

Emails and eComments received 7/18/23

From: tony higgins <tony.higgins123@gmail.com>
Sent: Tuesday, July 18, 2023 3:43 AM
To: City Council <citycouncil@hermosabeach.gov>
Cc: DG_PlanningCommission <DG_PlanningCommission@hermosabeach.gov>; Carrie Tai <CTai@hermosabeach.gov>
Subject: Tonight's Planning Commission Meeting study session

Dear City Council,

I call your attention to the Planning Commissions Housing Element Zoning Changes agenda item (VIII a.) that will be studied tonight's commission meeting.

<https://hermosabeach.legistar.com/View.ashx?M=F&ID=12162324&GUID=B6D18E6C-EFDD-4129-B0A9-73F7CF3F37C0>

Section 17.16.020 Height

*D. Projects utilizing criteria under Section 17.42.100 – Affordable housing density bonus and incentive program – **may exceed the height limit per designated criteria.***

This ordinance fully implements my concerns about a 5 story 55 ft tall buildings at the St Cross site and potentially throws nearby residents under the bus.

The city probably has no choice but to include this height exception because it's a matter of state Affordable Housing law for R3 and mixed use commercial zones.

All the more reason to revert St. Cross to R1 & R2 before submitting the city's zoning plan to HCD for final approval.

HOW THE DENSITY BONUS WORKS FOR 100% AFFORDABLE PROJECTS

2019 legislation requires local governments to grant an 80% density bonus to housing projects in which all of the units (other than manager's units) are restricted to very low, low and moderate income residents, with a maximum of 20% restricted to moderate income units.

If a 100% affordable project is located within a half mile of a major transit stop, the local government may not impose any maximum density limits at all, and the project is further entitled to receive a maximum height increase of UP TO THREE ADDITIONAL STORIES or 33 feet.

Density bonus height increases hopefully do not apply to R1 or R2 lots but I would love to hear from the DIRECTOR Tai if that's true or not.

Otherwise, we could end up with 55 foot tall buildings throughout all our residential neighborhoods.

But this is all the more reason that the St. Cross R3 zoning should revert to R1 & R2.

t.

eComment from Dunham Stewart 7/18/23

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)

Where/who are all the proposed changes coming from. After all the community and city collaboration that it took to complete Plan Hermosa in 2017, the upzoning suggestions clearing conflict.

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.

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!

Where is the collaboration with the community, similar to what took place between 2013-2017 for Plan Hermosa? The city should represent its community. It comes across that these ideas are those of a few, and being forced on the community. The community is not being fully informed or truly involved. The changes the state is forcing upon our city (and all in CA) should be clearly communicated to the residents, and the consequences that could result.

The city needs to protect our community, work more closely with it and come up with solutions that are consistent with city's general plan density. Please stand up for us.

eComment from Christy Trotter 7/18/23

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)

You are slowly eroding the landscape of our little beach town. One vote at a time to change zoning laws to change height requirements etc. This exceeds your scope of authority and should be put to vote on a ballot. Who in this commission lives in Hermosa? What skin do you have in the game? Are you actually representing the people who live and pay taxes here? It sure doesn't seem so. Wake up and listen to the people that live here!

From: Joe Looney <jjlooney@verizon.net>
Sent: Tuesday, July 18, 2023 9:55 AM
To: jjlooney@cktfmlaw.com; Planning Commission
<Planningcommission@hermosabeach.gov>; Carrie Tai <CTai@hermosabeach.gov>
Subject: FW: RHNA Site 1 Comments

To Director Tai and the Planning Commission:

I urge you to consider the points made below with regard to Site One on the RHNA list. Please remove it from the planned upzoning. It is not 'contiguous' to the church site, it is bounded on three sides by R! single family homes, it is situated entirely within an R1 zone, and it is too small to serve any sort of low income housing site for purposes of HRNA planning. Thank you.

