

3



Katherine Douglas *Public Comment - Group 1*

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Sunday, December 3, 2023 1:57 PM
To: sbcob
Subject: Public Comment Item #3 Housing Element- please post

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Comment on Housing Element Item 3 December 5, 2023

Honorable Supervisors:

A couple of weeks ago your Board adopted a Resolution offered by Chair Williams proclaiming November as Family Caregivers’ month, in which you *“encouraged residents to bring awareness of caregiving issues, educate communities, and increase support for caregivers”*. Like most such proclamations, it did not include any action steps for the County itself to consider taking to help alleviate the burdens on family caregivers, including the obvious- by providing new housing opportunities for them. I’m here to suggest some specifics in context of your Housing Element.

You are no doubt aware that Gov. Code Section 65852.150 states: “The Legislature finds and declares that second units are a valuable form of housing in California. Second units provide housing for family members, students, **the elderly, in-home health care providers**, the disabled, and others, at below market prices within existing neighborhoods.” The Legislature has also adopted SB 9, authorizing ministerial lots splits, to enable separate financing of second units.^[1] In light of these clear legislative goals, I am mystified as to why your Housing Element has been focused on rezoning and subdividing viable agricultural land, while failing to seriously consider enabling construction of significant numbers of units on existing parcels within the urban boundary.

Goal 2 of the Housing Element provides:

“Promote, encourage, and facilitate housing for special needs groups.”

You have two “Programs” listed that affect ADU’s and SB 9 lots splits:

Program 10: Accessory Dwelling Units (ADUs) Update online resources, provide financial assistance to property owners, and amend the zoning ordinances to comply with State ADU law.

Program 11: Senate Bill 9 Implementation Adopt an ordinance to implement SB 9.

These “Programs” are going to be a waste of public funds without specific implementation strategies, which I am suggesting, and which can be initiated today.

The State policy preferences to encourage construction of housing on existing properties are of specific interest to us, as officially elderly residents, as it is our intention to continue to age in place and die at home, if possible. As retired elders, we are considered “moderate income”, at best. We can afford to stay in our home because, and only because, I have owned it for 50 years, and I have never gambled with my equity. I have been paying for long term care insurance for over 20 years, to assure that we can be cared for at home, either by family or by an In Home health care provider, to whom we could provide housing in a new unit on our property.

For over a year, I have had an approved building permit for an ADU to provide housing for a family caregiver - approved both by the building department *and the Fire Marshal*. I found I cannot build under that permit, now, because if I do, I will lose **my fire insurance**, among other unacceptable risks. I need to place that approved structure on its own lot, so it can be separately financed and separately insured. The State has provided a way for me to do that. It is called a ministerial lot split under SB 9. There will be no physical change to my project design or location: the only change will be an imaginary line drawn down the middle of my lot. But your staff has asserted, a year after I sought to discuss my “eligibility” with them, and paid them \$10,000 in processing fees, that there are additional, and different legal requirements, (there are not), and, they have given me “Options” for “eligibility” that they know- and you should know- that I cannot meet.

I hope you can appreciate the irony in my situation: over the last 14 months, I have been in a Kafkaesque permitting hell such as I never experienced in 37 years of representing *other* people in the County’s land use process, nor ever witnessed, even in my experience on the Coastal Commission. Until about a year ago, I have enjoyed mutually respectful relationships with every County Supervisor I have worked with or for, or even against. Since I left my position as Chief Deputy County Counsel for Land use in 1991, I have served on the APCD Hearing Board, the Tax Assessment Appeals Board, the Santa Barbara Channels, and the County Arts Commission. My husband served for twenty five years on the Civil Service Commission.^[2] A few years ago you were praising me to the skies for helping you get your Gaviota Plan certified by the Coastal Commission.

In my own permit “process” I have learned some hard truths about the obstacles you (perhaps unknowingly) and your staff have created which give the lie to your proclamations about creating any significant housing, let alone affordable housing, specifically for elderly, or **for in home health care providers**. The very short version of my story is that after 14 months, your Fire Marshal has made some untimely, and illegal demands with which they know I cannot comply, legally or physically as much as I have tried to mollify them. In June, your P&D Director, who has a duty to make a decision on my application based on a preponderance of the evidence, wrote me I must comply with the Fire Marshal’s demands, or she will simply return my application, minus the \$5000 in fees they have spent, and effectively wasted. Your County Counsel has never been willing to discuss the legal issues with us. Your CAO has been unwilling to meet with me. I’ve been told that I have no appeal to your Board of any of your staff’s determinations. And four of the five Supervisors have failed to respond to my request that they meet with me or visit the property.

