

Emails and eComments received on 7/17/2023

eComment from Carolyn Petty 7/17/2023

Oppose

REPORT 23-0412 STUDY SESSION TO DISCUSS HOUSING ELEMENT RELATED ZONING CHANGES, INCLUDING ZONING TEXT AMENDMENT (TA 23-02), TO EFFECTUATE PROGRAMS IN THE HOUSING ELEMENT. (Community Development Director Carrie Tai)

Chapter 17.28 M-1 A. By way of this amendment, warehousing and distribution would become a non conforming use. Have those property owners been specifically notified about this very specific change? My understanding is that the answer to this is No, they have not been specifically informed.

B. You need to strike the words “are owned by” that you are adding into this document. Those words were added for a reason. They are creating a pathway for someone – I am not sure if this handing a favor to a former elected official, or a relative of a former elected official – but it is no accident that those words were added. This has a disturbing feel that it involves self dealing with people who are cozy with elected officials. There should be no favoritism in our zoning code, particularly in handing over zoning gifts to friends.

C. How could you strike the words “and protect them from adverse effects of inharmonious uses”? Have you informed the neighbors very specifically that you wish to remove that provision?

D. It is highly disturbing to see something as significant as a 45' height limit slipped into the zoning document without full noticing to the entire community. The community was involved in the creation of Plan Hermosa, which represented thousands of hours of input and associated work. The vision for Cypress was spelled out. 45' of height was never approved by our community.

E. Ensure the provision of adequate off street parking. That should NEVER be removed. Again – there is an intention here, and everyone deserves to know what the end goal is. But I believe the end goal is to help a few, but hurt many who live in proximity to this zone.

Much of this proposal is clearly inconsistent with Plan Hermosa and rather than highlight this and make the community aware, the staff report reflected a cut-and-paste of the same words used in every staff report:

The comprehensive zoning code update (ZCU) would result in updated zoning and subdivision ordinances that:

...Are consistent with and implements the General Plan/Coastal Land Use Plan;

Bear in mind that an EIR was done to carefully analyze the effects of Plan Hermosa, and that was the opportunity to offer an analysis of the effects of any changes to our zoning. Absent another EIR with extensive community notice and involvement, the city should NOT move forward with these options in this document.

Lot consolidation should never happen in our town. If you do this, developers will start buying adjacent parcels and build 45' buildings. This is not what our community wants, and we need you to represent our community. Permitting lot consolidation will destroy our neighborhoods. It will provide the minimum square footage needed for a developer who can then throw in a handful of lower cost units so they can then build 45'. If the community were truly noticed that this is being proposed, they would be outraged.

I could go on and on but I will reach the word limit. This needs to stop. The community should understand all of the consequences of what staff is proposing so they truly realize how this could destroy our small town feel. We rank the 21st densest town in California. Stand up for us and our quality of life.

eComment from Karynne Thim 7/17/2023

Oppose

REPORT 23-0412 STUDY SESSION TO DISCUSS HOUSING ELEMENT RELATED ZONING CHANGES, INCLUDING ZONING TEXT AMENDMENT (TA 23-02), TO EFFECTUATE PROGRAMS IN THE HOUSING ELEMENT. (Community Development Director Carrie Tai)

The proposed height limit change in the M1 zone from 35' to 45' would be damaging to surrounding residential properties and sets an unacceptable precedent. As an example, at 725 Cypress, if a new 45' structure was built there, it would tower over the townhomes on Loma that are 30' high. Attached is a photo of 725 Cypress' parking lot with Loma townhomes in the background. The height increase came out of nowhere since the last draft and should be removed from the zoning text amendment. This height is not allowed anywhere in town. Why is it being suggested here?

Lot consolidation: Approving and allowing lot consolidation could have terrible consequences for the character of our community. It would create situations where over height buildings could be built virtually anywhere in R3 or commercial zones to the detriment of surrounding property owners. It's ripe for abuse, needs to be removed as an incentive and only granted in the case of full review by the Planning Commission.

Staff sidestepped a specific question I posed about lot consolidation, so I'm bringing this to your attention. State laws grant projects containing 5 or more units density bonuses (which don't have to conform to height limits, setbacks, parking etc). Current City ordinances say State law supersedes local law, including density bonus lot size minimums. Therefore, it appears that 2-3 lots with a total of 6,600 sf (5 units x 1,320 sf per d.u.), if combined in an R3 zone, would qualify for density bonuses by including just one affordable unit under State law, and therefore be allowed to go over height by two stories. This isn't possible now because Hermosa's typical individual lots are too small to put 5 or more units on them. You'd be enabling random over height buildings all over town by promoting lot consolidation. 5 story buildings next to 3 story buildings? You might as well throw building standards out the window and let people build whatever they want!

As a real estate professional and 28 year resident, representing clients and thousands of residents that have spoken up about the Housing Element, it's disheartening to see staff and their consultants proactively promote drastic measures which are detrimental to property owners and the character of our community. Especially those that aren't even mandated by State law. State preferences or guidelines are not law.

