

TO: Mayor Perotte, City Council Members, City Manager Greene and Director Imhoff

RE: Comments from Goleta's NZO Hearing on November 5, 2019

At the November 5 NZO hearing, audience members were given the opportunity to go first in making comments on NZO-related topics that were not up for discussion that evening.

In the limited 3 minutes I was given, I did comment on a number of such topics. After the initial speakers and I concluded, the rest of the meeting focused on 5 other NZO topics that had been planned for discussion at that meeting. Time was devoted to each of those sections for council and staff discussion and deliberations on each.

At the end of the meeting, Council seemed to agree that at a future Council meeting on NZO, Council and staff would comment and deliberate on the topics and issues we "early" speakers had raised but had NOT been discussed or deliberated on by Council.

In order to facilitate such future deliberation and discussion, I am submitting below and attached the **issues** I raised in the early part of the meeting, as well as some **recommendations** for addressing each issue. Thank you for your commitment to deliberate on these areas in the future.

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**ZONING COMMENTS ON GOLETA'S NZO BY  
GEORGE RELLES  
NOVEMBER 12, 2019**

**A. View Protection Development Standards Section 17.20.040 B.**

**Issue:** This section heading, "To minimize impacts to public views..." lists 10 development practices that "must be used." However, the heading is modified by the phrase "where applicable."

The meaning of "where applicable" is unclear and undefined. So it is unclear when and how this phrase might create exceptions to the required, intended and listed mitigations.

**Recommendation:**

1. Please seek to include some language in the NZO that clarifies and limits how "where applicable" will erode or negate the overall intent of minimizing impacts.
2. Please seek to clarify when these 10 development practices would NOT be applicable.
3. Apply these same recommendations anywhere else in the NZO that "the phrase "where applicable" is used.

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**B. Exempt Signs 17.40.030, Sections T and U regarding Protected, Non-Commercial Speech**

**Issues:**

1. The sections T and U discriminate against residential property owners, vastly favoring the free and political speech rights of COMMERCIAL property. Commercial property signs can be 4 times larger and 50% higher than residential ones.
2. In addition, both sections could lead to confusion or a chilling effect by being silent on how many signs can be placed on either kind of property.

**Recommendations:**

1. There should be no difference between residential and commercial property regarding the signs' allowable area and height. There is no justification for giving commercial property owners more protected speech rights than residential property owners.
2. There should be a statement that there is no limit on the number of signs. Especially during election season, many will want to display multiple signs for multiple candidates and initiatives.

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**C. Findings for Approval Section 17.52.070, Section 1**

**Issue:**

1. Section 1, requiring "adequate infrastructure and public services available to serve the proposed development...", does not define what "adequate" means. One can readily identify if a water meter has been issued or what necessary police and fire response time standards are.

BUT what standards will be used to determine if there are adequate schools, parks, roads, bikeways, transit, etc.?,

2. In the list of required infrastructure and services, the word "planned" is used to modify only the word "transportation." This could cause unacceptable transportation impacts and hardships for an indefinite and potentially unlimited period. Accepting only "planned" transportation, may allow a project to go forward even if there's no funding for needed transportation, or a date certain of when the actual mitigation will occur.

**Recommendations:**

1. Please require language or reference to where one can find objective standards for the word "adequate" for each of the infrastructure and public services required.

2. Please require language LIMITING how the word "planned" in front of "transportation" will operate, in order to ensure that adequate transportation will be complete when the project is complete.

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**D. Substantial Conformity 17.52.100, d. Process**

**Issue:** This section has the potential for abuse by stating "A Substantial Conformity Determination is not subject to public noticing, a public hearing or appeal." There is no good reason to risk potential abuse of discretion (however slight) when the burden of providing public notice, hearing and appeal is very low.

**Recommendations:**

1. Do not deprive the public of at least a **potential** notice, hearing and appeal.

2. Replace the proposed language regarding Substantial Conformity Determinations to provide the public

a. Email notice only to those who sign up for such notice, and

b. A public hearing only if a member of the public requests it, and

c. An appeal ability (likely to be few) to Goleta's Planning Commission.

Thank you for your attention and deliberations on these issues.

Respectfully,

George Relles, Goleta Resident