


PRICE, POSTEL & PARMA LLP
Counsellors at Law

 200 East Carrillo Street, Suite 400
 Santa Barbara, CA 93101-2190

 Mailing Address: P.O. Box 99
 Santa Barbara, CA 93102-0099

www.ppplaw.com

Ph (805) 962-0011 Fax (805) 965-3978

E-mail:

 Todd A. Amspoker
 Susan M. Basham
 Kristen M. R. Blabey
 Shannon D. Boyd
 Timothy M. Cary
 Melissa J. Fassett
 Ian M. Fisher
 Arthur R. Gaudi
 Cameron Goodman
 Paul J. Hamill
 Christopher E. Haskell
 James H. Hurley, Jr.
 Eric P. Hvolbøll
 Drew Maley

 Our File Number:
 23042-1

 Mark S. Manion
 Steven K. McGuire
 Timothy E. Metzinger
 Shereef Moharram
 Craig A. Parton
 Kenneth J. Pontifex
 Douglas D. Rossi
 J. Terry Schwartz
 Peter D. Slaughter
 David W. Van Horne
 C.E. Chip Wullbrandt
 Sam Zodeh

CAMERON PARK OFFICE

 3300 Cameron Park Drive, Suite 2000
 Cameron Park, CA 95682
 Ph (805) 962-0011
 Fax (805) 965-3978

March 21, 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 Ekwill Fowler Project and Phase II of the San Jose Creek Project. None of the required properties has been acquired yet, although we have been told that offers will be made soon. 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 Ekwill Fowler Project includes a traffic roundabout on the southeast corner of the property, which will result in a substantial limitation on vehicular 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.

We understand that the City's proposed new zoning ordinance would effect a zoning change of our client's property to Open Space (OS). 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.

The ultimate purpose of this letter is not to threaten litigation, although it must be emphasized that if the City continues on its present rezoning efforts, inverse condemnation litigation will undoubtedly result. In addition, there will undoubtedly be eminent domain litigation if the City pursues the pending acquisitions from our clients' property.

The purpose of this letter is to describe the manner in which the parties can effectively cooperate with each other to maximize the utility of the subject property, and to avoid litigation. The property is ideally situated for an affordable housing project or a hotel project, and we would like to describe the reasons for this. First, the property is situated adjacent to an affordable housing project on the other side of San Jose Creek. An existing apartment complex is situated immediately to the east. An affordable housing project on the property would therefore be harmonious with existing adjacent uses. Although the City apparently intends to designate the property as open space, we understand that the City has no current plans for any actual park improvements on the property. Rather, there is an existing park immediately to the northwest of the property, and the City recently bought another property to the west of the property, on which another park facility is planned. A development on our client's property could be designed and planned to offer open space amenities next to the Creek, and would be compatible with the existing park and the planned future park to the west. Designating the property as OS would therefore provide no benefit to the City. Our clients would have no incentive to upgrade or modernize the existing old cottages on the property, and the property would continue to be a marginal residential property with no enhanced prospect for improvement. We know that the City is continuing to look for affordable housing options, and is also interested in maximizing potential TOT income which could come from a hotel project. Allowing our client to proceed with these project ideas would also promote a collaborative process to design the new development that would integrate with the City's plans for the roundabout project, and lessen the difficulties caused by the impact of the project on the existing uses of the property.

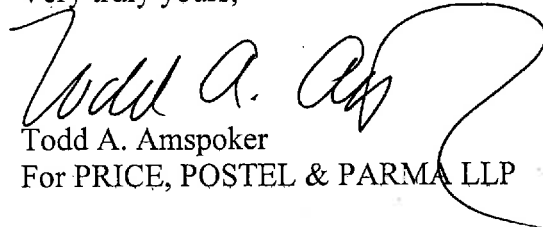
Planning Commission
City of Goleta
March 21, 2019
Page 3

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

Based upon the foregoing, and on behalf of our clients, we respectfully request that the Planning Commission maintain the existing zoning on the property, and allow our clients to instead proceed with a planning process for the property that would enhance the desirability of the area, and would meet the City's needs as well. Our clients intend to proceed with an initial professional evaluation of the property, to determine its net developable area. However, if the City maintains on its present course, this work would not be pursued and the parties would become embroiled in unnecessary litigation.

