



# Frequently Asked Questions 2023-2031 Housing Element

## 1. What is driving the Housing Element update? Why does the City have to rezone vacant sites for housing?

- The ***State of California is driving the Housing Element update*** and mandating that local governments up and down the state plan for more housing.
- In 2019, the State declared that a serious housing crisis exists in California.
- Every eight years, the State Housing and Community Development Department (“HCD”) determines the unmet housing need that each region must plan for. Regional agencies, such as the Santa Barbara County Association of Governments (“SBCAG”) then divide the regional housing need identified by the State among local governments in the region.
- State law then ***requires each local government to update its Housing Element to zone for its share of the regional housing need*** (its “Regional Housing Need Allocation” or “RHNA”) and to establish other policies and actions for addressing local housing needs.
- ***Goleta’s RHNA*** for the current housing cycle (2023-2031) ***is significantly larger than the previous housing cycle: 1,837 units*** across different income categories. In the last housing cycle (2015-2023), the City’s RHNA was only 979 units.
- The County of Santa Barbara and every other city in the region (and across the state) is facing a similar challenge and mandate. The overall RHNA for the Santa Barbara County region is 29,000 units vs. 11,030 for the previous housing cycle.
- In the end, we will get much needed housing, which is vital for our community to thrive. The housing crisis and affordability crisis recognized by the State are real.

## 2. What happens if the City doesn’t do what the State asks?

- Without the State’s approval of our HE, the City would lose permit authority, access to grants, legal protections, and more.
- The State of California Attorney General’s Office has also been aggressively pursuing jurisdictions that attempt to refuse the State’s mandate.
- Without a certified Housing Element, some developments could be allowed by right in the City (e.g., under the so-called Builder’s Remedy provisions of state law), without City permits. In cities where this happens, a lot bigger housing projects can occur than would have otherwise been allowed. A certified Housing Element prevents this outcome, retains local control, and minimizes negative impacts of housing law implementation.

### 3. How has the City sought to address the State's housing mandate?

- In January 2023, the City adopted an updated Housing Element that ***avoided rezones and relied on existing zoned housing capacity.***
- The ***State did not accept our approach,*** despite multiple efforts. The State won't let the City rely exclusively on existing zoned housing capacity. In effect, it is requiring the City to rezone vacant sites.
- In response to the State's comments, the City's proposed Housing Element revisions identify 11 housing sites for rezoning.
- Rezoned housing sites are focused along major arterials in already urbanized areas. To the degree possible, the City sought to avoid the rezone of agricultural lands.
- Placing new housing along major arterials in already urbanized areas reduces the impacts of such housing, including traffic impacts.
- For example, the Yardi and Kellogg housing sites are accessible to 101 without going through Old Town. At the same time, new housing on these sites is within walking and biking distance of Old Town shops and restaurants and will support local businesses.

### 4. What about Measure G sites?

- ***Measure G*** sites (agriculturally zoned sites greater than 10 acres) are not included in the proposed rezones.
- These sites have special protection under Measure G. Outside exceptional circumstances, the City is not allowed to consider such sites for rezoning without first putting them to a vote of the people.

### 5. What about the impacts of all this new housing?

- Rezones change the allowed land uses but are not project approvals. New housing projects must still go through the application and review process, including environmental review under the California Environmental Quality Act ("CEQA").
- The ***City retains authority to impose appropriate site-specific permit conditions and mitigations.*** The details of each individual project will be addressed on a case-by-case basis, when the property owners apply for a permit. Environmental protections, traffic measures, and infrastructure improvements will be required as projects move through the permit process.
- Site-specific permits, fees, and CEQA mitigations allow the City to require specific improvements needed to offset the unique impacts associated with new development.
- The new housing capacity is still within the overall buildout contemplated by the City's General Plan. Transportation Element improvements are included in the General Plan to address buildout.
- On balance, new local housing will allow people to live closer to jobs on the South Coast and reduce traffic from car trips. Also, trip generation from housing is not the same as trip generation from office/shopping and is less in some cases.

