

Rezone

Sarah Mayer Public Comment - Jeppesen Law

From: Betty Jeppesen <jeppesenlaw@gmail.com>
Sent: Wednesday, April 24, 2024 4:25 PM
To: sbcob
Subject: No On Red Tail Proposed Development at Bailard in Carpinteria for the upcoming Board of Supervisors Meetings
Attachments: BD OF SUPS.pdf

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Dear County Board of Supervisors,

Please find attached Casitas Village HOA's no on the Red Tail proposed development at the end of Bailard Avenue in Carpinteria.

I am the President of the Casitas Village HOA.

Should you have any questions, please feel free to contact me.

Sincerely,

Betty L. Jeppesen
President, Casitas Village HOA
Law Offices of Betty L. Jeppesen
21 East Canon Perdido Street, Suite 207
Santa Barbara, CA 93101
(805) 450-1789
Jeppesenlaw@gmail.com

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April 24, 2024

BY EMAIL ONLY TO SBCOB@COUNTYOFSB.ORG

Re: No on the Red Tail Proposed Development at Bailard Avenue in Carpinteria

To the Members of the County Board of Supervisors:

I am the President of the Casitas Village HOA and have the authority speak for the Board.

Casitas Village is located immediately next to the proposed Red Tail Development. See Tab A.

Casitas Village by itself comprises 288, 2-bedroom units allowing 5 people occupancy per unit. That is already 1440 individuals vying for an escape route on Bailard Avenue in the event of a fire or flood. We have been evacuated multiple times so this is not mere conjecture. Add to this the 3-bedroom HOA across the street on Bailard called Villa Del Mar and you have exhausted the escape possibilities in the event of a disaster.

If you allow another 173 units to be built behind our complex, it is a death trap.

This was recognized by the City of Carpinteria.

This would-be developer first went to the City of Carpinteria and asked for the land on which they proposed to build to be annexed into the City of Carpinteria. It is county land. Then, the developer asked the City of Carpinteria to allow them to have the REQUIRED, second emergency exit from the proposed development.

They were denied on both counts.

Please look that the City of Carpinteria web site to find an entire section devoted to this proposed development and why it was denied.

Specifically, there is a six-page letter dated October 25, 2021 from the Carpinteria City Council and Mayor rejecting the proposed development. See Tab B.

Tab C is a letter dated November 3, 2021 from Dave Durflinger, Carpinteria City Manager indefinitely suspending negotiations and stating that they hope to work on a more suitable site.

Tab D is a letter dated February 17, 2022 from Steve Goggia, Carpinteria Community Development Director **rejecting the development**. Specifically, it states: "Our position that high density urban development is not appropriate for rural or agricultural areas along the City's edges is further supported

by the following adopted policies found in both the County's and City's respective certified Local Coastal Plans (LCPs), and the California Coastal Act.

County Coastal Land Use Policy 4-4: In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

California Coastal Act §30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

We believe the density included in the Project Concept is far too high for the Bailard site resulting in structures out of scale and character with the existing community and negatively impacting coastal visual resources.” (Emphasis added.)

Unless you believe that your counterpart to the south, the City of Carpinteria, does not know what it is doing, you should review their thorough analysis and DENIAL of this project.

Additionally, the proposed Red Tail development at the end of Bailard is in the Coastal Zone and outside the Urban/Rural Boundary and should be eliminated from consideration.

The drawing that Red Tail has submitted shows a second emergency exit from their proposed development as though it was a done deal. It is not. That second exit goes directly onto Casitas Village's private alley which serves as the driveway for all the residents on Birch Street. **Red Tail has NO RIGHT to an emergency exit on our land.**

I attended a meeting by Red Tail in which they explained their proposal. Multiple members of my Board of Directors were in attendance and heard the Red Tail representative say to me: “We are going to make Casitas Village an offer for your land on your alley and you had better take it or we will simply take your land by eminent domain.” A threat.

Well, a Constitutional “taking” by eminent domain under the 5th Amendment of the United States Constitution would require that private property be taken for **public use**. That is prong one. If the taking cannot meet the public use test, then it is unconstitutional and no amount of money can compensate the private owner. So, you never get to the second prong which is just compensation. This developer cannot meet the public use test because they want to take our property for their private development, a specific designated class and not for public use. Therefore, any proposed taking would be unconstitutional.