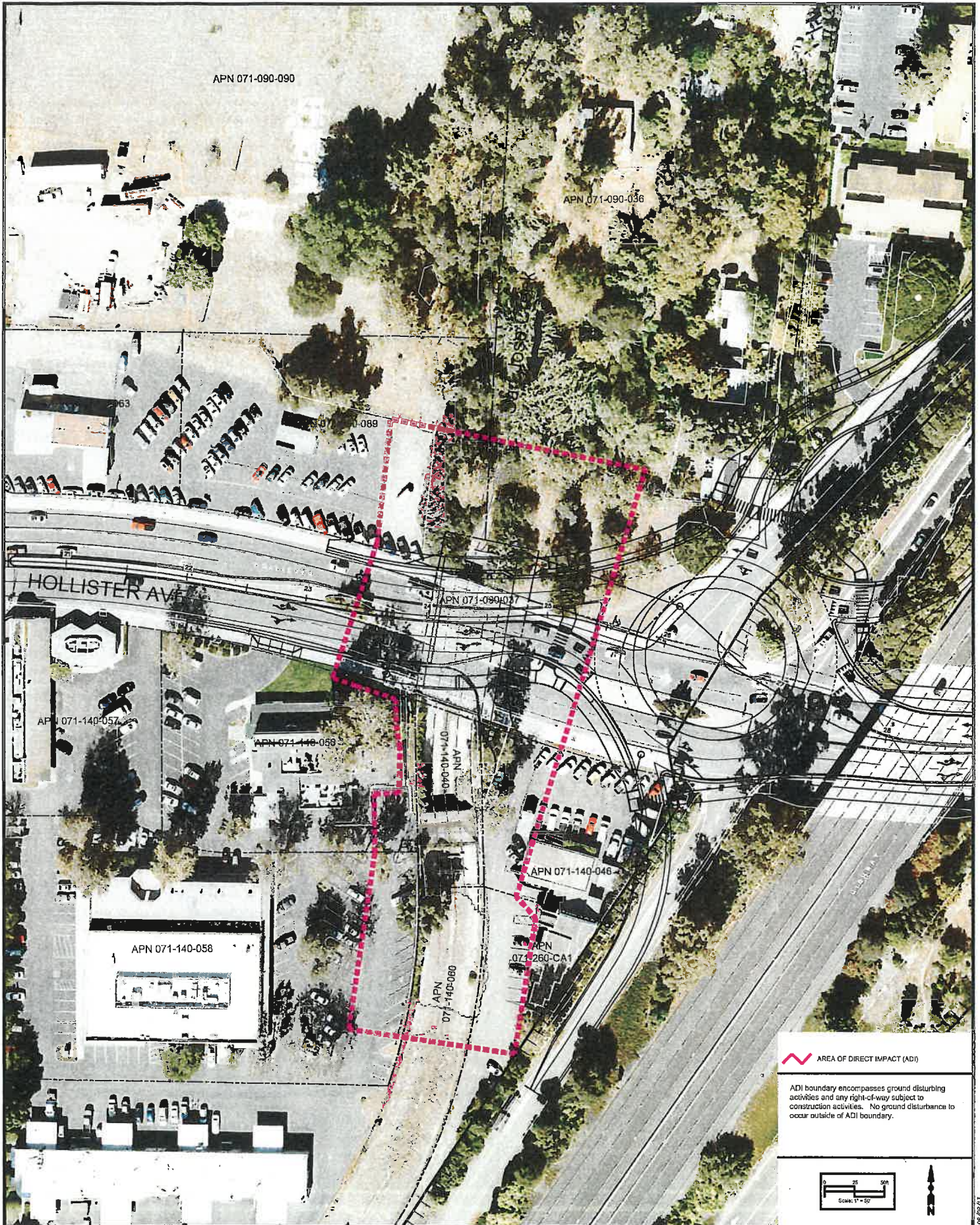
We look forward to working productively with the City on this matter.


Very truly yours,



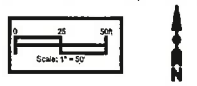
Todd A. Amspoker
For PRICE, POSTEL & PARMA LLP

cc: Jeff Newland



 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.



LOCAL AGENCY APPROVAL CITY OF GOLETA ENVIRONMENTAL REP. _____ DATE _____	CALTRANS APPROVAL CALTRANS DISTRICT 5 PROFESSIONALLY QUALIFIED STAFF _____ DATE _____	CALTRANS DLAE APPROVAL DISTRICT & LOCAL ASSISTANCE ENGINEER _____ DATE _____	CITY OF GOLETA DEPARTMENT OF PUBLIC WORKS 130 CREMONA DRIVE, SUITE B • GOLETA • CA • 93117 TEL (805) 981-7500 • FAX (805) 685-2835	HOLLISTER AVE BRIDGE REPLACEMENT BRIDGE No. 51C-0027 CONTRACT No. 2013-028 FEDERAL AID PROJECT No. BRLS-5481(013) AREA OF POTENTIAL EFFECT MAP	SHEET 1 OF 1 SHEETS
---	--	---	---	---	---------------------------

PLOT DATE: 08/09/13



City of Goleta

130 Cremona Drive | 805.961.7500 | www.cityofgoleta.org

Parcel Detail

APN : 071-090-036
Address : 5544 HOLLISTER AV
E
Year Built :
Acres : 4
Land Square Feet : 174240
Zoning : DR-10
Land Use : Recreation
Congressional Districts : [23](#)
Senate Districts : [19](#)
Assembly Districts : [35](#)
Sanitary Districts : Not Available
Flood Zone : AE
In FEMA flood zone : Yes

Commands