From: <u>donotreply@godaddy.com</u> <<u>donotreply@godaddy.com</u>> Sent: Monday, January 27, 2020 2:10 PM To: Wendy Winkler <<u>wwinkler@cityofgoleta.org</u>> Subject: goletazoning.com Public Comments: Form Submission

Name:

Will Russ Email: surf0116@gmail.com

Subject:

Commercial CUP Considerations in Business Park Zones **Message:** 

I am a business owner in SB and am looking to relocate my facility to Goleta, however, due to the new NZO, we are being shut out. We are currently seeking a 20K+ building/warehouse space. All buildings that meet our requirements are located in the Business Park Zones. Due to our use, we are being told that CUP's will not be considered for Indoor recreation business in the business park zones. This seems like a very poorly thought out portion of the new regulations. With the business park zones being a main hub for so many residents, it seems that excluding certain businesses from providing healthy/active services for these people is counter productive for the City of Goleta. Our current business has been located on State street for over 8 years now. As we try to grow our business and provide our unique services to a large portion of our customers in Goleta, we have been continually shut out of every available option. I feel that it is unfair to not even consider CUP's for indoor sports/recreation based businesses in the Business Park Zones. Thank you. Will Russ Owner - Santa Barbara Rock Gym

This message was submitted from your website contact form: http://www.goletazoning.com/public-comments.html

Use your free GoDaddy Email Marketing Starter account to follow up with contacts who agreed to receive email campaigns! Click <u>here</u> to get started.

From: Treva Yang [trevayang@gmail.com]
Sent: Sunday, February 02, 2020 12:17 PM
To: Paula Perotte; Kyle Richards; Roger Aceves; Stuart Kasdin; James Kyriaco
Subject: Please don't vote pass a hedge height ordinance nor a ban on chainlink fences.

Goleta Mayor and City Council Members,

I read the NoozHawk article of January 21, 2020 stating that the council is set to take a final vote on February 18 regarding fences, freestanding walls, and hedges. I feel that the last choices that a property owner has are now being regulated away! I don't live in a planned community. There is no reason for it to look like one. Each property has its own personality. As I look around my neighborhood I see plenty of examples of hedges that would not meet the proposed 6ft-in-front, 8ft-on-the-sides rule. However, all of these hedges have a good reason for being tall. They are all well maintained. Most importantly, the property owners made the choice to have them this height. When I read, "Goleta resident Connie Cornwell said a hedge next to her home is too tall and is rodentinfested." I felt that perhaps you are trying to regulate the wrong thing. If there is a rodent problem, deal with her rodent problem. I am sure there is a way for that to get taken care of without regulating hedge heights for all of us!

The article went on to state that you want to pass a regulation against chainlink fences. I could not believe this! Again, there is no reason for every property to look the same. What works for one person or property does not work for all of us. There are very good reasons for chain link fences. What if one has a back or side property line. with a hedge. There is a need for light and sun to get to the hedge on both sides. Adjoining property owners are happy with the chainlink fence. No need for "big brother" to weigh in. What about a chainlink fence in the front with a hedge? What if someone wants a chainlink fence in their front yard to keep a dog or child in, but still allow it to look out. Again, not a problem. Vinyl, wood, bamboo, stone, chainlink, other, why should anyone have to justify their choice of fence?!

Last time I looked, this was still America. Please don't regulate our last rights away. Treva Yang



February 10, 2020

Steven A. Amerikaner Attorney at Law 805.882.1407 tel 805.965.4333 fax samerikaner@bhfs.com

## BY EMAIL (PIMHOF@CITYOFGOLETA.ORG)

Mr. Peter Imhof Planning Director, City of Goleta 130 Cremona Drive Goleta, CA 93117

RE: NZO's Applicability to SyWest Property (907 S. Kellogg Avenue)

Dear Mr. Imhof:

This letter is submitted on behalf of SyWest Development, owner of the site of the former Goleta Drive-in Theatre at 907 S. Kellogg Avenue.

As you know, SyWest has submitted an application to the City for an industrial warehouse project on its property. The application was determined to be "complete" on April 11, 2018. Since then, SyWest has been working with the Santa Barbara Foodbank in an effort to determine whether the new facility would be suitable for Foodbank's needs.