Therefore, Red Tail does not have its required second emergency exit that the Fire Department demands.

That alone should make you reject this proposed development.

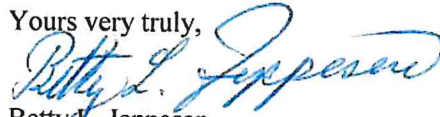
If you will look at Tab A you can clearly see where we have drawn in our HOA and where our alley is. Red Tail has conveniently omitted all reference to our HOA and has attempted to claim that this second emergency exit already exists. **It does not.**

This proposed development was already rejected by the City of Carpinteria and so Red Tail then turned to the County to do an end run around the City of Carpinteria. The rejection cites both City of Carpinteria and COUNTY policies for its rejection. The proposal conveniently omits salient facts such as they have no right to the drawn second emergency exit from the proposed development onto Casitas Village's privately owned alley.

On April 1, 2024, the Santa Barbara Planning Commission rejected the rezoning request of Red Tail for their proposed development at the end of Bailard Avenue in Carpinteria agreeing with the decision already made by the City of Carpinteria to reject this very proposal.

Casitas Village would be severely negatively affected by this proposed development and we ask that you reject this proposal.

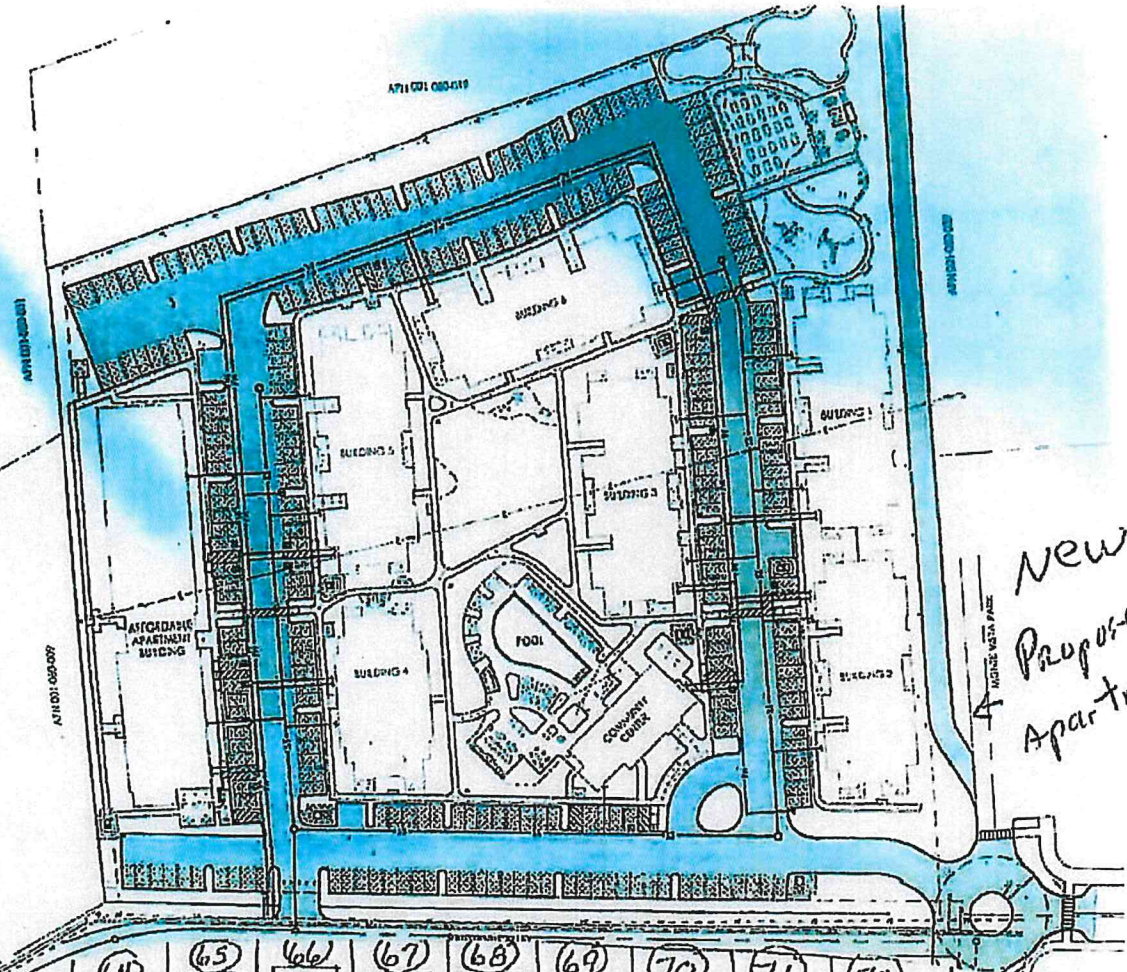
Yours very truly,



Betty L. Jeppesen
President of the Casitas Village HOA

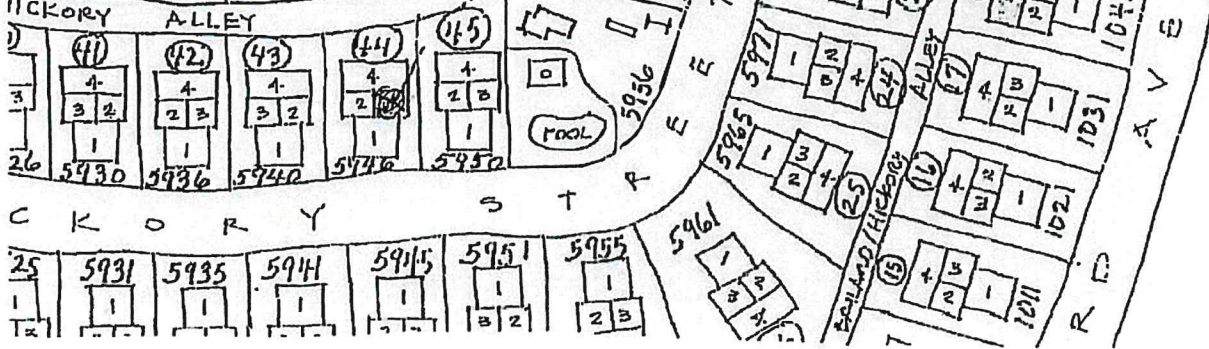
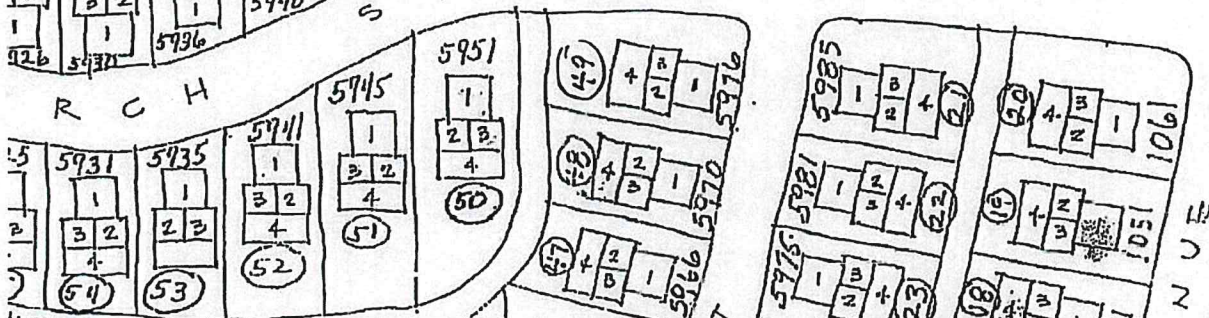
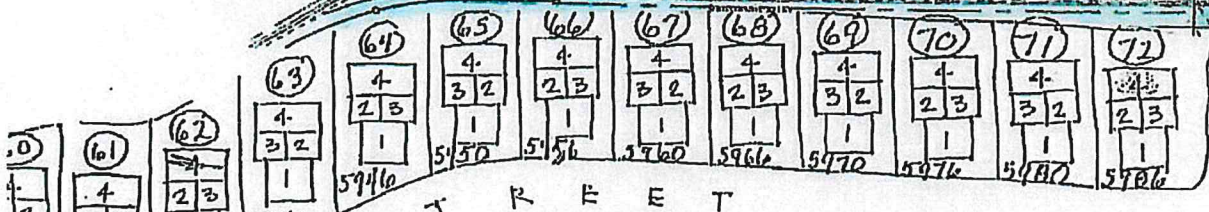
Tab A

