset Date," defined as the later of (a) the effective date of this Title as to the property for which the Project is proposed, or (b) December 31, 2021, provided, however, that if thea pProject has not received, prior to the Sunset Date, either (i) all required non-ministerial land use entitlements, or (ii) a water service commitment from the Goleta Water District, after which, the Applicant's option under clause "a" of this provision shall remain in effect for a period of six years. The six year period shall not include any period of time in which any City decision concerning the Project is the subject of litigation project shall be subject to all regulations of this title.

1/9/20