### 6. What kind of notification and public outreach occurred as part of the Housing Element update?

- 16 public meetings as well as individual and stakeholder meetings; a public survey with 600+ survey responses; and 365 public comment letters.
- We are grateful for the input and work of everyone who has participated in the process and pleased that we are on track to meet all requirements within the statutory timeframe.

### 7. What steps remain in the Housing Element Update Process?

- ***The State recently accepted the proposed Housing Element revisions and rezones sites.*** HCD informed the City in a October 16, 2023 letter that the proposed revisions meet all the requirements of state housing law.
- As a result, we are now on our way to adoption, ***confident that the State will certify the Housing Element revisions, if adopted as proposed.***
- The City must complete these actions by February 15, 2024, which we are on track to do.
- Following adoption by the City, we expect the State to certify the revised Housing Element.

### 8. What type of CEQA document was prepared for the General Plan?

The City's first General Plan/Coastal Land Use Plan (General Plan) was adopted on October 2, 2006. For the adoption of the General Plan, the City prepared a Final Environmental Impact Report ("FEIR") (State Clearinghouse No. 2005031151), which was certified in 2006 by the City Council, in compliance with the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.). The General Plan FEIR is available on the City website here: <https://www.cityofgoleta.org/your-city/planning-and-environmental-review/general-plan/general-plan-coastal-land-use-plan-final-eir>. The 2006 FEIR is a program EIR.

### 9. What types of CEQA document was prepared for the Housing Element 2023-2031 amendments?

An Addendum to the General Plan FEIR was prepared to analyze potential changes in environmental effects associated with the Housing Element 2023-2031 amendments as they relate to the analysis in the General Plan FEIR.

### 10. What is the difference between a project-specific and program EIR?

A project-level Environmental Impact Report (EIR) generally focuses on the environmental changes caused by a specific development project, including planning, construction, and operation. A program EIR, on the other hand, generally looks at the broad policy of a planning document (i.e. a general plan), and may not address potential site-specific impacts of the individual projects that may fall within the planning document. Project and program EIRs are defined in the *State CEQA Guidelines*. Specifically:

*State CEQA Guidelines* Section 15161 defines Project EIR as: "The most common type of EIR examines the environmental impacts of a specific development project. This type of

EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.”

*State CEQA Guidelines* Section 15168 defines Program EIR as: “A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,
- (2) A logical parts in the chain of contemplated actions,
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.”

Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are necessarily more general and may contain a broader discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in Section 15168 of the *State CEQA Guidelines*, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides a lead agency the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis.

Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways. By its nature, a Program EIR considers the largescale effects associated with implementing a program, such as a General Plan or Specific Plan, and does not (and is not intended to) examine the specific environmental effects associated with individual actions that may be undertaken under the guise of the larger program.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program’s effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (*CEQA Guidelines* Section 15168(c)).

When a Program EIR is relied on for a subsequent activity, the Lead Agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (*State CEQA Guidelines* Section 15168(c)(3)). If a subsequent activity would have effects not within the scope of the Program EIR, the Lead Agency must prepare a new Initial Study leading to a Negative Declaration (ND), Mitigated Negative Declaration (MND), or a project level EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. The *State CEQA Guidelines* (Section 15168(h)) encourage the use of Program EIRs, citing five advantages:

- (1) Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR.
- (2) Focus on cumulative impacts that might be overlooked in a case-by-case analysis.
- (3) Avoidance of continual reconsideration of recurring policy issues.
- (4) Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them.
- (5) Reduction of paperwork by encouraging the reuse of data (through tiering).



As a wide-ranging environmental document, the Program EIR uses macro level thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project. It should not be assumed that impacts determined not to be significant at a macro level would not be significant at a project level. In other words, determination that implementation of the proposed project as a broad program would not have a significant environmental effect does not necessarily mean that an individual project would not have significant effects based on project-level CEQA thresholds, even if the project is consistent with the planning document (i.e. General Plan).