

From: Cecilia Brown [<mailto:browknight1@cox.net>]
Sent: Monday, December 02, 2019 10:28 AM
To: Deborah Lopez <dlopez@cityofgoleta.org>
Subject: Comment letter for Tuesday City Council meeting

Good Morning Madame City Clerk, At the attachment is a letter with my comments for Tuesday's city council meeting on the adoption of the NZO. Would appreciate your forwarding the letter to them. Thank you very much. And Happy Holidays!
Cecilia Brown

December 2, 2019

Re: Comments for Dec 3rd City Council Meeting on Adoption of New Zoning Ordinance

Dear Mayor Perotte and Councilmembers,

Thank you for the very important work the Council, the Planning Commission and your staff have undertaken for the last six plus years in crafting a Goleta-centric new zoning ordinance. We all look forward to its adoption.

I appreciate the Council is in its final efforts of review of the NZO and know your schedule is full for Tuesday night and that you may not have the opportunity to address additional items. I having previously submitted comments on two of the items below but have the hope that they will eventually get addressed so am resubmitting with additional comment to make sure they don't get lost in your "consideration queue."

With appreciation for your efforts and welcoming the public to have their concerns heard and acted upon. It has been a positive and beneficial experience for us. Thank you for considering my comments below.

Happy Holidays!
Cecilia Brown

Viewshed Protection

Please support staff's addition of story pole guidelines in the Public Notification section 17.52.050 as well as their response to Councilmember Kasdin's interest in increased viewshed protection thru a revision to NZO text to include structure height limitation on a protected public viewshed. In addition to the story pole guidelines, it is important that the DRB have viewshed protection findings to use during project review. *None now exist for them to use.* Therefore, the proposed addition of two viewshed protection measures into their findings would further enhance protection of viewsheds.

Below are two proposals for consideration:

: J. Storypoles have evaluated the visual impact of proposed development on views along scenic corridors.

K. Views from locations identified on the General Plan Scenic Resources Map, General Plan Figure 6-1 are protected by minimizing any impairment that results from new development (this is General Plan Policy VH 1.2)

My request is to incorporate the additional viewshed protection measures into Section 17.50.80 Required Findings

Section 1752.100 Changes to Prior Permits and Approvals

Subsection B. Substantial Conformity Determination (SCD)

I have additional comments and concerns regarding the Substantial Conformity Determination (SCD) beyond those I made at the Nov 5th hearing. Staff response to my comments made at that hearing doesn't provide a satisfactory reason why provisions at the beginning and the end of the SCD process in the current zoning ordinance were not carried forward into the NZO.

1. The first issue in the SCD process has been the elimination of the "key issue," an assessment for the Director to make whether a SCD should be used to allow project change if it has been the subject of "substantial public controversy." If the response is that it has been, the Director can't proceed with the SCD request.

Considering the City of Goleta has a rather engaged public interested in land use matters and that there have been projects that have been controversial, some subject to lawsuits (eg., Westar, Marriott Residence Inn, Bacara) in the City's recent past, retaining the "key issue" considerations would seem prudent to avert public outcry over no noticing and decision-making undertaken without public scrutiny. Also, elimination of the first key issue step goes against the recent efforts by city council to make the land use process more public friendly.

Therefore, recommend and request the NZO include the "key issue" step regarding "substantial public controversy" for the Director to use in determining whether a SCD can be used to affect change to a project.

2. In the current zoning ordinance, the last topic in the SCD section provided information about a follow-on process an applicant could use should the Director deny the SCD. This section has nothing to do with "objective" standards used in decision-making, it merely sets out the options for an applicant in processing project changes.

My request: Add the alternatives processing path from the current zoning ordinance to the NZO so the applicant knows different permit paths to get project change.

For reference, see the link below to the SCD in the current zoning ordinance: .
<https://cosantabarbara.app.box.com/s/6hrqg4blorc7zjyh2hklhsl3pv2j2tad>

Section 17.35.060 Lighting

A purpose of the lighting ordinance is to provide development standards to control outdoor lighting and to help achieve "Dark Sky" lighting standards. "Ground truthing" of lighting projects will determine if they are dark sky compliant but will require numerical standards set by the city for the type of lighting the City wants to achieve for various kind of land uses. Unfortunately the NZO is deficient in this regard, lacking many standards to ensure project lighting complies with city and "Dark Sky" standards. .

This is why I advocated for standards from the International Dark Sky Association Model Lighting Ordinance (MLO) in my Nov 5th comments. See link below. The MLO has several methods the city could have adopted to set its standards. But regrettably staff responding to my comments in their Nov 15th document misunderstood how the MLO parameters could be applied to city land uses. Thus a valuable approach to setting illumination levels for various types of lands uses to minimize adverse impacts of lighting was dismissed as not workable.

https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

Regrettably, staff hasn't offered any alternatives for lighting standards for many types of land uses in the NZO. Without these standards, the DRB, which reviews lighting projects, will be unable to assess whether a project's lighting complies with city lighting ordinance standards.

A recent lighting project reviewed by the DRB illustrates the dilemma of not having standards in the NZO for them to use. A convenience store next to a residential area had been the subject of neighborhood complaints because the lighting in their parking lot was too bright. In an attempt to remedy the situation, the applicant was proposing new lighting and needed DRB review of its lighting plan for their new proposed parking lot lighting. All the information the DRB had in this lighting plan was a "total site lumens" value for all the proposed parking lot lights. To the DRB's credit, they knew that the proposed "total site lumens" was excessively high and not appropriate. But how much of a reduction in overall site lumens was going to be required for the applicant to comply with city standards? Other than reducing the lumens, The DRB couldn't provide any other direction about how to bring the lighting values into compliance with city standards because the NZO has no standards for the DRB to use for assessing "total site lumens."

This is unacceptable and certainly not a way to facilitate decision-making to uphold city standards. It is imperative that a set of NZO lighting development standards for all land uses be developed as soon as possible. It is very late in the NZO process, but if standards can be applied to the NZO regarding the above issue, then add them. But if not, then my request is this: **Development of lighting ordinance standards is a priority and must be included in next year's PERS work program to remedy NZO deficiencies.**