



**City of South Pasadena
Community Development
Department**

Memo

Date: November 9, 2021
To: Planning Commission
Via: Angelica Frausto-Lupo, Community Development Director
From: Elizabeth Bar-El, Housing Element Project Manager
Re: November 9, 2021 Planning Commission Meeting Item No. 3 Additional Document – Release of the 2021-2029 Public review Draft General Plan Housing Element

Attached is an additional document which includes the one (1) public comment received by 3:00 PM on November 9, 2021.

From: Josh Albrektson [REDACTED]
Sent: Tuesday, November 9, 2021 6:31 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: Planning commission 11/9 item 3

Since the Draft Housing Element has already been submitted to HCD the Planning Commission's input into the Draft Housing Element has essentially been skipped. On May 21st Placeworks and the planning department had a meeting with HCD. On May 26th they discussed some of the programs with you guys. Since that time, you really have had no input into the Housing Element.

This isn't what has happened in other cities. Most cities had multiple community workshops and 2-3 planning commission meetings before they turned in the draft housing element.

I've turned in all of my comments to HCD, about 25 pages total. HCD actually treats comments sent to them seriously, so I probably will have ended up with more input into the draft than you guys.

Of note, the other main current Housing Element client Amy Sensheimer/Placeworks is the city of Oxnard. They turned in their Draft Housing Element on May 14th and got HCD's notes on July 13th. They turned in their adopted Housing Element on October 12th and should get HCD's determination letter on Jan 10th.

This compares to South Pas which turned in their draft on 10/22. We will receive our review letter on 12/21. We don't know when the final draft will be turned in.

Because of this there is no way that South Pasadena will be able to pass a compliant housing element by the Feb 11th deadline and will have to do all required rezoning by October 15th, 2022.

This is what I had been warning you guys about for more than a year now.

Here are the questions you should ask at this meeting:

1. The Oxnard Housing Element that was turned in on 10/12 is claiming 500 ADUs based on 3, 13, and 28 building permits for 2018, 2019, and 2020. This would correspond to a safe harbor number of 122 (Compared to 81 for So Pas).

1a. Have you had your 30 day meeting with HCD yet and what has HCD said about this??

1b. If they tell you that Oxnard has to do 122 ADUs, will you tell us on the planning commission so we can start holding meetings to readjust??

1c. What cities have achieved ADU numbers bigger than their safe harbor number, what % bigger than their safe harbor number, and what policies did they employ to achieve this???

2. This is for the City Attorney: Re: AB 1398, the part about the Housing Element deadline: for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

When I read this a couple of months ago, I read it as a city had to adopt a Housing Element by Feb 11th, then send it to HCD. If HCD found it to be substantially compliant, then they are good. I can also see how it could be read that it had to be adopted AND HCD had to find it substantially compliant.

I have not seen HCD issue any guidance on this. Are you guys sure that it is the latter??

3. Pavilions is undergoing a remodel. Vons is under contract to get a new tenant. The Business park on 155 Pasadena Avenue just received two new tenants. There has been no contact with the owner of Ralphs or McDonalds, both of which are newish clean businesses. All of these sites are listed as a low income housing sites

According to AB 1397, in order to be listed on a low income housing site "An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period."

What is the substantial evidence that these sites will have their current use discontinued during the 6th RHNA cycle, from now until Oct 15th, 2029????

4. Question for City Attorney: Right now, because South Pasadena doesn't have a substantially compliant Housing Element (and as long as it doesn't), according to government code 65589.5 (The Housing Accountability act section), South Pasadena cannot reject any housing development that is either 20% low income or 100% moderate income, even if the housing project doesn't follow the local zoning.

So the owner of Carrows could apply for a 10 story 150 unit 100% moderate income housing project or the Gold Line storage lot could do a 17 story glass tower with 20% low income and South Pasadena is required to approve it.

I own a single family home on a 7,000 square foot lot. I could build a 4 story 15-plex at 3.2 FAR and 80% lot coverage that would have fifteen 1400 sq ft apartments with a rooftop pool and hot tub. The 3 low income units would rent for \$2,350 while the 12 market rate would rent for \$4000 each. At roughly \$300 per sq ft that would cost \$6.7 mil to build but get a rental return of \$660k a year.

This won't happen because I love my wife and want to keep her, but it was fun doing the calculations.

Can you explain this law and the other possible consequences that South Pasadena has for not having a compliant housing element??

5. At what point can South Pasadena be sued by the Attorney general or other interested parties under the Housing Accountability Act??

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Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day