APN 001-000-010



New
Proposed
Apartment

CASITAS
village



R C H

HICKORY ALLEY

C K O R Y

S T R E E T

S T R E E T

S T R E E T

A V E N U E

HICKORY ALLEY

R E D

Tab B

CITY of CARPINTERIA, CALIFORNIA



October 25, 2021

Housing Authority of the County of Santa Barbara
Honorable Chair and Board of Commissioners
815 West Ocean Avenue
Lompoc, CA 93436

Re: Letter of objection and request for abandonment of the Bailard housing project concept.

Dear Board of Commissioners:

The City of Carpinteria City Council is writing to state its objection to a 173-unit multi-family housing project concept being considered for property at 1101 and 1103 Bailard Avenue (Project Concept), and to respectfully request your Board of Commissioners act to abandon it.

In April of 2019, the Carpinteria City Council expressed support for the City exploring, in cooperation with the Housing Authority of the County of Santa Barbara (Housing Authority), the possibility of developing multi-family residential housing at the Bailard site. The Bailard site, offered for sale by Carpinteria Unified School District, is located at the north end of Bailard Avenue, directly adjacent the City of Carpinteria's incorporated limits.

The City has a strong history of supporting new and protecting existing residential development that is affordable by design and/or includes units with affordability restrictions. Such housing is critical to meeting the housing needs of Carpinterians of all income levels. However, after multiple meetings with Housing Authority staff and its private development partner where City concerns were shared, and despite good faith efforts by all involved, we have concluded that the City can no longer lend its support to exploring multi-family housing at the Bailard site based on the Project Concept.

The City understands and respects the financial challenges of bringing apartment projects with income restricted units to fruition in our region and believes that constraints of the Bailard site will simply not permit these inherent challenges to be met while also complying with critical land use policy and regulatory requirements.

The following are the most critical issues the City has previously communicated about the Project Concept.

Annexation Process and Timing

In early 2019, the City made clear its expectation that the Bailard site be pre-zoned and annexed to the City in order for the project development application to be processed for permitting by the City. This expectation is based on good planning principles reflected that call

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for urban development to be a part of the incorporated areas of the city where local government services derive, and the City of Carpinteria certified General Plan / Local Coastal Land Use Plan, which anticipates annexation of the Bailard site and includes numerous policies that describe how the Bailard site should be developed. The Housing Authority, however, determined that it would delay any consideration of annexation to the City in order to seek the necessary legislation and development permit approvals through the County's process. The City understands that this tactical decision was made based on Housing Authority making a financial calculation of the number of apartment units and maximum entitlement cost required to support the purchase price for the property. This decision established an unstable footing upon which all subsequent discussion would occur and we believe has not allowed the Housing Authority's serious consideration of the important issues raised by the City.

Density

Wise planning practices call for higher residential densities to occur adjacent to the urban core. City and County land use policies and the California Coastal Act support these practices. The Project Concept, however, contradicts this fundamental principle by proposing the highest density at the edge of the City and next to agricultural lands. A project of the proposed density and scale fits best in, or close to, the City's urban core along pedestrian, bicycle and public transit routes and within walking distance to grocery shopping and other necessities and conveniences of daily living.

To bring the Project Concept to fruition, the County and Coastal Commission would need to redesignate and rezone the Bailard site to allow for much higher density development and adjust the designated Urban/Rural Boundary. The Bailard site is currently designated as rural residential, allowing one residence for every 3 acres. The City envisioned exploring an increase in density to accommodate a modest sized multi-family project. The Project Concept, however, would require a density of 25 residences per acre; higher than any density allowed in the City.

Our position that high density urban development is not appropriate for rural or agricultural areas along the City's edges is further supported by the following adopted policies found in both the County's and City's respective certified Local Coastal Plans (LCPs):

City Policy LU-3a: *New development shall occur contiguous to existing developed areas of the city. Higher density in certain residential neighborhoods and for residential uses in commercial districts shall be provided as a means to concentrate development in the urban core consistent with zoning designations, particularly where redevelopment of existing structures is proposed.*

County Coastal Land Use Policy 4-4: *In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*

California Coastal Act §30250. *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within,*

contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The City believes the density included in the Project Concept is far too high for the Bailard site and precludes the County of Santa Barbara from making a finding of consistency with the cited policies concerning the appropriate location of higher density development and the relationship of urban development to rural and agricultural areas.

