

June 12, 2021

To: Anne Wells, Advance Planning Manager

Andy Newkirk, Senior Planner

Peter Imhof, Planning and Environmental Review Director

From: Ingeborg Cox MD, MPH

Re: Agenda Item B2 Planning Commission Meeting June 14, 2021

Title 17 (Zoning) Amendments Ordinance (Case No. 21-0001-ORD)

I request that my comments be made part of the record and also be distributed to the Planning Commission and City Council.

The Library of Goleta, does not have the most current Zoning Ordinance Title 17 that was approved by City Council. When one accesses the electronic version, it is stated that the written version is the one that one has to follow.

Now the current written version, is being amended because staff is still changing what already has been approved. Both versions should be the same and they should be available for sale in the written format if the public wants to purchase them.

Here are some comments regarding to some changes proposed:

Noticing:

If not mistaken California Government Code Title 7 Section 65091 (a) (4) states: "Notice of the hearing shall be mailed or delivered.....to all the owners of real property as shown on the latest equalized assessment roll **within 300 feet** of the real property that is the subject of the hearing." If the number of owners is **greater than 1,000** notices by placing a display advertisement of at least **one eighth page** in at least one newspaper of general circulation within the local agency in which the proceeding is conducted... Title 17 changes should follow what is in the California Government Code.

(b) (5) the notice shall also either / or be "posted at least 10 days prior to the hearing in **at least three public places** within the boundaries of the local agency, including **one public place in the area directly affected by the proceeding**"

According to notice of public hearing CA. Government Code Section 65094; the date, time and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter being considered, a general description by

diagram of the location of the real property subject to the hearing **need to be included.**

Zoning Exemptions for ADA improvements

ADA **should not** be exempt from zoning permits. If not mistaken there are specific guidelines not only what staff interprets. The plans should at least be run by the DRB and/or Planning Commission.

Actual development plans of the project site should be provided and not just a drawing. Why is staff placing the ADA for Winchester II very close to a **major storm drain** that runs along the entire east side of the park to the RVpark. If “grubbing” might be used what will happen to the trees?

Grubbing, according to the Random House Webster Dictionary, states under 5, “To dig: clear of roots, stumps etc. 6. To dig up the roots; uproot.”

Why does staff want to change “the definition of Grubbing”? “the edit states that **cutting down a tree is included in grubbing**”.

Trees that are healthy and are a specimens of the park should NOT be allowed to be cut down unless they are sick and an arborist states that they represent a safety risk.

Large canopy trees significantly benefit stormwater quality. They improve air, provide shade to the landscape, which should reduce water needs, and we are in a drought. They also help to recharge the groundwater. Trees add value to the neighborhood and they take a very long time to grow to the majestic size we see in Winchester II Open Space. Also, the five trees lost during rain events of past years have not been replaced

It is stated that even if a project is exempt from zoning permits, the development must still meet the standards like **height and setbacks**. Additionally, an exemption does **not exempt the project** from the **Design Review**.

But what happens if the project does not even go to the DRB because “it is exempt”? All major projects should require a Substantial Conformity Determination. Please do not streamline **processing by using exemption**.

If staff names a project affecting open spaces and neighborhood parks as “Miscellaneous Improvements” it may not mean that that is the correct interpretation.

For example, staff interprets that the Ordinance is exempt from CEQA because there is a general rule which exempts activities that can be **seen with certainty** to have no possibility for causing a significant **effect on the environment**. One person alone should not have the power to determine that. Concentration of power is dangerous.

Revised Definitions of Setbacks (Page 8)

The adopted definition **drawing for setbacks** does NOT give what is the range in the distances in numbers of the setbacks. The new proposed Figure 17.03.140: is completely missing the actual distances allowed under Title 17 for all the setbacks: rear, street side, interior side, front. The public needs these numbers to understand distances for setbacks.

Other Clarifying Revisions (Page 10)

It appears that by adding “**Zoning Administrator**” to the list of Review Authorities in subsection 17.50.020 (B) (2) and 17.58.040(C) the Design Review Board is having less to say and it is confusing if only some parts of the subsection are going to go to the Zoning Administrator. If any section is going in front of the Design Review Board give the DRB its power back. It is better to have the opinion of more people than just one person.

The revision of the definition “Building” to include “shade” in this case is confusing. The “shade” of a building changes accordingly where the sun is, during the day, consequently one should state the percentages of how much “building” and what is the percentage of the “shade”

Environmental Review:

Ordinance is exempt from CEQA “because the activity is covered by the general rule which exempts activities that can be seen with certainty to **have no possibility** for causing a significant **effect on the environment**”. (highlighted for emphasis)

But if there is an effect on the environment, specifically contributing to global warming, that should not be allowed.

END

