

To: Mayor and Councilmembers

From: Ingeborg Cox MD, MPH

October 6, 2020 City Council Meeting **Consent Calendar Agenda Item A7.**

Re: Title 17 (Zoning) Ordinance Amendment Second Reading. October 6

It is known that **Initial Site Assessment Screening** are very important. I hope that besides ESHAs which can be found in already developed sites, archeological Chumash sites, historical sites, incorrectly abandoned oil wells and underground storage tanks, are also addressed in the amendments under consideration.

If the responsibility to conduct the **Initial Site Assessment Screening** is being shifted from the "Applicant" and /or "Developer" to the City of Goleta staff, will the Applicant or Developer pay the City of Goleta for the hours that City staff is spending on this Assessment?

Does the City of Goleta have the luxury of spending staff time on an issue that it is of primary interest to the Applicant and/or Developer?

If the City does not have the staff and will need to hire outside consultants who will be paying the consultants? We the Citizens of Goleta?

If staff decides that a "**Biological Study**" is required and the Applicant / and or Developer disagrees, will the City not open itself to litigation because the **first analysis** was done by City workers and not the Applicant/and or Developer.

It appears that the Citizens of Goleta will be double charged if the Applicant or Developer does not agree with their assessment: 1) they will pay staff for their initial work 2) they will have to pay to defend staff's or the City if there is litigation.

Section 3 states that General Plan policies for which an EIR (Environmental Impact Report) has been certified shall be exempt from additional **CEQA (California Environmental Quality Act)** analysis. Some CEQA issues, like are Air Quality, Circulation and Traffic, Noise depend on when the EIR was certified. If it is many years old, and now because of climate change you will encounter changes that need to be taken into consideration.

I do not see a time frame for this exemption and we know that reports are sometimes missing details like Underground Storage Tanks, Contaminated Soils and exposures to the contaminants. Why are the **Title 17 Amendments** Ordinance **exempt from further CEQA review** if the amendments are being taken to "**protect the health, safety, and general welfare of the community**"? All this information is paramount and needs to be considered.

Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) aren't owners and operators of a real estate where there is hazardous substance contamination be held liable for the costs of cleaning up the contamination found on their property?