

SUBMISSION TO: Plan Santa Barbara
RE: Draft EIR

EIR DISMISSAL OF “NO GROWTH” AS A VIABLE POSSIBILITY

In the Draft EIR, section 21.4 “*Alternatives Considered but Discarded*”, the concept of “no growth” was summarily discredited. It reads:

*“No Development This alternative would completely restrict residential and non-residential growth within the City. Although this would eliminate any impacts to natural resources and transportation, it would not meet Plan Santa Barbara policy objectives to improve the jobs-housing balance and support a vibrant local economy and diverse population. In addition, such restrictions would not be legal as they would constitute a “taking” of vested private property development rights.”**

No “viability” without “growth”? Who says?

Some cities reach the limits of the resources at their disposal to support growth ... and stop growing (“developing”, in terms of physically expanding). It certainly is a possibility, at some point, for Santa Barbara.

At the beginning of the *Plan Santa Barbara* process, we hoped that the possibility of a “no growth” scenario would be carefully and seriously examined. To have adopted a pledge, as Santa Barbara did, to “not exceed our resources” certainly implies that it *is* possible to reach the limits of resources for supporting further growth, at which point “no more growth” would be a practical inevitability (as it has become for many other cities). If and how a city can remain viable when it reaches that point (and stops growing) seems like a mandatory inquiry.

Whoever wrote this piece of dictum in the Draft EIR has summarily decided the question for us. They concluded that without growth it is impossible to deal with such things as a jobs/housing balance, to have a vibrant economy, or a diverse population. Period.

What if we *had* reached the point where our resources could not support added development? Would that doom us to the fate they describe? That would seem to be a harsh verdict for any community that might approach the limits of its resources yet wished to be vigilant about not exceeding them.

Was the author of this passage qualified to make such an assessment? Is the statement merely an unsubstantiated opinion or reflection of ideological bias? Such a pronouncement demands substantiation – especially since it purports to address a question that may one day (potentially within the duration of this *Plan*) have to be faced by this city.

Illegal “takings”?

The author of the paragraph in question not only condemns the concept of “no growth”, but also proclaims its illegality.

Suppose we were to reach the limits of our supporting resources. Were that to happen it might be perfectly reasonable a step to rezone in order to *completely restrict residential and non-residential growth within the City* (i.e. limit the volume of development to pretty much what exists now – “no growth”). Would that be an illegal “taking”? I’d like to see the legal authority from which that conclusion was drawn. Last I checked, the state of the law was that government would have to preclude *any practical use* of one’s land before a regulatory “taking” is deemed to have taken place.

I assume whoever made this claim in the draft EIR is a qualified to render legal advice, because one is indeed proffering legal opinion by proclaiming that action “would not be legal” - especially when it is proffered in a document for which the City paid over a million public dollars for qualified professional and technical advice.

* I’m assuming that the alternative they are referring to here - that they characterize as “no development” or “completely restricting growth” - is essentially the “no growth” option - as opposed to a blanket freezing of any and all development activity (like rehab of a building or replacing one with a new one of similar size). It would be silly to think they had such an implausible notion in mind, and to equate it with “no growth”.

Respectfully submitted,

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