The message to us- and to other prospective applicants- is that you, as our elected representatives, disclaim accountability for the actions of the Department heads that you directly hire, and that you prefer to spend hundreds of thousands of dollars of taxpayer money to defend lawsuits that you will force applicants for housing to file, or forego their rights.

It is well known in the community that I am not the only applicant for an ADU/ single family housing approval to experience the treatment I have received from your highest level staff. The record in our case- our Tort Claim and 270+ exhibits, are public documents and are available to any interested member of the public who requests

them. In the hope that you are willing to take responsibility to correct your own missteps, I leave you with the following six **recommendations**.

1. That instead of looking for funding for the 25 multi year “programs” identified in the Housing Element, you immediately engage outside attorneys or consultants who are **experienced** in these new housing laws to provide regular training to your planning staff as well as other critical departments- Fire, Surveyor, Public Works- to enable them to coordinate their work in these highly specialized areas, and to do so within the time frames of the Permit Streamlining Act which they rather systematically manipulate. [SB 8 established that the PSA applies to otherwise ministerial housing permits]

2. That you coordinate with HCD, CalFire, the Insurance Commissioner and other relevant state agencies to make sure your local agencies are correctly applying these State laws. In my case, you have evidence that HCD and CalFire share my legal interpretation of “eligibility” under State law for SB 9 lot splits, but apparently County Counsel has chosen to advise you to accept your local fire marshal’s incorrect and untimely “interpretation”.

3. That you direct the CAO to coordinate all affected departments, including County Counsel, so they (1) comply with legal deadlines to review and act on applications; (2) apply correct standards, (3) timely resolve issues between Departments, (see, SB 423), and **(4) include the applicant in their discussions from the outset**. You hired a person to perform these functions in May, but in my case, the CAO’s office met with staff, but not with me despite my requests. County Counsel has never been willing to engage in discussion, or even tell me that they disagree with my legal positions. You are not going to solve any issue if you only talk to yourselves.

4. That you provide a no -cost public appeal process directly to the Board for determinations of “eligibility”, for your existing appeal process for Permit Streamlining Act compliance, and for adverse decisions. In my case both Fire and P&D contend I had no appeal of any of their determinations. County Counsel never communicated with me, and then apparently told your Board, on Nov. 7, in closed session, that I had never been eligible to apply, when **P&D informed me, in writing, in February of 2023 that I am eligible**. P&D failed to make a decision on my application, and instead has been holding it hostage unless I comply with Fire Marshal conditions that staff knows I cannot legally or physically perform, and that are actually prohibited by law, in whole or in part. And I’ve had no opportunity to tell you- my elected representatives, my side of the story.

5. That you review the planning fees you charge for these ministerial permits. I personally know middle income individual applicants who have been dissuaded by your demand for \$10,000 **evergreen** deposits, which is what I was required to pay, at a \$253.00 hourly rate, for a ministerial permit, for planner time which is billed at \$60.00 per hour. That is a lot of ill described overhead to enable construction of one housing unit. Cost of agency **permitting fees** has been specifically identified by the State as an impediment to housing approvals. I have been repeatedly threatened with legal action, liens, and dismissal of my application for not being willing to “refresh” my \$10,000 deposit (they are still sitting on \$5000), while your highest paid employees spin their wheels, and then simply refuse to talk to me.

6. That you direct staff to review any and all applicable ordinances and planning documents, such as the Safety Element, the Fire Code, the Conservation Element , and your community plans to identify **and resolve or allow your Board to resolve** any potential conflicts with your housing goals and policies. As an example, Section 30007.5 of the Coastal Act already requires a balancing that “ broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.” Of course, the Coastal Act's Chapter 3 policies for the protection of agricultural lands from conversion or urbanization , as well as Section 35-64 of your coastal zoning ordinance are still operative to limit rezones as well, to my knowledge. But, if you really want to prioritize housing in non coastal areas, it would be simple enough to articulate a General Plan policy that specifically says so.