Protection of Agricultural Lands

Numerous County and City Policies address Agricultural Buffers and the need to protect agricultural lands/operations from urban residential Development (County Article II Section 35-144O- Agricultural Buffers, Appendix H: Agricultural Buffer Implementation Guidelines and Santa Barbara County Right to Farm Ordinance).

Agriculture remains an important element of the Carpinteria Valley's identity, and the desire to protect and preserve the Valley's agricultural heritage going forward is critical. The zoning of the two parcels that make up the Site, among others, was intentionally changed from DR-2 to 3-E-1 in the 1980s to provide a transition/buffer area between agriculture on prime soils to the north and urban development to the south. The lots are identified in the County Local Coastal Plan as follows: "North of U. S. 101 and Bailard Avenue a residential wedge currently zoned DR-2 (permitting half-acre minimum lots) would be changed in the land use plan to three-acre minimum lots. This residential area abuts the agricultural heart of the Valley and should be treated more as a transitional zone between urban and agricultural land uses."

The Project Concept would result in paving over land identified as Farmland of Statewide Importance and Prime Farmland and that is presently used for organic farming. The conversion of productive agricultural lands designated as Prime Farmland and Farmland of Statewide Importance is potentially inconsistent with adopted City and County LCP policies, including but not limited to:

City Policy OSC-9e: *Avoid the conversion of agricultural land to nonagricultural land uses except where conversion meets the criteria established by Sections 30241, 30241.5, and 30242 of the Coastal Act.*

County Comprehensive Plan Agricultural Element Policy and California Coastal Act §30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.*
- *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely*

limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

- *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- *By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

EDRN and Urban/Rural Boundary

The Bailard site is located within an Existing Developed Rural Neighborhood (EDRN), in the Rural Area as identified in County Comprehensive Plan maps, and outside the Urban/Rural Boundary as established by the California Coastal Commission and the City's certified Local Coastal Land Use Plan. The Project Concept would require removal from the EDRN and modification of the Urban/Rural Boundary. A Rural Neighborhood is defined as a neighborhood area that has developed historically with lots smaller than those found in the surrounding rural lands. The purpose of the EDRN boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands. Within the rural neighborhood boundary, only infill development at densities specified on the County land use plan maps is permitted.

Approval of the Project Concept would require the adjustment of the Urban/Rural Boundary and EDRN Boundary. Removal of the Bailard site from the EDRN would isolate the adjacent parcel to the west (001-080-009) from the remainder of the EDRN, resulting in an EDRN consisting of a single parcel.

The City does not believe that the legislative actions necessitated by the Project Concept could meet the necessary standards to be found consistent with policies concerning the Urban/Rural Boundary and EDRN.

Park Space

The Bailard site is directly adjacent to Monte Vista Park, a heavily used neighborhood park. The Project Concept would create new Park use demands warranting consideration of expanding the size of Monte Vista Park pursuant to the following policy:

City Implementation Policy OSC 61: Support development of new or expanded park and recreation facilities as demand/need dictates. When latent demand for parks and recreation facilities is identified, adequate parkland and facilities shall be identified and pursued.

The City understands that the Project Concept would not include expansion of the adjacent Monte Vista Park sufficient to offset project impacts. The City believes this would result in a degraded Park experience for all users.

City Services and Infrastructure

Development of the Bailard site would require municipal services from the City and impact City infrastructure, including but not limited to, vehicle, bicycle and pedestrian roads/paths, traffic control, storm water treatment, and recreation services and amenities. As indicated previously, this supports annexation of the Bailard site to the City under any scenario where it is developed for urban use. Processing development approvals through the County where project impacts occur in the City may preclude effective and appropriate mitigation of the impacts of the development on City services and infrastructure and degrade those services and infrastructure for existing residents.