SyWest has always believed that its application would be evaluated under the City's current Zoning Code. Thus, SyWest was surprised in September 2019 when the Planning Commission inserted a new provision in the NZO placing a "sunset" date of December 31, 2021. In previous letters, we have pointed out various problems with this Sunset Provision.

The purpose of this letter is to provide additional information to the City Council concerning the impact of the NZO on the SyWest project.

### The NZO's Building Height Methodology Is Fatal to the SyWest Project

The NZO has a fatal impact on SyWest's project because it changes the way that building height is measured. Under the existing zoning code, building height is measured from the <u>finished</u> grade of the parcel. Under the NZO, building height is measured from the <u>existing</u> grade.

This policy change imposes a severe and special hardship on the SyWest property. Due to the SyWest parcel's existing topography FEMA requirements, the City's Floodplain Management standards require that SyWest import fill to raise the grade of the parcel by an estimated eight feet. Under the existing zoning code, this required change in the grade has no impact on the height of the proposed building. Under the NZO, this change in the grade reduces the building height by eight feet and negates SyWest's ability to construct a modern state-of-the-art building.

SyWest's plans were prepared under the existing zoning code and call for a building with an exterior height of 35' and an interior height of up to 32'. Under the NZO, this building would have an exterior height of 27' and an interior height of 24'. The attached photo simulations show the proposed building from three

1021 Anacapa Street, 2nd Floor Santa Barbara, CA 93101-2711 main 805.963.7000 Mr. Peter Imhof February 10, 2020 Page 2

different viewpoints, and using both the existing zoning code and the NZO. We believe that these simulations demonstrate that the visual impact of the proposed building under either the current ordinance or the NZO will not be significant.

Enclosed please find a letter from the Radius Group, a local commercial real estate brokerage with substantial experience with industrial properties. This letter makes clear that modern industrial warehouse buildings need an interior height of at least 30'. Additionally, we understand that the City may receive a communication from the Foodbank of Santa Barbara County expressing the challenges it has faced finding a modern industrial facility to occupy.

Thus, using the NZO height calculation method will constrain the proposed building so severely that it is very unlikely to be constructed because prospective tenants will find that the 24' interior height does not meet their needs as compared to other modern storage buildings. A commercial building that is not designed to be competitive in the private real estate market cannot succeed, and will not be built.

It bears noting that the standards used by Santa Barbara County and the City of Carpinteria (entirely within the Coastal Zone) both use <u>finished grade</u> to measure the height of a proposed building. Interestingly, the County's "finish grade" methodology applies specifically to properties located in the Coastal Zone and considered to be within the View Corridor Overlay.

### The Sunset Provision is Fatal to the SyWest Project

In our earlier letter to the City Council, we pointed out that the "Sunset Provision" creates significant risks for the SyWest project. The most recent version of the Sunset Provision released to the public on February 6 does not mitigate these risks; indeed, it makes them more severe.

At the outset, it is important to remind ourselves – as we have discussed – that the Sunset Provision applies to the SyWest project and, at most, one or two others. It is not a provision that deals with a broad-scale policy issue, because there are so few projects with completed applications waiting in the City's processing pipeline. Simply put, the Sunset Provision does not solve a larger problem, because there is no larger problem.

The most recent version of the Sunset Provision requires that SyWest secure all "entitlements" by December 31, 2021. City staff has already decided that an EIR must be prepared before the City can approve the requested Development Plan and related discretionary approvals. Given the fact that the EIR consultant has not been selected, and in light of the adjacency of San Jose Creek to the project, we believe there is very little likelihood that the EIR will be completed and certified by December 31, 2021.

Moreover, even if the EIR is somehow completed by mid-2021 (leaving sufficient time for public hearings prior to the Sunset Date), SyWest has NO POWER to ensure that all required approvals are issued by December 31, 2021. Indeed, the City lacks that power as well. Since the City does not have a certified LCP, it cannot and does not approve or issue Coastal Development Permits. Under its permitting procedures, the City completes all of its hearings and decides whether to grant City discretionary approvals required by the zoning code. At that point, the project and its related environmental documents and City approvals is sent to the Coastal Commission for approval of a CDP, including formulation of any CDP conditions. The timing and substance of that approval (with conditions) is entirely within the discretion of the Coastal Commission.