Regards,

Joe Looney
1920 Monterey Blvd.
Hermosa Beach, CA 90254
562-547-5280 cell

From: Joe Looney <jjlooney@verizon.net>
Sent: Tuesday, July 11, 2023 11:53 AM
To: 'citycouncil@hermosabeach.gov' <citycouncil@hermosabeach.gov>;
jjlooney@cktfmlaw.com
Subject: RHNA Site 1 Comments

To Mayor Jackson and the City Council:

I am writing to address issues strictly with regard to Site 1 listed in your RHNA list of sites (page 73 or your draft "Housing Element Technical Report" <https://hermosabeach.legistar.com/View.ashx?M=F&ID=12142311&GUID=AAACB415-799B-42D0-936D-B9DD37DFB533>). This is the three lot parcel to the north of 19th Street, bounded on the east by Loma Dr. and west by Monterey Blvd., and will all of the adjacent residential parcels being standard R1 lots. With Site 1 being less than a 0.2 acre parcel, it is not appropriate for RHNA consideration and is not large enough for legal consideration for low income high density. Moreover, it is not contiguous to Site 2, which is the proposed development of the St. Cross Church and all of its contiguous properties (also at page 73 of your draft technical report). This lot is unique and significantly different in situation from the church and its contiguous lots, and should be given specific consideration. Every home to the east, west and north of this lot is zoned R1 and has single family homes on them, and spot-zoning this lot to R3 would have a significant negative impact. If there comes a time when the Council is considering

upzoning Sites 1 and 2, then I strongly recommend you vote separately on Site 1. Upzoning Site 1 from its current R1 to R3 would not further the goals of the Housing Element in any significant way, but it would adversely affect the immediate R1 neighborhood. Please consider the following points with respect to Site 1. Thank you.

Regards,

-Joe Looney
1920 Monterey Blvd.
Hermosa Beach, CA
562-547-5280 cell

Site 1 should be removed from the RHNA list and is not appropriate for rezoning

Removal of Site 1 from the RHNA list and keeping the zoning as R1 will not impact the City's ability to meet its RHNA requirements for any income level. Including Site 1 on the RHNA list and including it in the Housing Element/RHNA-driven rezoning effort violates state law and does not comport with the City's own proposed Housing Element Technical Plan. If Site 1 is not removed, the State Department of Housing and Community Development would likely reject the City's Housing Element, again.

Site 1 Does Not Meet Statutory Requirements

Site 1 does not meet the minimum size requirements for inclusion in the RHNA for lower income units. Site 1, even assuming all 3 lots could be consolidated, is only 0.2 acres. It is not contiguous with any other St. Cross lots as it is separated by roads and other R1 zoned homes.

State law makes clear that sites must be at least 0.5 acres if they are to be included in the RHNA list for lower income units.

A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing. CA Gov. Code Section 65583.2(c)(2)(A).

The City has made no demonstration that sites as small as Site 1 have been successfully developed with lower income units in Hermosa.

Inclusion of Site 1 also conflicts with the City's proposed amended Housing Element:

"Only contiguous parcels that are owned by no more than two property owners and can consolidate into a site larger than 0.5 acre (and more than 16 units based on minimum density) are used to fulfill lower income RHNA obligations . . ." Housing Element Technical Report Revised May 2023, Section 2.

The City's current Housing Element includes Site 1 on the RHNA list only for lower income units – which is contravention of State Housing Law and the City's own Housing Element Plan.

Site 1 is not needed to meet RHNA requirements

The City has sufficient buffer in its RHNA list (including lower income eligible properties) to meet its requirements without Site 1, which is currently assigned a total of 7 lower income units. See June 20, 2023 Planning Commission Meeting Staff report citing 11% buffer for lower income units.

Because Site 1 is not legally eligible for inclusion on RHNA for lower income units, re-zoning as part of the housing element process is inappropriate and illegal

The City's stated reasons for proposing to rezone Site 1 from R1 to R3 is to allow sufficient density for the site to be credited as eligible for lower income units. Because it is not eligible for lower income units due to its size, proposed rezoning is inappropriate.

While Site 1 may be eligible for inclusion on the RHNA list for moderate or above moderate income units, rezoning is not necessary because no additional density is required for such units. Current R1 zoning would allow for nearly the same number of units (or more) as outlined in the Housing Element Technical Plan (SB 9 would allow, at a minimum, 6 units plus ADUs across the 3 lots comprising Site 1).

Rezoning Site 1 would be inappropriate and incompatible spot zoning

Site 1 is also inappropriate for inclusion on the RHNA list and associated rezoning plan because R3 zoning and the associated size and height expansions are not compatible with the surrounding area. Unlike the properties south of 19th Street, Site 1 is completely surrounded by R1 lots and is completely within the Coastal Zone. Rezoning Site 1 to R3 – as is contemplated by the rezoning proposed to implement the Housing Element – would create an island of R3 in the middle of smaller R1 homes – the definition of inappropriate spot zoning creating incompatible uses.