The following list provides an example of applicable City objectives and policies:

Objective PF-5: *To provide a high quality and broad range of public services, facilities and utilities to meet the needs of all present and future residents of the Carpinteria Planning Area.*

PF-5c. *The City will ensure that new development will not adversely impact services and facilities provided to existing development.*

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

PF-6b. *Development projects shall not result in a quantifiable reduction in the level of public services provided to existing development, nor shall new development increase the cost of public services provided to existing development.*


PF-6c. *Development projects within Carpinteria shall be required to: 1. construct and/or pay for the new on-site capital improvements that are required to support the project; 2. ensure that all new off-site capital improvements that are required by the project are available prior to certificate of occupancy; 3. be phased so as to ensure that the capital facilities that will be used by the new development are available prior to certificates of occupancy; 4. ensure that, in the event that public services or off-site capital facilities are impacted prior to development, the level of service provided to existing development will not be further impacted by the new development; and 5. provide for the provision of public services, and shall not increase the cost of public services provided to existing development.*

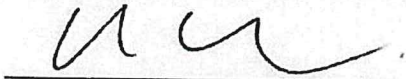
Planning for and facilitating the development of more multi-family housing will be critical in order to meet the housing needs of the Carpinteria Valley. Balancing the need for this development type with other priorities for use of land and resource protection will not be easy. While we urge the Housing Authority, for the above stated reasons, to abandon the Project Concept, we also recommit to working collaboratively to identify appropriate locations for affordable apartment projects in Carpinteria.

Thank you in advance for your consideration of this request.

Sincerely,


Councilmember Natalia Alarcon


Councilmember Gregg A. Carly


Councilmember Roy Lee


Vice Mayor Al Clark


Mayor Wade T. Nomura

Mayor Wade T. Nomura

Cc: County Board of Supervisors
California Coastal Commission
Santa Barbara LAFCO
Carpinteria Unified School District

Tab C

CITY of CARPINTERIA, CALIFORNIA



November 3, 2021

Mr. John Polanskey
Housing Authority of the County of Santa Barbara
815 West Ocean Avenue
Lompoc, CA 93436-6526

Re: Bailard Housing Project Memorandum of Understanding

Dear Mr. Polanskey,

At our recent virtual meeting, the Housing Authority requested, and I am providing here, written confirmation of the Carpinteria City Council's decision on September 27, consummating our mutually agreed upon decision to indefinitely suspend negotiations on the Memorandum of Understanding for the Bailard Avenue Housing Project.

The Carpinteria City Council acted to authorize negotiations at its meeting of April 12, 2021. The City, Housing Authority (including its private development partner FPA) and County of Santa Barbara representatives met on several occasions to discuss terms. Through these discussions both parties concluded that given the parties' respective positions on key terms for the MOU, further discussions would not be productive. Attached to this letter is recent correspondence articulating City concerns in response to the project concept.

As we discussed during our recent meeting, I appreciate the good faith effort put in by the Housing Authority team and wish to echo the City Council's sentiments that we hope to be able to work with the Housing Authority in the future to find a more suitable site for a project collaboration.

Yours,


Dave Durlinger
City Manager

Attachment

Cc: Lisa Plowman, Director, County of Santa Barbara Planning & Development Department
Bob Havlicek, Executive Director, Housing Authority of the County of Santa Barbara
Steve Goggia, Community Development Director, City of Carpinteria

Tab D

CITY of CARPINTERIA, CALIFORNIA



February 17, 2022

County of Santa Barbara
South Board of Architectural Review

Re: February 18, 2022 Concept Hearing
Red Tail Multi Family Housing Development, Case No. 21-BAR- 00000-00227

Dear South County Boardmembers,

We understand this application is still incomplete for formal processing, but wanted to take this opportunity to comment on the items under the BAR's purview and provide comments concerning the overall project.

Please see the attached letter dated October 25, 2021 from the City of Carpinteria City Council formally voicing its objection to the 173-unit multi-family housing project.

We respectfully request that in review of this proposal, your Board require story poles to be erected to accurately examine the aesthetic impacts of this proposal. We believe photo simulations depicting the proposed development from public access points such as Monte Vista Park and Bailard Avenue are also warranted.