Hermosa is one of the most densely populated cities in the entire state: #21 of 1,517 cities. We're already doing our part to house people.

Please protect Hermosa, get us back on track and represent the voices of property tax paying residents who have invested in our town. Residents don't want mid-rises!



From: Jered Lindsay <jeredlindsay@gmail.com>

Sent: Monday, July 17, 2023 8:05 PM

To: Planning Commission <Planningcommission@hermosabeach.gov>; Carrie Tai <CTai@hermosabeach.gov>

Subject: Ensuring Housing Element and Implementation Strategies Deliver Affordable Housing Solutions

Good evening Chair Izant, Vice Chair Hoffman, Commissioner Rice, Commissioner Pedersen, Commissioner Hirsh, and Director Tai,

Thank you for your service and efforts to ensure that the City is positioned to adopt and implement a Housing Element that includes strategies to address the housing needs for all income levels. The ultimate success of the Housing Element and its implementation strategies and programs will be measured by its ability to produce meaningful and durable results -- including, importantly, the development of new affordable housing. Below is an email I previously sent to the City Council that outlines some areas that I believe could benefit from strengthening and clarification. In summary, please ensure the land value recapture program is developed and implemented before any rezoning occurs, and that LVR applies to all properties currently listed for lower income units on the RHNA list -- including residential properties moving up in density.

Thank you for your service. Please see note below.
Jered Lindsay

At the outset I will state the obvious – the City is confronted with a daunting and critical task as it works to finalize and implement the Housing Element. I appreciate the hard work of the staff, and acknowledge it is not easy to navigate these difficult and contentious issues. Hermosa is not alone in this challenge – as the Legislature has explained, “California has a housing supply and affordability crisis of historic proportions” affecting millions of residents. While the task is not easy and the answers are not clear, we need to effectively and aggressively confront the crisis.

I offer comments today on how Hermosa’s housing element can be more effective at advancing the objectives outlined in the element and the RHNA. More specifically, my comments are focused on how to ensure the implementation actions the City is proposing are designed and sequenced to ensure the actions promote their objectives.

One area of needed improvement is the Housing Program 7 of the Housing Element Policy Plan – Land Value Recapture (LVR). As described in the plan, “when land is rezoned to allow higher-intensity uses, the value of that property typically increases. *Land value recapture* refers to a policy requiring that a portion of the increased value be dedicated to a public benefit, such as affordable housing.” LVR programs are an important tool to ensure that rezoning that is being performed to further a public goal – such as here, to support the attainment of our RHNA objectives including development of lower income units and comply with Gov. Code § 65583.2(h) – actually supports that goal and does not simply result in a windfall for property owners included on the RHNA list.

To be effective, a LVR program must be in place **before** the rezoning occurs, but the City’s Housing Element states that the City will “[c]onduct feasibility study concurrent with rezoning by the end of 2023.” This means the major rezoning effort associated with the RHNA will be complete, and any potential opportunity to use LVR for its intended purpose will be lost, before a LVR program is in place. The State Department of Housing and Community Development

(HCD) also identified a similar shortcoming with the LVR program in its March 23, 2022 letter, noting that the program included a date of the feasibility study but not an “implementation timeline.” In response, the revised element appears to include a date for completing the feasibility study but still does not have any dates for “implement[ing] the results of the study.” Here, implementation is key – not the study – and implementation should occur before the City completes its contemplated RHNA required rezoning. Once that rezoning is complete, property owners will have received the increase in land value with no controls or guarantees that the public or the objectives of the Housing Element will benefit from the increased value granted by the City.

The Housing Element should also make clear that the LVR program should be used for all zoning changes implemented as part of the RHNA that result in increased value – including upzoning within residential categories.

If the City will not be ready to implement a LVR program before the RHNA driven rezoning (that is, zoning required under § 65583.2(h)), it should pursue other options for ensuring that rezoning performed to meet RHNA obligations will further the objectives of the RHNA and benefit the public – not simply check a box and provide private landowner value. Other options may include utilizing the housing element overlay zoning layer for all RHNA related rezoning. An HE overlay for all RHNA related zoning can be used to ensure that objectives of the Housing Element are met (including for affordable housing) before a landowner can utilize any upzoning. Yet currently, the City is proposing to make some RHNA related zoning changes outside of the Housing Element Overlay requirements. If the City has a concern that the Fifth District Court of Appeal's recent opinion in *Martinez v. City of Clovis* prevents it from using the Housing Element Overlay zoning approach, it could instead develop and implement a more targeted zoning designation that would rezone to meet the minimum density requirement but also include additional restrictions to ensure any future redevelopment meets the income levels for which the parcel was listed in the RHNA.

Getting an approved Housing Element is not the finish line; solving our housing crisis is. I urge the city to ensure that actions we are proposing to finalize and implement the Housing Element and RHNA are not counterproductive to the ultimate objective. I recognize that the timing crunch complicates the City's efforts; however, I strongly believe that HCD would support the minimal additional delay that would come from implementing a LVR program or other controls to ensure the rezoning efforts produce their intended benefits.

Thank you.