Development of Site 1 pursuant to R3 standards would allow new buildings to substantially exceed the height of surrounding homes, including homes directly behind and abutting the lots, creating immediate inequitable impacts on the surrounding R1 homes. This spot zoning approach, granting specific landowners more valuable rights, has immediate impacts on surrounding homes including, among other things, the loss of light and views. These impacts are most pronounced when – like with Site 1 – the spot zoning creates an island of R3 in the surrounding R1 neighborhood due to the height differences. While the other sites being considered for rezoning will also have impacts on the surrounding lots, the proposed rezoning of Site 1 is the most incompatible.

Because Site 1 is not eligible for the uses indicated on the City's RHNA list and Housing Element, it should not be included in any rezoning proposal designed to implement the Housing Element/RHNA. If the property owner desires rezoning for its own interests, it should follow the normal process for rezoning requests.

Tony Higgins at July 18, 2023 at 10:12am PDT

Neutral **PART 1 of 2**

July 18, 2023

Dear Planning Commissioner's

I suggest that if clear answers to the above questions are not posted on the city's Housing Plan FAQ by around July 25, 2023, two weeks in advance of the August 5 vote, then the Housing Plan's core requirement for meaningful public engagement would not be met and the HCD should once again reject the city's housing plan.

Seven Housing Plan Questions follow:

(1) Pages B-8 and B-9 of the City Technical Housing Plan suggest that St Cross has expressed an interest in developing 68 units including 40 very low income units and 28 low income units AND has NOT expressed an interest in further moderate or market rate units at the Monterey location.

Is that true?

(2) The city posits in its Housing Plan FAQ that the R3 upzoning at St. Cross is cast in concrete based on the fact that HB submitted this upzoning as part of its 2021 housing plan that was rejected by HCD.

Isn't it true that as long as the city can find other low income housing to meet its RHNA numbers the St. Cross R3 zoning is NOT cast in stone?

(3) If St Cross is developed to be 100% low and very low income units, with the Density Bonus and associated Project Concessions isn't it true the St. Cross site could in fact go to 5 stories tall or more?

If not, what would the maximum heights be if R3 versus R1 & R2 zoning were applied?

In answering this please consider that following statements of Meyers Nave, a leading law firm in the state relating to Density Bonus laws:

<https://www.meyersnave.com/californias-density-bonus-law-2023-update/>

Pg. 9

HOW THE DENSITY BONUS WORKS FOR 100%

AFFORDABLE PROJECTS

2019 legislation requires local governments to grant an 80% density bonus to housing projects in which all of the units (other than manager's units) are restricted to very low, low and moderate income residents, with a maximum of 20% restricted to moderate income units.

If a 100% affordable project is located within a half mile of a major transit stop, the local government may not impose any maximum density limits at all, and the project is further entitled to receive a maximum height increase of UP TO THREE ADDITIONAL STORIES or 33 feet.

(4) Given the St. Cross site has 109,023 square ft of land how many housing units could potentially be developed on this site if there were 100% and 50% low income units and all density bonuses were applied.

I realize this answer may have to take the form of a range of units for 100% and 50% developments but without having a better understanding of this there can be no meaningful public engagement related to St. Cross or the Housing Plan as a whole.

Note continued in part 2 of 2

Oppose **Part 2 of 2** (questions)

(5) Has the city considered that for the purposes of meeting its RHNA requirements it might be better to use city property on Valley Drive adjacent to Clark Stadium for low income housing rather than at St. Cross until questions about maximum height and on-site parking are better understood?

The city may only need to express an interest in using the properties on valley drive for low income housing just like St. Cross did property; and the city could use their own interest in evaluating valley drive sites adjacent to Clark field to meet its RHNA low income requirement; while it buys time for a more meaningful evaluation of St. Cross' potential impact on the local neighborhood.

(6) Will Coastal zone height limits override density bonus height exemptions at the St. Cross site AND also R1 & R2 lot consolidations in residential areas.

I guess what I'm asking in the second part of the above question is would we end up with 50ft + tall high density units in residential areas if the lot consolidation and the density bonus comes into play for 100% or 50% low and moderate income developments under the city's current housing plan?

In answering this please consider that the highly respected Meyers Nave law firm states that:

Density Bonus in the Coastal Zone

When affordable housing is proposed in the coastal zone, the Density Bonus Law's focus on encouraging the development of affordable housing could clash with the California Coastal Act's focus on environmental protection. Legislation effective in 2019 now requires the density bonus to be administered in the Coastal Zone in a manner that is consistent and harmonized with the California Coastal Act.

