

**From:** [Andy Newkirk](#)  
**To:** [Andy Newkirk](#)  
**Subject:** FW: City of Goleta Draft New Zoning Ordinance and Policy CE 2.2 - PUBLIC COMMENT  
**Date:** Saturday, September 07, 2019 7:50:04 AM  
**Attachments:** [2019-09-06 SBAS Goleta NZO.pdf](#)

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**From:** Katherine Emery <[katherine.emery@lifesci.ucsb.edu](mailto:katherine.emery@lifesci.ucsb.edu)>  
**Sent:** Friday, September 06, 2019 8:35 AM  
**To:** Kim Dominguez <[kdominguez@cityofgoleta.org](mailto:kdominguez@cityofgoleta.org)>  
**Subject:** City of Goleta Draft New Zoning Ordinance and Policy CE 2.2

Dear Ms. Dominguez,

Please see the attached letter regarding the City of Goleta Draft New Zoning Ordinance and Policy CE 2.2.

Thank you for the opportunity to provide comments on this important matter.

Have a great weekend.

Sincerely,  
Katherine

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Katherine Emery, PhD  
Executive Director  
Santa Barbara Audubon Society



**Santa Barbara Audubon Society**  
*A Chapter of the National Audubon Society*

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September 6, 2019

Planning Commission  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta Ca 93117

Re: City of Goleta Draft New Zoning Ordinance and Policy CE 2.2

Dear Chair Smith and Commissioners,

This letter details concerns of the Santa Barbara Audubon Society (SBAS) over the proposed draft language for the New Zoning Ordinance (NZO), specifically Sections 17.30.070 (Changes to Required ESHA Buffers) and 17.30.080 (Streamside Protection Areas) as they pertain to Policy Conservation Element (CE) 2.2 of the Goleta General Plan. SBAS's stance on these NZO sections is consistent with our mission to connect people with birds and nature through education, science-based projects and advocacy. SBAS has been a voice for the natural world for more than 50 years, and is supported by more than 1100 families.

Because streams and their riparian corridors provide numerous aesthetic, recreational, and environmental amenities to the City of Goleta, SBAS has long supported the protection of these habitats. Streams and streamside vegetation provide habitat, food, water, and migration corridors for birds and other wildlife, constituting biodiversity hotspots. Streamside vegetation also filters out contaminants in runoff, protecting water quality, reduces erosion, and provides buffer zones that protect buildings from flooding. Because of the high environmental value of riparian vegetation to the City of Goleta, SBAS has long supported General Plan Policy CE 2.2, which protects riparian corridors by requiring 100 foot setbacks (Streamside Protection Areas, SPAs) on both sides of a creek from the tops of stream banks or the outer boundaries of riparian vegetation. The 100 foot width of these setbacks are supported by scientific literature indicating that setbacks of this width are needed to protect water quality, prevent bank erosion, reduce flood losses, and preserve the habitat, food resources, and migration corridors needed by birds and other wildlife.

Under General Plan Policy CE 2.2, the width of SPAs can be increased or decreased at the time of a project's review if "(1) the project's impacts will not have a significant adverse effect on streamside vegetation or the biotic quality of the stream" and (2) "there is no feasible alternative siting for development that will avoid the buffer." These exceptions to general CE 2.2 policy regarding 100 foot buffers, however, have not been rigorously defined and a process for determining their applicability to given projects has not been delineated. As a consequence, past application of Policy CE 2.2 to development projects has been variable, inconsistent, and, in some cases, appeared to violate the spirit and intent of Policy CE 2.2. The NZO, then, provides the City of Goleta an opportunity to rectify these shortcomings by including ordinance language

for the implementation of CE 2.2, which clearly defines a rigorous process, evidence, and requirements that insure that decisions regarding possible exceptions to basic CE 2.2 policy are based on sound, transparent analyses.

SBAS strongly believes that the City should adopt specific and detailed language on how to determine if criteria for possible exceptions to 100 foot SPAs have been met. The Environmental Defense Center (EDC) and the Urban Creeks Council (UCC) submitted a letter to the City on March 8, 2019, that details such a process and requirements for determining if criteria for exception to 100 foot SPAs have been met, including no significant environmental impacts and project infeasibility. This language is consistent with language suggested by the California Coastal Commission and ultimately adopted by the County of Santa Barbara for the Local Coastal Program Amendment for the Eastern Goleta Valley Community Plan. Because the EDC/UCC document detailing the process, findings, and requirements for considering possible exceptions to 100 foot SPA policy lends considerable clarity, transparency, and rigor to NZO provisions insuring implementation of CE 2.2, we strongly support the proposed EDC/UCC revisions.

In short, we believe that draft NZO Sections 17.30.070 and 17.30.080 do not provide clear, effective, rigorous, and robust processes, criteria, findings, or requirements for making informed decisions about proposed exceptions to General Plan Policy CE 2.2, effectively undermining the strong environmental protections afforded by Policy CE 2.2. Unless a clear implementation process for Policy CE 2.2 is put in place in the NZO, we fear that the provisions of CE 2.2 will continue to be abrogated, as evidenced by many streamside developments in Goleta that were built with reduced buffers, failing to protect our riparian corridors and ESHAs. We urge the Planning Commission and City Staff to reject the proposed revised Sections 17.30.070 and 17.30.080 of the NZO until new sections are developed which provide a clear, rigorous process, criteria, and requirements for evaluating possible exceptions to Policy CE 2.2, as outlined in the EDC/UCC letter. Further, we believe that some of the revised language in Section 17.30.080 regarding arbitrary development percentages to delineate alternatives and allowances for reasonable economic use would be counter-productive, actually violating the intent and spirit, if not the letter, of CE 2.2.

In addition, we request that staff restore the Allowable Uses of “Resource restoration and enhancement projects” and “Nature education and research activities” to these sections. SBAS feels strongly that these types of beneficial projects are crucial for protecting, maintaining, and restoring Goleta Valley’s riparian corridors, enhancing native habitat and educating our community about these natural resources.

Thank you very much for the opportunity to provide comments on this important matter.

Sincerely,



Katherine Emery, Ph.D.  
Executive Director  
Santa Barbara Audubon Society