

Goleta Gardens/ SyWest Development Agreement (DA) Case 20-0004-ORD

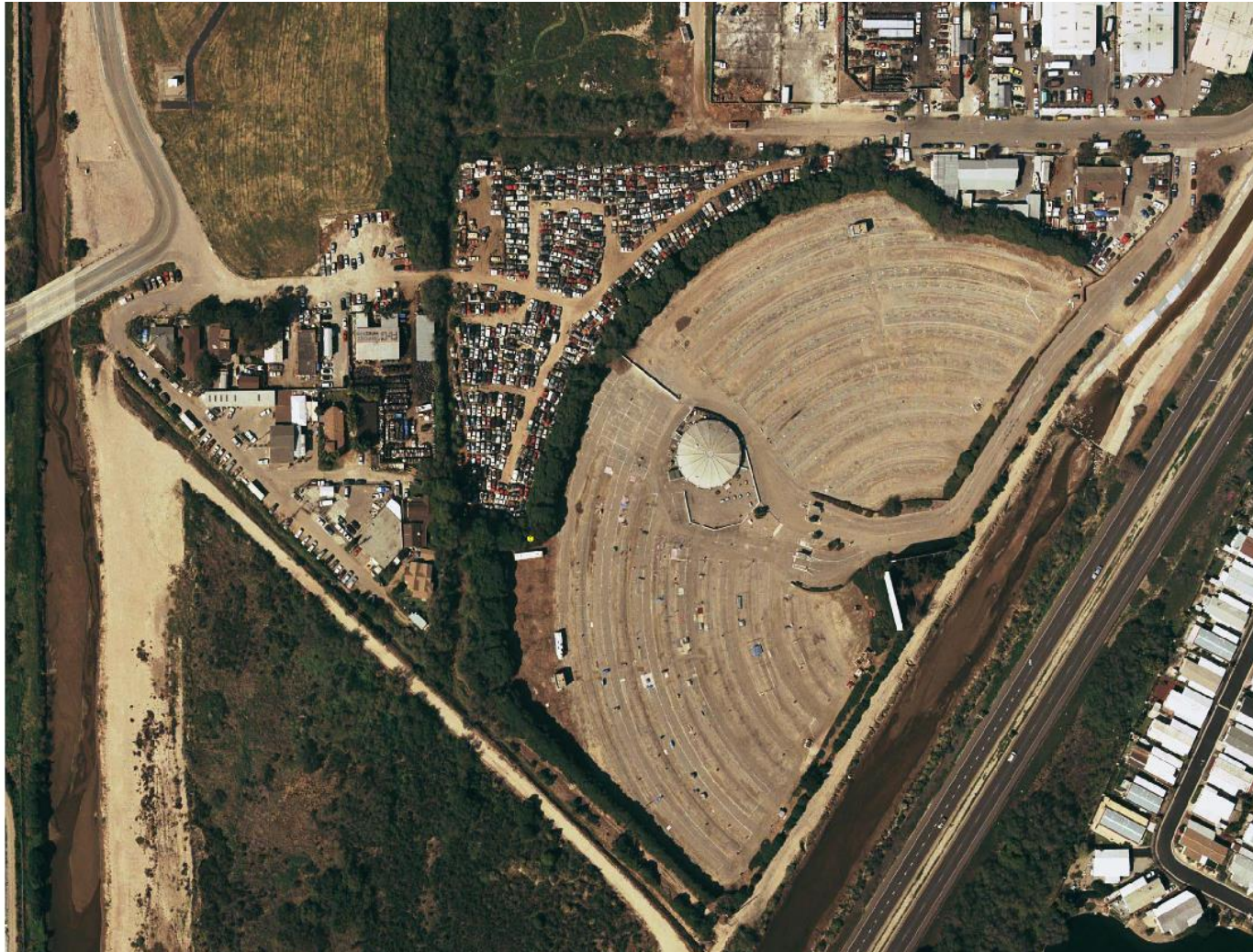
March 29, 2021

City of Goleta

Special Planning Commission Meeting



Vicinity Map - 907 S. Kellogg Avenue



Background

2017:

- SyWest filed Development Plan application for industrial building, parking and related site improvements;
- April 11, 2018 - Application deemed complete;
- May 2018 - Staff starts CEQA process;
- June 2018 - applicant requests no further work on case at that time;

Background (cont.)

2020:

- NZO adopted with provision for Development Agreements included in Municipal Code §17.65;
- Applicant applied for Development Agreement as case 20-0004-ORD on November 30, 2020;
- Deemed complete December 22, 2020;
- Applicant and City Attorney's office have collaborated on draft DA;

Development Agreements- General

- DAs allow projects to seek vested rights in exchange for a public benefit;
- California Government Code §65864 and §65865 have standards for agencies to use for DAs;
- Goleta Municipal Code incorporates Gov. Code guidance in MC Section 17.65;
- Planning Commission recommends approval of DAs to City Council.