In summary, talking about your moral obligation to provide housing is cheap, as are proclamations and resolutions, and general plans and programs devoid of meaningful and timely action steps. I've proposed six steps which could have helped resolve the obstacles your staff has placed before me, and which they are still not communicating with me about. I'm sure other affected members of the public would have additional suggestions based on their own experiences.

Thank you for the opportunity to share my views and experience. I'm available for questions.

Jana Zimmer and Richard C. Solomon
First District

^[1] Any new development on an existing parcel can and will, in today's environment, result in a loss of fire insurance, among other unacceptable risks.

^[2] I mention this service not because we expect “special” treatment but simply- or at least- the same respectful treatment to which any law abiding, taxpayer is entitled.

--
Jana Zimmer

(805)705-3784

Katherine Douglas

From: Susan Shields <shields3033@netscape.net>
Sent: Sunday, December 3, 2023 6:42 PM
To: sbcob
Subject: Planning and Development Dept. hearing re HEU Dec. 5

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Attention: Santa Barbara County Board of Supervisors

I live in the county and am as concerned as the board about the need for housing. I support the analysis by Supervisor Capps in that I believe agricultural land is vital to the economy of the county and therefore should be preserved to the maximum possible. I also agree that new housing should not be concentrated in any one area, such as Goleta, where there are already challenges in terms of traffic and the availability of water. I applaud Ms. Capps' efforts to find new housing sites in existing accessible locations. I hope that the board will consider the whole picture when making any decision about taking over land for housing. Where do Lompoc, Solvang, Buellton and other communities fit into this scenario?

Susan Shields
3033 Calle Rosales, SB 93105

Katherine Douglas

From: Mary O'Gorman <mary.ogorman@gmail.com>
Sent: Monday, December 4, 2023 10:41 AM
To: sbcob; Laura Capps
Subject: Housing Element- Comment Letter for 12/5/23 BOS hearing
Attachments: 12-5-23 Comment Letter HEU- Capps and BOS.pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please see attached, re item D-3 Housing Element Update.
Thank you.
Mary O'Gorman
Second District

Dear Supervisor Capps:

12/3/2023

As a resident and property owner in the Eastern Goleta Valley (EGV) and someone with a front row seat to community planning in the Second District from 2006-2019, I submit these comments to lay out just a few of the multitude of concerns and impacts that will directly target your constituents in the Second District, if this Housing Element Update [HEU] plan is adopted. I conclude that a finding that “the interests of good planning” cannot possibly be made for these reasons.

The County’s 2023-31 Housing Element will result in irrevocable erosion of multiple policies, programs and action items contained within the Goleta and Eastern Goleta Community Plans and **will NOT provide any assurance of housing that would be affordable to the local workforce**. The reasons are manifold and have been raised multiple times by individuals and organizations for the past three years, including letters to SBCAG during the RHNA development, to all County Supervisors and staff, and comment letters to the Planning Commission. The current letter from the League of Women Voters articulates that concern. The concentration of thousands of units, zoned at 20-40 units per acre [a number that is not applied to ANY other community plan area] would add to the **NEED** for affordable housing, especially if the majority of those units are market rate- a rate that is currently unaffordable to our workforce.

It may seem pointless to lay out the deficiencies in this HEU when it is undeniable that this plan to rezone most Ag land in the Goleta and Eastern Goleta Valleys was put in motion over three years ago. In fact, it is the linchpin upon which the proposed plan relies. In 2021, then-County Planning Deputy Director provided a presentation at a meeting listed on the public outreach section of the HEU. The presentation included the staggering numbers of units that SBCAG planned to assign to the South Coast [remember- State HCD assigns the numbers to SBCAG- **SBCAG** determines the regional allocation]. The Deputy Director was asked, by incredulous attendees, how in the world over 4,000 units could possibly be accommodated in the unincorporated South Coast alone- his answer was matter of fact- “conversion of Ag land in the “urban” south coast—but not in Carpinteria Valley “due to the Cannabis industry”; So, what did that leave? Answer: the Goleta and Eastern Goleta Valleys; further he mentioned that property owners in the “Patterson Ag block” were *already* in discussion with planners. So, as if the ill-conceived cannabis ordinance, crafted behind closed doors five years ago, had not caused enough damage to the County’s history of good planning, once again it extended its reach, to help shoehorn what *should* have been equitably and fairly distributed housing units into a small, already densely populated area of the South coast. If there was any doubt, the then-Deputy Director provided a power point slide, excerpted here:

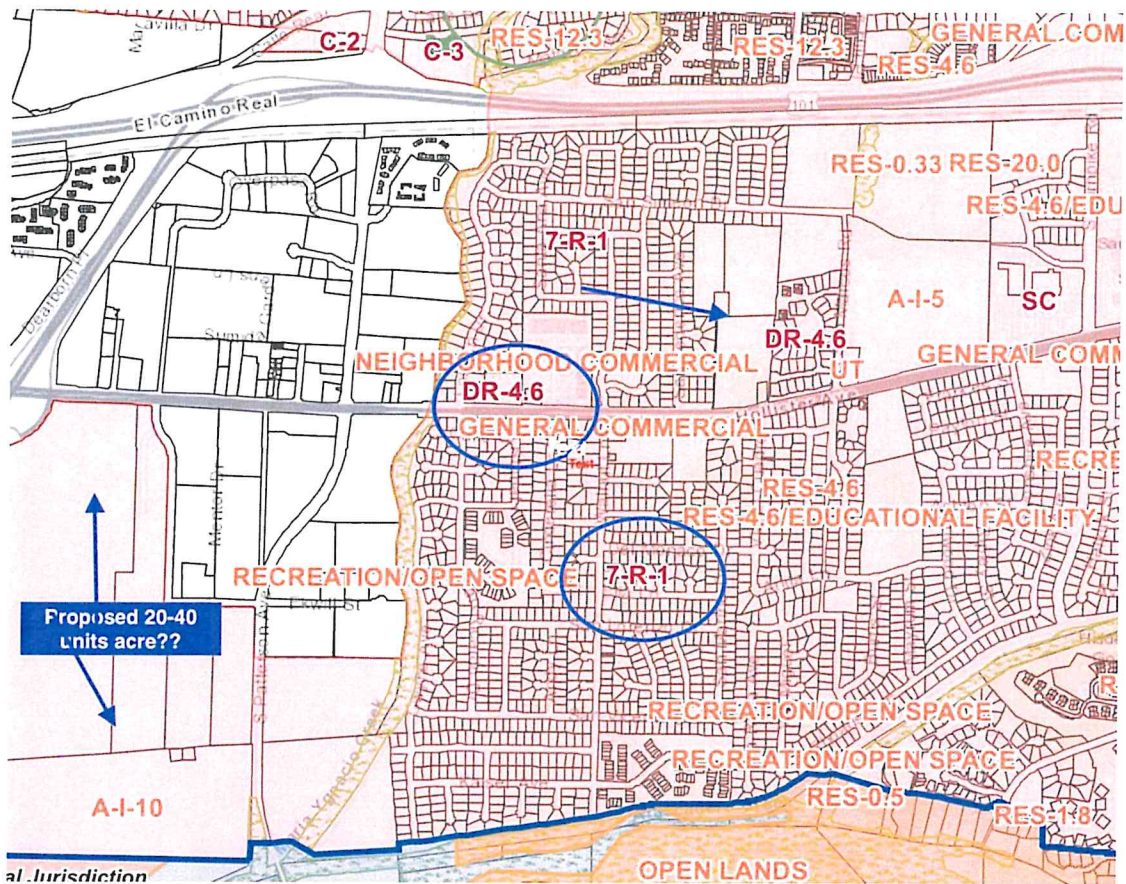
Anticipated Comprehensive Plan Amendments

20

- Conversion of urban agricultural lands
 - Exception – Carpinteria Valley due to cannabis industry

