

May 25, 2023

City of Sand City
1 Pendergrass Way
Sand City, CA 93955

RE: [Sand City Public Review Draft Housing Element](#)

EMC Planning Team:

LandWatch has reviewed [Sand City's Public Review Draft Housing Element](#). We support its goals to eliminate constraints and make it easier to build housing consistent with Regional Housing Needs Assessment (RHNA). Specifically, we support the recommended program, *1.1.B Mixed-Use and Planned (MU-P) Unit Development - PRO*, which extends a 250% density bonus as long as 15% of the units are affordable to lower income households. We believe that this may offer a model to other local jurisdictions grappling with a solution to meet their allocation numbers and to create realistic incentives for creation of affordable units.

LandWatch suggests two additions to the City's proposed local density bonus provision. First, the City should provide a smaller local density bonus for projects that provide a smaller percent of affordable units, e.g., 150% bonus for projects providing 8% affordable units. We also recommend extending the density bonus program to R3 districts, not just MU-P districts.

We support the call for streamlining regulations and increasing regulatory certainty. However, the implementing programs should make clear commitments to ministerial review of qualifying projects. The City should implement its proposal for "expedited permit processing" in Program 1.1.B and its proposal to "clarify permit processing" in Program 1.4.B by providing by-right, ministerial permitting for any 100% residential unit project in the R3 and MU-P zones using mandatory language ("shall"). Thus, Implementing Programs 1.1.B and 1.4.B should be revised to provide for the following:

- Site plan review for residential projects in R3 and MU-P districts shall be ministerial, based entirely on objective standards, e.g., the lot size, density, setback, and height standards set out in Housing Element Table B-4;
- Design permit issuance for residential projects in R3 and MU-P districts shall be ministerial, based entirely on objective standards;
- 100% residential projects shall be permitted in MU-P districts;
- 100% residential projects in MU-P districts shall not require a PUD permit; and
- 100% residential projects in R3 and MU-P districts consistent with objective site plan and design standards shall not require any form of discretionary permit.

By relying on objective standards and ministerial review and by eliminating the need for discretionary permits, residential project permitting can be greatly streamlined. Discretionary review could be provided for projects seeking a variance from objective standards.

Ministerial permitting of residential projects in infill areas like Sand City is appropriate because CEQA review should be accomplished at the program rather than the project level. That is, CEQA review should take place when the City amends its General Plan or zoning code, not when a developer comes to the City with a conforming project.

If necessary, the City could continue to require discretionary review of projects on specified sites that are environmentally sensitive, e.g., habitat for endangered, rare or threatened species; farmland of statewide and local importance; wetlands; earthquake/seismic hazard zones; federal, state, and local preserved lands, NCCP and HCP plan areas, and conservation easements; riparian areas; Department of Toxic Substances Control (DTSC) facilities and sites; landslide hazard, flood plains and, floodways; and wildfire hazard as determined by the Department of Forestry and Fire Protection. (See Gov. Code 65913.4(6)(B) through (K) [sites excluded from ministerial permitting in SB 35].) Concerns for gentrification and historic resources could be addressed by continuing to require discretionary review for projects on existing affordable housing, mobile home sites, or historic resources. (See Gov. Code 65913.4(a)(7), (10) [SB 35].)

We recommend continuing the trajectory towards higher density mixed use. Why not consider rezoning the C-4 (Regional Commercial) to MU-P? This change would expand the opportunity for housing by unlocking the full potential of the area, ripe for Transit-Oriented Development.

Thank you for this opportunity to comment.

Regards,

Michael DeLapa
Executive Director