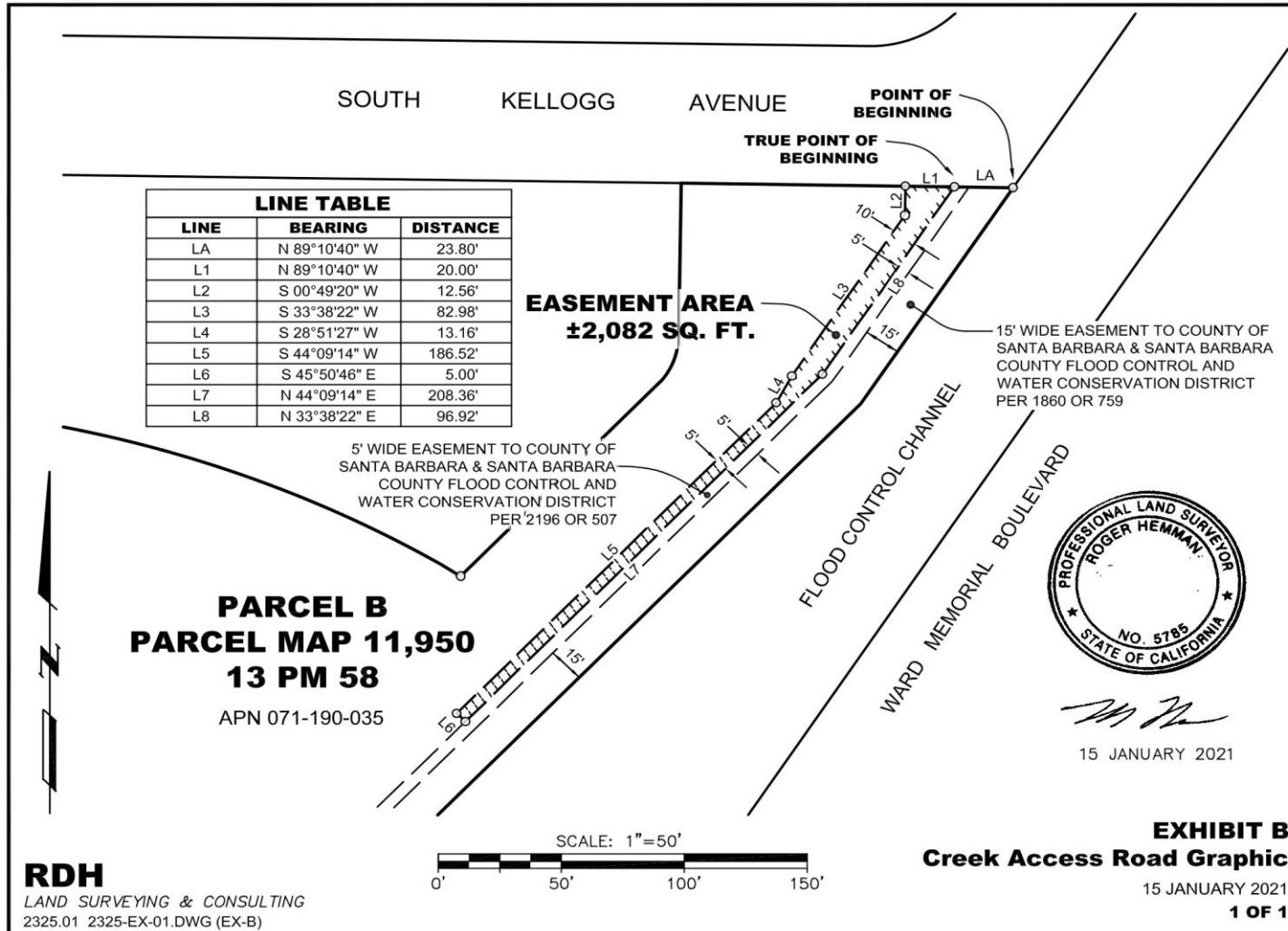
Development Agreements - Goleta

- Goleta MC Section 17.01.040(E)(4) allows applications deemed complete prior to September 1, 2019 option of being processed under the former zoning regulations
- The option of using the former zoning ordinance terminates on December 31, 2021.

Issue: Public Benefit v. Time Extension

- Public benefit – license to use Access Road
 - Access Road required to be obtained by agreement with County (San Jose Creek Cooperative Agreement 2010)
 - Allows Flood Control District to maintain Channel
 - Allows City to maintain Fish Passage for steelhead trout
 - Prevent Old Town area from flooding

License granted via DA



Time Extension

- Allow Goleta Gardens to use former Zoning Ordinance until 12/31/2023, instead of 12/31/2021
- Primary difference in former ZO and NZO
 - Height Maximum
 - 45 Feet Max Height v. 35 Feet Max Height
 - Parking Requirements
 - 82 spaces v. 71 spaces
 - (Old Zoning Ordinance required 1 sp/1000 SF and 1 sp/4 employees and NZO requires only 1 sp/1000 SF)
 - SPA and ESHA setbacks
 - No difference. General Plan policies still apply.

What DA Does Not Do

- Not an entitlement
 - Does not approve underlying SyWest Project or environmental review of SyWest Project
- City discretion preserved
 - City can still deny project on its merits

Development Agreement process

- Recommendation by the Planning Commission to the City Council
- City Council considers item and takes action for the City
- After City Council action, Coastal Commission review and action required

Environmental Review

- A Notice of Exemption is provided was prepared (Exhibit 2 to Attachment 1);
- Section 15061(b)(3) of the CEQA Guidelines because the Development Agreement itself will not have a significant effect on the environment and is therefore not an activity subject to CEQA;
- DA does not authorize any development, only the rules for future analysis of proposed project

Conclusion

- The Goleta Gardens LLC/Sywest Development Agreement complies with Municipal Code §17.65;
- The Project can be found exempt from CEQA per CEQA Guidelines 15061(b)(3);

Recommendation

That the Planning Commission adopt the proposed Resolution that:

- Recommends to City Council Approval of the Goleta Gardens LLC/SyWest Development Agreement; and
- Approving the Notice of Exemption included as Exhibit 2 to the Resolution