The EGV Community Plan was adopted in 2015. It was the result of almost 100 public meetings and workshops and was prefaced by the Goleta Visioning Document and process in 2005-2007 that provided a blueprint for what would become the plan. The existing EGV plan, while protecting the urban ag parcels, also anticipated and provided for increased high density housing opportunities- and a rezoning of commercial land along Hollister that would encourage redevelopment that would enable higher density housing. Many of the “pending projects” listed in the HEU reflect the increased density that was embedded in the EGV Plan. In 2015, those several hundred units provided the County’s share of the RHNA numbers for the LAST HEU cycle- sparing other south coast community plan areas from any increased density or rezones. Once again- those other planning areas [Montecito and Summerland] are spared any rezones or increased density. Instead in a process that is the antithesis of “good planning” the County is poised to virtually eliminate most if not all urban Ag on the South Coast in order to squeeze thousands of units of high-density housing into a 3 -5 square mile geographic area. Though County staff refer to this as “infill”, the truth is that **adding 100s0 of 20-40 units per acre to a neighborhood of residences zoned at between 4-7 units per acre is not “infill”. It is the creation of an entire new town of several thousand people.** That is what this plan relies upon to meet the required RHNA. That is not “good planning”.

Here is a screenshot from the County’s current zoning map, showing the current density of the neighborhoods adjacent to the proposed site of thousands of units of low-moderate density housing of up to 40 units per acre:



Further exacerbating the ill-conceived “planning” that this HEU is based on, is a program that reduces or eliminates developer fees in some cases. Currently, property owners in this area not only pay property taxes, but also CSA3 Parks and open space fees AND CSA3 Library fees. How will the increased impacts and demands from thousands of new residents be mitigated if not from developer fees and property taxes? Perhaps there is an answer however your HEU programs do not reveal it. Adding some open space to an already dense parcel, will not and should not preclude use of the nearby parks, beaches, open space, bike lanes and trails, nor should it. But at the very least your Board needs to recognize and provide for these deficiencies.

Supervisor Capps, for two years, the residents in the neighborhoods adjacent to the proposed high-density Ag rezones in the Second District have not been informed let alone engaged in any formal process to seek their input and ideas. They are only now becoming aware, in large part thanks to your newsletters and emails. The P&D HEU website encourages residents to complete a “rebalancing” tool- however, in my observation, that tool will only allow inclusion or exclusion of the sites **ALREADY CHOSEN BY STAFF**----and the proposed zoning cannot be reduced [e.g., from 40 units max to 20 units max]. It is akin to a paint by numbers exercise, where children are to stay within the lines.

Please make every effort to continue to encourage a fair distribution of units throughout the south coast, and a plan that ensures that the housing will be affordable to the local workforce, and a plan that will MANDATE staff to robustly seek community engagement. In the absence of those two actions, I do not see how the necessary findings can be made to adopt this plan.

Sincerely,
 Mary O’Gorman
Mary E O’Gorman

Second District/Eastern Goleta Valley

Katherine Douglas

From: Kendra O'Connor <koconnor@bunssb.org>
Sent: Monday, December 4, 2023 2:17 PM
To: sbcob
Cc: Laura Capps
Subject: HEU update
Attachments: HEU update .pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Kendra Duncan O'Connor

December 1, 2023

Dear Chair Williams and Supervisors,

County staff has made it clear that your December 5th hearing to approve the 6th Cycle Housing Element Update (HEU) is not a forum to discuss proposed housing sites or rezones. However it is impossible to separate proposed housing sites from the policies and procedures used to create them. The process has lacked transparency, lacked adequate general public involvement and did not follow good planning practices. For nearly two years County staff held 25 “targeted stakeholder” meetings with developers, consultants, housing advocacy groups and even with UCSB students before holding the one and only workshop for South Coast residents. The evening workshop on November 17th, 2022 was held with staff from the planning department, began at 6pm and could have gone for many hours. But as we were told it was getting late and there would be many more opportunities to participate. The 200 members of the public attending were assured additional workshops as well as County Planning Commission (CPC) hearings were upcoming prior to sending the draft HEU to State Housing and Community Development (HCD) for review.

Members of the public were led to believe the CPC would be providing comments through public hearings on the Draft HEU. The CPC also seemed to believe they would be able to comment prior to submittal. Considering the CPC has jurisdiction over initiation, consideration and recommendations regarding General Plan amendments, the HEU drafting process was not consistent with past policies or procedures.