The conclusion is inescapable: SyWest does not have the ability to comply with the December 31, 2021 date. That timing is in the hands of two public agencies that operate independently of each other. Yet, to proceed forward, SyWest must agree to fund an EIR, which is likely to cost \$300,000 or more. The most

Mr. Peter Imhof February 10, 2020 Page 3

likely result is that the \$300,000 will be paid to an EIR consultant, the Sunset Date will be passed, the NZO will be applied to the project, and the project will be unbuildable because of the NZO building height methodology. This is a business risk that SyWest simply cannot take.

This result will not serve the City's interests either. If SyWest simply drops the project, the City will forego an opportunity for a private developer to build a modern industrial facility that will help attract private industry and, perhaps, help support an important community non-profit. Property tax revenues will be lost. A long-vacant parcel of land will finally have a productive and attractive use. And, if the City decides it needs to acquire access over the SyWest property to San Jose Creek, it will need to exercise its power of eminent domain to achieve that access. None of these consequences can be said to serve the City's interests.

## SyWest's Request and Recommendation

SyWest recommends that the City address these issues as follows:

- 1. Delete the Sunset Provision from the NZO, or
- 2. Amend the Sunset Provision as follows:
  - a. Change the Sunset Date to December 31, 2024.

b. Specify that only City-issued discretionary approvals (such as a Development Plan approval) need to be obtained prior to the Sunset Date.

Our suggested amendment is attached.

I appreciate your attention to these issues. Since the matter is currently pending before the City Council, I have scheduled a meeting with Mayor Perotte for Tuesday, February 11, at 2:30 pm. I will be explaining this issue to her, and providing her (and other Council Members) with a copy of this letter and its attachments.

Sincerely,

Steven A. Amerikaner

Enclosures

cc (w/att.)

Michael Jenkins, Goleta City Attorney Robert Atkinson, SyWest Development Bill Vierra, SyWest Development Ginger Anderson, Stantec Mr. Peter Imhof February 10, 2020 Page 4

## Suggested Amendments to NZO

### Sec. 17.01.040, E, 4

4. Project Applications Deemed or Determined Complete. At the Applicant's election, a project application that is deemed or 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 complete determination the application is deemed or determined to be complete; or

b. Be processed under this Title.

The Applicant's option in accordance with subparagraph (a) of this provision shall terminate on December 31, 2024 2024. If a project has not received all required land use entitlements by December 31, 2024 2024, the project shall be subject to all regulations of this title. A project shall be deemed to have received all required land use entitlements if the City has completed action on those entitlements, even if the City's decision is subject to judicial challenge or review.

## **Definition of Entitlement**

Entitlement. The legal process of obtaining all required <u>City-issued discretionary</u> land use approvals for development, <u>including</u> concluding any associated <u>City</u> local appeal period., and meeting any prior to issuance conditions of approval., and successfully obtaining issuance of the effectuating Zoning Permit.

20290155.2 DRAFT 2/10/20 04:02 PM











February 6, 2020

City of Goleta Planning Department City of Goleta

Re: 907 S Kellogg Industrial

To Whom It May Concern,

I'm writing regarding the 907 S Kellogg Ave M1 zoned industrial site and the potential for it to be redeveloped as a new state-of-the-art industrial facility. The current industrial vacancy rate in the city of Goleta is 5.2% and Santa Barbara is under 1% so new buildings/projects will be welcomed by tenants/businesses in our market many of whom operate out of older, sub standard buildings. Numerous locally owned and operated businesses are being forced to consider facilities outside the area due to the shortage of quality building inventory. Based upon my experience and professional opinion, the new buildings contemplated for the subject site should have similar attributes to the Cabrillo Business Park buildings designed and then sold by Sares Regis. The Direct Relief headquarters is another good example of the type of industrial space that squarely meets current market demands. These building attributes should include excellent truck parking/access, concrete tilt up construction, energy efficiencies, high ceilings for storage/distribution (minimum of at least 30 foot clear height) and flexible space plans adapting to tenant build out demands (ie. Raytheon, Northrup, Flir, Inogen, CMC Rescue, Apeel Sciences). New and growing companies look for premier industrial product to expand, and without these modernized buildings we risk losing job creating companies to other markets. This inventory shortage directly affects us on local level as it forces our area businesses to move their inventories, goods and services, and employees to more remote facilities and transport them back to our community over a longer distance. The resulting displacement and the elongated transport trips are environmentally detrimental in both air guality and traffic; it drives up the costs for businesses and ultimately the local citizens and it is a constraint on the ability our local companies to grow.

