

From: [Rafa Sonnenfeld](#)
To: [City Council](#)
Subject: Comment for City Council Agenda Item #28
Date: Monday, September 9, 2024 3:43:42 PM
Attachments: [City of Santa Cruz - Agenda Item # 28 Comment Letter.pdf](#)

Please find Santa Cruz YIMBY's comment letter in support of the staff-recommended council direction proposed under Agenda Item #28 attached.

Thanks,
Rafa



September 9, 2024

To: Santa Cruz City Council
809 Center Street
Santa Cruz, CA 95060

Via email to citycouncil@cityofsantacruz.com

RE: City Council Agenda Item #28:
Ministerial Design Review Authority for Affordable Streamlined Ministerial Projects
with a Density Bonus.

Santa Cruz YIMBY advocates for abundant housing at all levels of affordability to meet the needs of a growing population in Santa Cruz County. Our pillars of policy advocacy include zoning reform, permitting reform, fixing bad incentives, funding affordable housing, and increasing housing stability.

Santa Cruz YIMBY supports the staff-recommended proposal for streamlining modification requests for affordable housing projects and applauds the proposal for ministerial approval hearings of affordable housing projects being conducted by the Zoning Administrator. As noted in the staff report, state law does not allow the city council to hold hearings for projects streamlined under SB 423. Because projects which are ministerially approved are subject only to objective standards and the city is forbidden from adding ad-hoc conditions of approval, there is no longer a need for the city council to be involved in a process for which there is no discretion to act.

Where the city retains its discretion for ministerially approved projects is in ensuring there are clear objective standards for projects to follow. City staff already do the required analysis to determine whether or not a project is consistent with the city's objective standards. A major benefit to the ministerial approval of housing is to depoliticize the approval process for projects where the city has no discretion; there is no benefit to a politically charged city council hearing process where the council has no legal ability to deny or change a project. By allowing the Zoning Administrator staff to perform the role of determining a housing project's consistency with objective standards, the city will both more efficiently use the valuable time of city council for activities which require the council's discretion, and reduce confusion and frustration from community members who assume that when any project comes

before the council that the council has the legal right to modify or deny the project, which is simply not the case. In fact, when the 831 Water Street project was heard by council in 2021, the council initially made the grave mistake of denying the project, due, in part, to opposition from neighbors who demanded that the council do so. That mistake caused the California Department of Housing and Community Development to issue a technical assistance letter to the city advising them that their conduct was in violation of the law, and threats of litigation from a pro-housing impact litigation non-profit. While the council did ultimately reverse course and approved that project, which they were required to do under state law, those events highlight the danger of politicizing the ministerial approval process.

As noted in the staff report, the city has already committed to a program in its certified Housing Element to streamline the approval process for 100% affordable projects, in Program 2.2g, which the city has agreed to adopt by December 2025. The direction to staff to proceed with the above-mentioned change in approval processes is consistent with that broader, even more ambitious goal.

Streamlining the approval process for any project is a laudable goal, and we support the city's efforts in doing so.

Thank you,

Santa Cruz YIMBY

Rafa Sonnenfeld, Volunteer Lead