This legislation overturns a 2016 appellate court ruling, Kalnel Gardens, LLC v. City of Los Angeles, which found that a proposed housing project that violates the Coastal Act as a result of a density bonus could be denied on that basis. The court in Kalnel Gardens held that the Density Bonus Law is subordinate to the Coastal Act, but the new language attempts to strike a balance between the state goals of promoting housing and protecting the coast.

Ref: pg 12 of https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf

(7) NW Hermosa's east/west road infrastructure is limited to 27th street, a fact that has been exacerbated by the closure of lanes on Pier Ave that have shifted more & more heavy truck traffic to 27th street. Traffic conditions in NW Hermosa on 27th street have also been stretched to the breaking point by the opening of Vista Elementary.

Do existing traffic problems play any role in the selection of the appropriate high density unit locations?

Also, please note that South Hermosa has 4 times the number of roads that run from Hermosa Avenue to the Highway and that should be a factor in selecting appropriate sites for large high density developments in residential areas of our city.

Thank You, Anthony Higgins

eComment from Laura Pena 7/18/23

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)

Dear Chair, Commissioners, and Staff

I appreciate the work of the Planning Commission to not only satisfy the state requirements of the Regional Housing Needs Assessment (RHNA) but to create a realistic path forward where we can actually contribute to the housing stock that is needed in our city given the loss of over 100+ units since 2010. In 2021, our city's effort to simultaneously work on our Comprehensive Zoning Code Update with our Housing Element was an ambitious attempt to look at the BARRIERS that have impeded our larger city goals as it relates to Economic Development and Housing Affordability. We have important learning lessons from these earlier meetings and discussions as it relates to our Coastal Zone Parking Study and the Downtown Core Revitalization Strategy (ROMA) that should not be discarded simply because they do not "fit" the "exercise" we are trying to accomplish today.

The following were Targeted Parking Amendments: 1) Lift Barriers to Development of a Variety of Housing Types 2) Promote the Economic Vitality of City's Commercial Areas 3) Support Small-Scale Commercial Establishments

The consultant our city hired to provide feedback clearly stated as it related to housing in our commercial area, "there isn't a lot of room to physically provide the parking and it really is a barrier to investment and encourages tear downs, it encourages parking at the ground floor." Now, we have exempted small commercial establishments from parking requirements for the first 5000 square feet, we need to do the same for residential standards to encourage "feet on the street" for those who want to live in our downtown. In addition, the ROMA study, recommended "vehicular parking requirements should be reduced in exchange for the provision of additional bicycle parking...an equivalence of 4 bicycle spaces for one car space." If we want a chance to actually encourage housing in our downtown with mixed-use than we need objective standards that will stimulate the production instead of the topic being dead on arrival.

As has been said many times, in order to increase affordability of housing we need to release the pressure of housing constraints that has for decades contributed to this crisis. We can do more today if we question our own assumptions around housing while challenging our beliefs that has got us here in the first place.

I appreciate your thoughtful consideration.

Laura Pena

eComment from Jon David 7/18/23

a. 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)

No matter on which side of the housing fence you stand on (pro-housing/no-housing) the community is aligned in its desire to preserve the character of our downtown when possible. The existing city code provides incentives to promote the retention of our existing structure, including deviating from zoning standards and parking credits to incentivize the preservation of existing structures.

Unless we write language into the zoning ordinance that promotes the retention of existing downtown structures, we will unintentionally promote teardowns. For this reason, I suggest we add a 6th exception to section B of the mixed-use zoning ordinances that allows for the retention of the underlying commercial zone building standards for residential conversion of space within existing structures in the downtown, as long as the conversion conforms to residential health and safety standards. This will help us retain the character we all love without inhibiting housing production.

From: Leo Rodriguez <doctorleo@gmail.com>

Sent: Tuesday, July 18, 2023 12:48 PM

To: Planning Commission <Planningcommission@hermosabeach.gov>

Subject: Cypress plan-Planning commission meeting 7/18/23

Dear Hermosa Planning Commission,

Please do not move forward with the proposed height limit change in the M1 zone from 35' to 45' as it would be extremely damaging to surrounding residential properties and sets an unacceptable precedent. As an example, at 725 Cypress (immediately behind my home at 702 Loma Drive), if a new 45' structure was built there, it would tower over our home that is 30' high. 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.

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 an Emergency Healthcare Worker in this community and working just a few miles from our Hermosa Beach home and interacting with members of our community every single day, it's disheartening to see some people 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!

Leonardo Rodriguez, MD
Emergency Medicine Physician
(310) 756-7375 (c)