I am a partner of the Radius Group and have been active in the industrial leasing market locally for over 20 years. Please feel free to contact me regarding the demand for new industrial buildings.

Respectfully,

17)

Brad Frohling Manager Partner, Radius Group DRE #: 01323736 |

From: Carrie Wanek [mailto:CWanek@foodbanksbc.org]
Sent: Thursday, February 13, 2020 2:37 PM
To: Deborah Lopez <<u>dlopez@cityofgoleta.org</u>>
Subject: Letter from Foodbank regarding upcoming hearing

Good afternoon Deborah -

Please find attached a letter from the CEO of the Foodbank of Santa Barbara County addressed to the Goleta City Council for consideration at their upcoming meeting next week.

An original version has been mailed as well.

Please let me know if you have any questions or if the attachment did not come through.

Thank you,

Carrie



Carrie Wanek, CNP Chief Financial Officer Foodbank of Santa Barbara County 1525 State St., Ste. 100 Santa Barbara, CA 93101 (805) 357-5755 Direct

Celebrating over 35 years of ending hunger and transforming the health of Santa Barbara County through good nutrition. Learn more at <u>www.foodbanksbc.org</u>.

February 13, 2020

The Honorable City Council City of Goleta 130 Cremona Drive Goleta, CA 93117



Re: Hearing of February 18, 2020 regarding NZO applicability to SyWest Property

Dear Honorable Members of the City Council:

I believe you are all aware of the Foodbank's ongoing effort to locate and secure a suitable long-term facility to house our local operations. We have undertaken an exhaustive search of all available land and/or buildings in the Santa Barbara/Goleta region, and we have found that there is a serious lack of available modern and suitable industrial-style building inventory. Examples of such modern and suitable industrial buildings are the new Direct Relief building and similar new buildings constructed within the Cabrillo Business Park. Current stateof-the-art standards for these buildings include adequate loading facilities, an open and uninterrupted interior floor area, and a clear height of at least 30-32 feet high. This clear height measurement is critical and allows stacking of product/inventory with a significantly higher efficiency over the older buildings in the Goleta area that were built in the 1970's and 1980's. And a modern facility in the local area is critical to allowing us to consolidate our operations locally, and reduce travel for our employees and be proximate to those we serve in our community. As a non-profit entity, the increased efficiencies from our consolidation into a modern state-of-the-art facility are essential to keeping our operating costs at their lowest possible margin so that we can continue to deliver the maximum benefit to those in need.

To assist with our mission to find a long-term and permanent home for the Foodbank, we appreciate if you would include in any adoption of the NZO a provision for an extended period of time underwhich pending development applications that are 'Deemed Complete' can continue to pursue their entitlements. For several years, we have been engaged in ongoing discussions and exploratory talks for a potential new facility at the site of the former Drive-in; while there is no commitment in place yet that we could locate at this site, we would like it to remain as one of the Foodbank's potential options.

Best regards, Erik Talkin – Chief Executive Officer Email cc: Ms. Deborah Lopez, City Clerk North County 490 W Foster Rd.

Santa Maria, CA 93455

**South County** 4554 Hollister Ave. Santa Barbara, CA 93110 **Education & Admin Center** 1525 State St., Ste 100 Santa Barbara, CA 93101

805.967.5741

From:	Anne Wells
To:	City Clerk Group
Subject:	FW: NZO comments for Feb. 18th
Date:	Tuesday, February 18, 2020 8:12:52 AM
Attachments:	Final comments NZO.docx

From: masseybarb@aol.com <masseybarb@aol.com>

Sent: Sunday, February 16, 2020 8:13 AM

**To:** Roger Aceves <raceves@cityofgoleta.org>; James Kyriaco <jkyriaco@cityofgoleta.org>; Kyle Richards <krichards@cityofgoleta.org>; Paula Perotte <pperotte@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>

**Cc:** masseybarb@aol.com; Deborah Lopez <dlopez@cityofgoleta.org>; Anne Wells <awells@cityofgoleta.org>

Subject: NZO comments for Feb. 18th

Attached are some final comments on the NZO for the Feb. 18th meeting.

