

NZO #20

March 20, 2019

Re: Item B1: Open Spaces, etc.

To: All Planning Commissioners

From: Vic Cox, Goleta resident

While some improvements over the original draft are noted, such as expansion of the biological assessment zone's trigger to a minimum of 300 feet, loss of open space to built structures within city boundaries over the last 10 years demands that we tighten protections for surviving open spaces, particularly environmentally sensitive habitats (aka ESHAs). Specifically projects like the Village at Los Carneros, where barracks-like residences surround an inadequate common open space, should never again be built.

Creek setbacks of less than 200 feet should also be banned. Too much pollution already flows from Goleta's creeks into the Pacific Ocean after strong rains. While some debris may originate in the Los Padres Forest the City must do what it can to reduce its contributions, particularly lethal plastic that ends up in the Pacific Gyre, which is about the size of the state of Texas and growing.

Vague language in proposed ordinances could be confusing or twisted to mean something harmful rather than the positive results intended. For example, Sect. 17.30.030 "Initial Site Assessment" states "The City could alter the distance from ESHA that triggers a Biological Study so as to impact fewer projects that may be less likely to impact ESHA, similar to the previous draft NZO."

What exactly does that language mean and why cannot it be understood without searching for some previous draft ordinance? When you find that kind of verbiage delete it and replace it with plain English.

Too much unclear language, and therefore ambiguous rules, mars several places in the NZO. This is dangerous when combined with an approval system that concentrates too much approval power in one or two staff positions. The U.S. Constitutional model of checks and balances is a good one for the City to follow.

Reading these and other proposed changes can become so convoluted I wonder what is the main purpose of the change-- confusion or clarity? For example, I think a property owner would prefer setbacks in specific feet compared to allowing the Public Works Dept. to arbitrarily determine the "appropriate vision triangle dimensions for new development" (Sect. 17.24.90-D) and Sect. 17.24.210).

A basic question I've yet to hear answered by staff is will these proposed new rules apply to existing residences, developments, etc. or will they be exempted or "grandfathered"? Also, will owners be required to conform to the plethora of new standards when they sell to new owners? Please answer this question. Thank you.