



Sarah Mayer *Public Comment - City of Goleta Councilmember*

From: Deborah Lopez <dlopez@cityofgoleta.org>
Sent: Thursday, May 2, 2024 1:51 PM
To: Jacquelyne Alexander; sbcob
Subject: RE: S. Kasdin - Comment Letter - Santa Barbara County Board of Supervisors Special meeting on Friday, May 3, 2024.
Attachments: Kasdin comment letter to BOS on waiver.pdf

#1

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Second attempt, I believe the first one did not go through.

Deborah S. Lopez, CMC
City Clerk

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From: Deborah Lopez
Sent: Thursday, May 2, 2024 1:48 PM
To: 'Alexander, Jacquelyne' <jralexander@countyofsb.org>; 'sbcob@countyofsb.org.' <sbcob@countyofsb.org.>
Subject: S. Kasdin - Comment Letter - Santa Barbara County Board of Supervisors Special meeting on Friday, May 3, 2024.

Jacquelyne, please find the attached letter from Stuart Kasdin for the Santa Barbara County Board of Supervisors Special meeting on Friday, May 3, 2024.

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May 2, 2024

CITY COUNCIL

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CITY MANAGER
Robert Nisbet

Santa Barbara County Board of Supervisors
105 East Anapamu Street #406
Santa Barbara, CA 93101

Dear Chair Lavagnino, Vice Chair Capps, and Members of the Board of Supervisors,

I am writing with regard to the proposed “waiver” authority for allowing housing projects to not have to fully mitigate their impacts if it would mean a reduction in housing density.

The State Department of Housing and Community Development (HCD) does require that jurisdictions remove governmental barriers to housing and include a program to do so in each Housing Element. They have indicated where they see such barriers throughout the process of getting our housing elements approved. However, eliminating the level of service (LOS) has not been something HCD has proposed to cities or the county. In none of our communications or the county’s communications has HCD sought the elimination of LOS. Goleta not only maintains a LOS requirement in its general plan but emphasized its role to help determine the appropriate size of projects both in our adoption resolution and in the addendum submitted to HCD. Nor did HCD suggest agencies eliminate their environmental, visual, fire protection, and other elements in the general plans, even though these might hinder housing.

If the Housing Accountability Act (HAA) had required the County and cities to amend their General and Comprehensive Plans to remove LOS as a barrier to housing, we would have done so prior to this proposed action. The County adopted Objective Design Standards (ODS) recently, including other zoning amendments to reflect the requirements under the HAA. Goleta adopted our ODS on November 15, 2022, and has updated our zoning to address requirements under the HAA such as application processing. Like the County, we continue to update zoning as the HAA (Government Code Section 65589.5) is updated by the State. However, the state has not altered the law or their guidance.

So, if HCD isn't requiring that the county include an authority for allowing housing projects to not have to fully mitigate their impacts, when it would mean a reduction in housing density, why is it being proposed?

The issue is that if the county rejects enough projects or reduces the projects' density enough, they may face a need to find replacement sites or units down the road. Under SB 166, anytime a jurisdiction approves a development project on a Housing Element site that results in fewer units by income category than identified in the Housing Element for that site and the remaining sites in the Housing Element are not adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction has 180 days to identify and make available additional adequate sites. However, there are some sources of optimism in managing this restriction.

First, the County created a de facto buffer for RHNA accounting. Each of the housing sites have a range for the minimum/maximum density zoning. For HCD, if a unit is zoned at 20-30 units per acre, a final result of 20 units is fine. The county generally assumed the higher end of the range in calculation in its RHNA unit count. Presumably, the County undercounted because HCD prefers undercounting. But the point is that the project review process can reduce the housing density without leading the county to be out of compliance.

Second, new projects that are not part of the housing inventory for RHNA will be proposed by landowners. These include infill sites, such as sites considered underutilized by HCD found in commercial locations sites. For example, housing might emerge from AB 2011 (2023), which allows for ministerial, by-right approval for affordable housing on commercially zoned lands. HCD did not support counting such units for the HE because there was less certainty, as compared to the vacant sites, that they would eventually be built within the RHNA planning cycle. However, if a non-vacant site that was not included in the Housing Element sites inventory gets developed (as might happen to Goleta in the case of the Yardi site), then the jurisdiction could count the housing at various affordability levels based on their densities.

Finally, the issue of policy consistency with the comprehensive plan will be triggered only as pending projects move forward or new permit applications are submitted. This will take place over time. If the county felt a pressing need for a general plan amendment next year or any time thereafter, they can also initiate the GP amendment at that time. There is no need to create this reduced level of required mitigation at this time.

P&D anticipates that some of the proposed housing projects may not be able to comply with the (objective) minimum LOS standards in the Circulation Element and certain community plans without reducing their unit count or making the project financially infeasible due to the high cost of improvements needed to maintain the standard. But consider the infeasibility standard. The "waiver" language proposed includes no requirement as to what it takes for the developers to justify the infeasibility. There is no legal authority to require that developers produce adequate and sufficient evidence to support a claim of infeasibility. Without such a requirement the county would not be in a position to demand documentation if the developers asserts that it is confidential. Accordingly, the county can only expect a limited and biased set of data. I would expect

developers to routinely seek to avoid costly mitigations. The public deserves a transparent and public process with clear standards.

A few last observations. A general or comprehensive plan is like a constitution. It sets the ground rules for how things will operate and builds in both goals for the municipality and protections for the residents. A Constitution ensures that especially in the most challenging of times, there are guardrails in place. We should be loath to exempt a set of projects from the Comprehensive Plan's requirements.

Another observation is that planning matters. If the carrying capacity of a range is 1,000 sheep or cows, we would want to avoid exceeding that. In farming, we work to avoid soil erosion, and to avoid overfishing a lake or ocean. Good management means that we avoid overexploiting a resource. The same applies to this situation. If we know that a site cannot adequately manage a housing capacity greater than a particular limit, should we be forcing that density of housing there, if the impacts can't be mitigated?

Moreover, the impacts of this proposed change were not previously studied. The PEIR does not include an analysis of the waiver impacts. Something of this consequence should not be dropped into the document at this late point, without first evaluating it.

As it stands now, some neighborhoods will bear an excessive and disproportion share of the impacts from the new housing. It is one thing for a neighborhood to get a housing project. It is another thing when we knowingly impose impacts that go beyond what the agreed-upon acceptable impacts. It's not fair to change the rules to let it happen. It is not fair to the affected neighborhoods, and it is not how neighboring communities should treat each other. I ask that you remove this proposed authority to exempt the housing element projects from the existing standards of the comprehensive plan.

I offer these comments, speaking on my own behalf.

Thank you,



Stuart Kasdin
Councilmember