Barbara

Mayor and Councilmembers,

These are some of my final comments on the New Zoning Ordinance.

I don't understand how staff can expect you to adopt "Repeals and Amendments" without you and the public having the opportunity to read what is being removed and changed. All the repeals and changes should be compiled in one document for you and the public to read. You shouldn't give staff carte blanche with our Municipal Code and Ordinances. It isn't good enough to have a paragraph of four sentences in the staff report to cover this significant action.

I am concerned that staff has taken it upon themselves to delete 17.24.090 C.1, Limitations on Chain-Link Fencing in the staff report. At the January 21<sup>st</sup> City Council meeting you clearly told staff that you wanted this item to come back to you with options. So instead of doing what you asked, they just deleted the entire Section C 1. a, b, and c. with provision that you never discussed. Chain-link fencing is currently prohibited in Residential Zones and should continue to be. This type of fencing is appropriate for industrial and agricultural area but not for residential zones. Chain-link fencing degrades neighborhoods and lowers property values. Please don't delete the prohibition of chain-link fencing especially in residential zones.

I ask that you reconsider your deletion of mailed notices where the number of notices is greater than 1,000. You asked the Public Engagement Commission for their opinion on this issue. Unfortunately, staff downplayed the comments at the meeting to achieve the result they wanted. From the December 3, 2019 staff report on Adoption of the New Zoning Ordinance, page 4, are the following comments.

On November 13, the PEC received a presentation from staff on noticing requirements in the proposed NZO and provided feedback to staff for Council's consideration. In summary, the PEC recommended mailed notices even where there are more than 1,000 recipients, consistent with the Planning Commission's recommendations, noting that the additional public outreach would reach community members reliant on papermail notices. PEC members observed that a segment of the Goleta community is without access to the internet and that, in general, newspaper notices have limited effectiveness because fewer and fewer people read printed press. Mailed noticing in both English and Spanish would help overcome barriers to participation due to language and afford all members of the community an opportunity to provide input on projects of citywide importance. The PEC considered the effectiveness of mailed noticing to be worth associated mailing costs to the City.

Your action on this issue did not seem to consider the Public Engagement Commission's and resident's opinions and is not in the best interest of the residents. Residents will continue to think that the Council doesn't care about their opinion when they don't even get notice of major projects.

Thank you, Barbara

From: Treva Yang <<u>trevayang@gmail.com</u>>

Date: February 13, 2020 at 4:40:11 PM PST

**To:** Paula Perotte <<u>pperotte@cityofgoleta.org</u>>, Kyle Richards <<u>krichards@cityofgoleta.org</u>>, Roger Aceves <<u>raceves@cityofgoleta.org</u>>, Stuart Kasdin <<u>skasdin@cityofgoleta.org</u>>, James Kyriaco<<u>jkyriaco@cityofgoleta.org</u>>

Subject: Please, don't pass a hedge height ordinance nor a ban on chain-link fences.

We the undersigned Goleta residents oppose the limitations on chain-link fencing proposed in the new zoning plan. Don't regulate our right to choose our fencing!

# 17.24.090 Fences, Freestanding Walls, and Hedges

## C. Materials.

1. Limitation on Chain-Link Fencing. Chain-link fencing may only be used:

- a. As temporary fencing for a construction project.
- b. In non-residential districts when not visible from a public street.
- c. For sports courts, parks, swimming pools, and other areas open to the general public.

)orn, 805 967-485 (805)967-1916 lena Donati \$0 VECA DAWE (805-680-2165). une LUIS MACHUCA Jones H. Fox 610 Antmore Drive Color Warmath Ireva Yang 5504 Huntington Dr. 805-683-3774

We, the undersigned Goleta residents, oppose the hedge height limits proposed in the Zoning Plan. Don't regulate our right to choose our hedge heights!