Our position that high density urban development is not appropriate for rural or agricultural areas along the City's edges is further supported by the following adopted policies found in both the County's and City's respective certified Local Coastal Plans (LCPs), and the California Coastal Act:

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Sincerely,


Steve Goggia
Community Development Director
City of Carpinteria

Attachment: Letter dated October 25, 2021

CITY of CARPINTERIA, CALIFORNIA



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Lompoc, CA 93436

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limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

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- *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

EDRN and Urban/Rural Boundary

The Bailard site is located within an Existing Developed Rural Neighborhood (EDRN), in the Rural Area as identified in County Comprehensive Plan maps, and outside the Urban/Rural Boundary as established by the California Coastal Commission and the City's certified Local Coastal Land Use Plan. The Project Concept would require removal from the EDRN and modification of the Urban/Rural Boundary. A Rural Neighborhood is defined as a neighborhood area that has developed historically with lots smaller than those found in the surrounding rural lands. The purpose of the EDRN boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands. Within the rural neighborhood boundary, only infill development at densities specified on the County land use plan maps is permitted.

Approval of the Project Concept would require the adjustment of the Urban/Rural Boundary and EDRN Boundary. Removal of the Bailard site from the EDRN would isolate the adjacent parcel to the west (001-080-009) from the remainder of the EDRN, resulting in an EDRN consisting of a single parcel.

The City does not believe that the legislative actions necessitated by the Project Concept could meet the necessary standards to be found consistent with policies concerning the Urban/Rural Boundary and EDRN.

Park Space

The Bailard site is directly adjacent to Monte Vista Park, a heavily used neighborhood park. The Project Concept would create new Park use demands warranting consideration of expanding the size of Monte Vista Park pursuant to the following policy:

City Implementation Policy OSC 61: Support development of new or expanded park and recreation facilities as demand/need dictates. When latent demand for parks and recreation facilities is identified, adequate parkland and facilities shall be identified and pursued.

The City understands that the Project Concept would not include expansion of the adjacent Monte Vista Park sufficient to offset project impacts. The City believes this would result in a degraded Park experience for all users.

City Services and Infrastructure

Development of the Bailard site would require municipal services from the City and impact City infrastructure, including but not limited to, vehicle, bicycle and pedestrian roads/paths, traffic control, storm water treatment, and recreation services and amenities. As indicated previously, this supports annexation of the Bailard site to the City under any scenario where it is developed for urban use. Processing development approvals through the County where project impacts occur in the City may preclude effective and appropriate mitigation of the impacts of the development on City services and infrastructure and degrade those services and infrastructure for existing residents.

The following list provides an example of applicable City objectives and policies:

Objective PF-5: *To provide a high quality and broad range of public services, facilities and utilities to meet the needs of all present and future residents of the Carpinteria Planning Area.*

PF-5c. *The City will ensure that new development will not adversely impact services and facilities provided to existing development.*

Objective PF-6: *To ensure that new development is adequately served by utilities and does not impact existing service areas in the community.*

PF-6b. *Development projects shall not result in a quantifiable reduction in the level of public services provided to existing development, nor shall new development increase the cost of public services provided to existing development.*

PF-6c. *Development projects within Carpinteria shall be required to: 1. construct and/or pay for the new on-site capital improvements that are required to support the project; 2. ensure that all new off-site capital improvements that are required by the project are available prior to certificate of occupancy; 3. be phased so as to ensure that the capital facilities that will be used by the new development are available prior to certificates of occupancy; 4. ensure that, in the event that public services or off-site capital facilities are impacted prior to development, the level of service provided to existing development will not be further impacted by the new development; and 5. provide for the provision of public services, and shall not increase the cost of public services provided to existing development.*

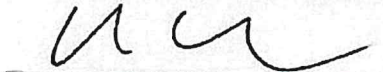
Planning for and facilitating the development of more multi-family housing will be critical in order to meet the housing needs of the Carpinteria Valley. Balancing the need for this development type with other priorities for use of land and resource protection will not be easy. While we urge the Housing Authority, for the above stated reasons, to abandon the Project Concept, we also recommit to working collaboratively to identify appropriate locations for affordable apartment projects in Carpinteria.

Thank you in advance for your consideration of this request.

Sincerely,


Councilmember Natalia Alarcon


Councilmember Gregg A. Carty


Councilmember Roy Lee


Vice Mayor Al Clark



Mayor Wade T. Nomura

Cc: County Board of Supervisors
California Coastal Commission
Santa Barbara LAFCO
Carpinteria Unified School District