

An open letter to Governor Newsom

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Supporting proposed legislation SB9 (Atkins), which effectively eliminates single family zoning statewide, is an avoidable fatal flaw. We implore Governor Newsom to hear the outcry and acknowledge that this short-sighted bill will have the unintended consequences of dismantling his goals to undo past inequities, expand the middle class, and provide truly affordable housing with upward mobility opportunities to all.

The pandemic has been a case study proving that many people want space and the option of working off-site if their job permits. Adding density with broad strokes to neighborhoods effectively lowers quality of life for many communities, particularly if legislation doesn't adequately address the issues described below.

Housing Affordability:

Overriding local government zoning cannot be the lone strategy towards achieving affordability, nor will it have the intended outcome. Affordable housing development is attractive where land values are economical and adequate financial subsidies are available. Data shows that, as of 2019, there were twice as many vacant units in Los Angeles County than unhoused individuals. If each unhoused person had means, or the existing public aid programs had access to these sites, they could have found housing more rapidly. The State could substantially assist by letting a good bill like SB329 (Mitchell, 2019) work and house people immediately through housing voucher expansion. Inadequately addressing the crisis by removing local zoning control only exacerbates public skepticism about the sincerity of state government's ability to address affordability in a meaningful manner.

Increasing Density with Broad Strokes:

Many cities are built-out with carrying capacity limits that should be clearly identified before assigning housing targets. Regional housing needs assessments and legislation increasing density should be balanced by local capacity assessments including parks in acres per household, school district capacity, sewer limitations, traffic conditions, and water supply, to name a handful.

The State has also argued that density will allow families to live in "resource rich neighborhoods." The question left unanswered is how do we guarantee every community is, or will become, resource-rich? We agree, people should not have to leave their own communities to seek opportunity. To get there, however, we must address historic inequities to ensure all neighborhoods have sufficient ongoing public and private investment. The Legislature should re-focus efforts towards programs that decentralize jobs while engendering city and state collaboration on housing production, sustainable transportation, broadband deployment, and other key areas that can support our communities and those in highest need.

Undermining Local Democracy & Existing State Mandates:

The State nullification of local zoning is an attack on democracy. California already requires citizen participation for General Plan adoption, including housing elements, and for zoning ordinances or specific plans. Overriding those policies undermines the very process our state mandates. The constant, year-over-year barrage of housing legislation eroding local control impedes the Regional Housing Needs Allocation (RHNA) and, importantly, compromises the ability of local governments to meet the low/very low-income housing requirements. Inclusionary zoning and density incentives under by-right policies are effectively eliminated with legislation that creates density without affordability requirements.

The housing legislation tsunami complicates the job of both local planners and developers, creating confusion and delays. It turns local planning departments into state policy administrators while the profession requires

them to guide jurisdictions into a sustainable and resilient future. As an example, cities have yet to fully comprehend the impacts of last year's three bills regulating accessory dwelling units. The Legislature is not allowing municipalities any time to adjust, reset and thoughtfully adopt changes. Cities don't need all these statewide bills to "help." Let local governments be creative and meet RHNA (Regional Housing Needs Assessment) requirements in whichever manner is best for individual communities.

The Perils of By-Right Development:

The complexity of housing markets and regulations requires local planning experts who understand their community needs more intimately than HCD (the California Housing & Community Development Department) or developers. Communities would benefit if the State focused on developing programs that provide more resources to local planning departments modeled on LEAP (Limited Examination & Appointment Program) and REAP (Regional Early Action Planning) but with fewer constraints. It's counterproductive for the State to preempt its own existing funding program. Cities may want to prioritize redeveloping commercial districts, many of which have been devastated by COVID-19. The State should allow for flexibility and not specify the eradication of single-family neighborhoods to meet need. Local entities should have the option to re-zone not up-zone.

Climate Change & Sustainability:

The State recognizes a climate crisis as evidenced by recent mandates and goals. But overriding local zoning with by-right development can inadvertently increase greenhouse gas (GHG) emissions without acknowledging or addressing the dire need for broad infrastructure amenities and programs that could be used to guide residents towards zero emission (ZE) mobility. The South Bay Cities Council of Governments has compiled 15 years of sustainability research demonstrating that up-zoning (or un-zoning) does not produce more affordable housing. Rather, it increases the underlying land's value making new construction unnecessarily more expensive and, over time, raises values and rents throughout neighborhoods. Assuming public transit is that ZE strategy, unfortunately, does not currently exist or work in Los Angeles' South Bay or seemingly in other similar suburban sub-regions. The GHG emissions argument about shortening commutes is, at best, a feel-good and weak argument. Developers will have no incentive to produce housing that contributes to local sustainability plans. At the very least, housing developments larger than a designated threshold should work with local planners to draft ZE mobility plans for future residents and contribute towards implementation.

In closing, Governor Newsom needs to hit the reset button on the Legislature's current strategies that benefit developers, hurt the residents, and do not facilitate production of low/very low-income housing. He undoubtedly recognizes there is no "one size fits all" strategy that addresses the complexities of the problem and should publicly declare that he will not sign such legislation. The State can and should be a facilitator in helping local communities address past deficiencies, create reliable and fast mobility options, and openly collaborate on regionally focused solutions that help those in greatest need. SB9 falls short of accomplishing those goals and only furthers the lack of trust in State Government to be an equitable partner with local jurisdictions.