## 17.24.090 Fences, Freestanding Walls, and Hedges

- B1. Front Setbacks and Street Side Setbacks.
  - a. Six Feet or Less. Exempt.
  - b. More than Six Feet.Land Use Permit or Coastal Development Permit.

## B2. Interior Side Setbacks and Rear Setbacks.

- a. Eight Feet or Less. Exempt
- b. More than Eight Feet. Land Use Permit or Coastal Development Permit.

**C4. Vegetation.** Hedges must be adequately maintained and shall be subject to the height standards of subsection (B)(1) above, but may exceed the height standards of subsection (B)(2) of this Section by an additional two feet.

ustin Dorn, 805 451 3796 8 Mennez 550 Huntington Dr. Goketa (805-714 5706) a go veca naive (805580-2165) Luis MACHUCA JAMES H. Fox 610 Andmore Dr. Goler Helen Warmath Treva Yang 5504 Huntington Dr., 805-683-3774

From: Tim Cook <<u>tand38ths@hotmail.com</u>> Date: February 14, 2020 at 8:18:48 PM PST To: Paula Perotte <<u>pperotte@cityofgoleta.org</u>>, Kyle Richards <<u>krichards@cityofgoleta.org</u>>, Roger Aceves <<u>raceves@cityofgoleta.org</u>>, Stuart Kasdin <<u>skasdin@cityofgoleta.org</u>>, James Kyriaco <<u>jkyriaco@cityofgoleta.org</u>>

## Subject: Opposing hedge height and fence ordinance

I am writing to tell you I oppose the proposed hedge height/ fence ordinance. I have lived both in Goleta and Santa Barbara my entire life. I have always appreciated Goleta not having this selectively enforced ordinance that Santa Barbara has. Often times neighbors use these sorts of ordinances to escalate existing feuds. I would be disappointed to see Goleta waste it's limited resources on such trivial maters.

Thank you!

Sent from my iPhone

From: Justin Dorn <justindorn@gmail.com> Date: February 14, 2020 at 6:20:12 PM PST To: Paula Perotte <pperotte@cityofgoleta.org>, Kyle Richards <krichards@cityofgoleta.org>, Roger Aceves <raceves@cityofgoleta.org>, Stuart Kasdin <skasdin@cityofgoleta.org>, James Kyriaco <jkyriaco@cityofgoleta.org> Subject: Objection to fencing and hedge regulation

Hello City Council Members and Mayor,

As a lifelong Goleta resident and homeowner, I'm writing to let you know that I oppose the regulation of hedge heights and chain-link fencing on residential properties. Specifically, I oppose the proposed zoning regulations contained within 17.24.090. Please take this into consideration when voting on the matter on February 18th.

Thank you all and keep up the good work,

Justin Dorn 805-451-3796 From: Cecilia Brown [mailto:brownknight1@cox.net]
Sent: Monday, February 17, 2020 7:36 PM
To: Deborah Lopez <dlopez@cityofgoleta.org>
Cc: brownknight1@cox.net
Subject: Comments for Tuesday Feb 18 City Council Meeting Agenda Item B1

Madame City Clerk, please forward these comments to the City council for their Tuesday meeting. Thank you, Cecilia Brown

Monday, February 17, 2020 Dear Madame Mayor and City Council Members,

Before you conduct the first reading on your new zoning ordinance, please consider my comments below which pertain to follow-up items for work-up after adoption of the NZO.

Appreciate the listing of the Follow-up items on page 3 of the staff report, but I believe one item is missing which is in attachment 1 (Key Topics and Other Items Worksheet (2/18/20). Box A8 Section 17.52.050 Noticing Requirements, see the last comment in the far right of Box A8. The last sentence states "Council directed staff to prepare a Noticing Plan separate from NZO to address public noticing/outreach (translation, electronic, etc.) Please add this to the list of Follow-up items on p. 3 of the staff report.

Further, please make a chart of the follow-on action items to include for each item which department is responsible for its completion and the expected time frame for completion. And please have this information readily available on the NZO website or some easily accessible location on the city's website so the Council and the public can keep track of what is pending and completed. Thank you very much.

Congratulations as you near the completion of the NZO and its adoption. Cecilia Brown