

From: [Andy Newkirk](#)
To: [Andy Newkirk](#)
Subject: FW: DNZO - Effect on projects in the entitlement process 20191202
Date: Tuesday, December 03, 2019 8:45:10 AM
Attachments: [DNZO - Effect on projects in the entitlement process 20191202.pdf](#)

-----Original Message-----

From: Ken Alker <ken@impulse.net>
Sent: Monday, December 02, 2019 2:47 PM
To: Anne Wells <awells@cityofgoleta.org>; Lisa Prasse <lprasse@cityofgoleta.org>
Subject: DNZO - Effect on projects in the entitlement process 20191202

See attached.

Thanks!
Ken

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December 2, 2019

ZONING: PROJECT IN ENTITLEMENT PROCESS

TO:

All members of the Goleta City Council
Anne Wells, Advance Planning Manager
Lisa Prasse, Current Planning Manager
Peter Imhof, Planning and Environmental Review Director
130 Cremona Drive
Goleta, CA 93117

Dear council members and city staff,

I am writing to you today regarding the Proposed New Zoning Ordinance (NZO) dated November, 2019. Specifically, this letter speaks to section 17.01.040 E. 4. "Project Applications Deemed Complete."

I own the Kenwood Village project and the project application was deemed complete in 2010. The project has been designed under the current zoning ordinance. The language in section 17.01.040 E. 4. states that, "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 determination; or b. Be processed under this Title." However, a new sentence was added to this section in November which reads, "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."

At the planning commission I attended, where a time limit for the entitlements was being discussed, it was pointed out, by comparison, that developers have a limited time window after being issued permits in order to build their project. What was missed, however, is that building timelines after permitting are entirely different than timelines associated with obtaining entitlements. Once a developer has permits, he controls the timeline. There are very few outside influences that will affect the speed at which the project can be completed. In the case of seeking entitlements, the applicant has almost no control. Timing is determined by staff, the planning commission, city council, the Goleta Water District, and several other entities, not to mention Mother Nature (i.e. water moratorium). To put an arbitrary time limit on the ability to use the current zoning code is not realistic, nor is it fair.

I received a Notice of Application Completeness for Kenwood Village in 2010, long before any of the NZOs were created. I have already paid for complete architectural plans, numerous studies, a scoping document, and two EIRs all under the guidelines of the current zoning ordinance. The project got put on hold just after the EIR was circulated due to the moratorium. The fact is, I have no control over when

the moratorium will be lifted, and I have no control over how much time it will take City Staff to re-process the EIR once the moratorium is lifted. These factors, and many more, are totally out of my control.

The last water moratorium lasted from 1972 to 1996; that's 24 years. No new allocations were made during that time. Our current water moratorium started in September 2014 and a recent vote at the Goleta Water District has extended it through **at least** October 2020. That will be over **six** years, and there are no guarantees it will be lifted in 2020, or for that matter, 2021. Even if it is lifted in 2020, there is no guarantee that the additional processing that will be necessary for Kenwood Village will result in entitlements by December, 2021.

My understanding is that there are only five projects in this state, and one of them was developed recently enough that they were privy to the new zoning and were able to make it comply, another already has water by right so they aren't concerned by the inability to predict when the moratorium will end, so there are really only three projects that will be affected by this change.

It would be an unfair and unjust hardship for me to have to spend hundreds of thousands of dollars and months of time to redo my entire project under the guidelines of a different zoning ordinance after having spent years perfecting it under the current ordinance. These extra costs will get pushed down to the home buyer. As we all know, Goleta needs housing, and we don't need housing prices to continue to go up due to process costs.

I implore you to **remove** the sentence that was added in November. It was absent for the several years this new zoning has been before the public's eyes, and there is no reason for it. Again, it is only going to affect three parcels; you do not need to worry about a plethora of developers using the current zoning. And the fact is, the planning commission that reviewed Kenwood Village liked it, and the council members who were serving at that time, some of whom are still here, liked it. It is a good project, and I don't want to be forced to spend large sums of money and hundreds of hours of time to redesign it.

Sincerely,



Ken Alker