Santa Barbara County Planning Commission hearings provide government transparency and often robust public input regarding land use. Commission hearings are vital as part of a public process residents of Santa Barbara County have come to rely on to learn about future projects and make their voices heard. This HEU proposes the most significant changes to housing related land use this county has seen in 50 years. By sidelining the CPC throughout this process, county staff denied the public of meaningful dialog and active participation in the HEU.

The clock is ticking and unfortunately, like CPC your board’s hands are now tied. County staff has ensured you have no other option but to approve the HEU. I hope there is an explanation as to how the below findings can be made.

2.1.1 The request is in the interests of the general community welfare.

While some of the proposed rezones included in the HEU are appropriate, placing nearly all of the proposed sites within the Goleta Valley is not. According to county staff, from 2011-2021 there were 2,400 new units of housing approved in the entire Unincorporated County. To propose twice that amount in one small community plan area is not in the interest of general community

welfare. The HEU does not propose housing throughout the South County or in highest resource areas as required.

According to state law The regional housing needs allocation plan shall further all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

(4) Balance disproportionate household income distributions (More lower income RHNA to higher income areas)

(5) Affirmatively furthering fair housing

All of the proposed rezones of AG land in the Eastern Goleta Valley (EGV) are located in the only South Coast Disadvantaged Community in accordance with California Environmental Protection Agency and SB 535. Putting future residents at risk by placing high density housing in polluted areas, Airport Safety Zones, near natural gas facilities, 4 lane highways and agricultural activities is not in the best interest of the community. Other sites are proposed in designated High Fire Hazard Zones, Environmentally Sensitive Habitat (ESH) or Flood and Landslide areas putting existing residents, future residents and natural resources at risk.

None of the above sites qualify as infill parcels.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code. The HEU's goals and policies are in the public interest and consistent with the Comprehensive Plan, including the Coastal Land Use Plan (CLUP) and community plans, and zoning ordinances As with the goals and policies, the programs and their accompanying actions are limited to housing-specific topics and complement or have little or no effect on provisions in other elements of the Comprehensive Plan.

Policies contained in the HEU are in direct conflict with the Comprehensive Plan, specifically the Eastern Goleta Valley Community Plan, the Land Use Element, the Safety Element and the Open Space Element.

During a status update from Long Range Planning(LPR) to the CPC on June 8th, 2022, Second District Commissioner Bridley asked staff about water constraints in the Goleta Water District, Deputy Director of LPR Dan Klemann replied:

“I’ve heard from property owners already considering redeveloping their properties, particularly AG in the Eastern Goleta Valley, they are aware of this limitation and they have attorneys working on proposals to the water district to try to get around this”

2.1.3 The request is consistent with good zoning and planning practices. The Board finds that the HEU is consistent with good zoning and planning practices. The County developed the HEU through well-established zoning and planning practices. In general, the County applied State statutory requirements and State HCD’s technical guidelines, including Building Blocks: A Comprehensive Housing Element Guide and Housing Element Sites Inventory Guidebook.

Yet the guidebook states:

*Immediately engage all critical stakeholders in the community, including residents, special-needs populations, businesses, and housing providers.

*While the housing element must address specific state statutory requirements, it is ultimately a local plan and should reflect the vision and priorities of the community.

“ Due to the state’s required timelines for housing element updates we have very little time & capacity for upfront public input before the draft is released” County staff also said “ we are aiming to bring the draft housing element to the CPC in late summer or early fall so the CPC can review it and authorize staff to submit it for 90 day review.“

While County planners were spending time in meetings with private developers, consultants and non profits, residents were told by Director Plowman“ Due to the state’s required timelines for housing element updates we have very little time & capacity for upfront public input before the draft is released”

Despite the lack of transparency and public engagement, over 500 letters were received by county staff regarding the Draft HEU. Few letters were in support, most from property owners of proposed rezones and others from non-profit housing advocates. County Planning & Development staff know this HEU does not reflect the vision of Eastern Goleta Valley Residents. They knew serious concerns would be raised about their process. And they know the “ proposed” rezones once enshrined in the HEU will all be fair game for future development.

Please consider impacts this HEU will have on residents of the Eastern Goleta Valley and find a way to mitigate them.

Sincerely,

Kendra Duncan O'Connor
Santa Barbara