

October 16, 2023
Pacifica Joint Study Session

Public Comments
Joint Study Session – Housing Element
Written Comments Received By 12pm on 10/16/2023



October 16, 2023

Joint Study Session

From: Coffey, Sarah
Sent: Friday, October 13, 2023 2:11 PM
To: Public Comment
Subject: FW: TRANSMITTING Letter to Christian Murdock re The Sea Bowl Project [IWOV-BN.FID3603943]
Attachments: 10-13-23 Letter to Christian Murdock re Sea Bowl Project.pdf

From: Murdock, Christian <cmurdock@pacificagov>
Sent: Friday, October 13, 2023 1:36 PM
To: Coffey, Sarah <scoffey@pacificagov>; La, Emily <ELa@pacificagov>
Cc: Harkousha, Brianne <BHarkousha@pacificagov>; Woodhouse, Kevin <kwoodhouse@pacificagov>; Murphy, Karen W. <KMurphy@bwsllaw.com>; Nicholas Hamilton <nhamilton@goodcityco.com>; Carol Johnson <cjohnson@goodcityco.com>; Sandy Council <scouncil@goodcityco.com>; Sabina Mora <smora@goodcityco.com>
Subject: FW: TRANSMITTING Letter to Christian Murdock re The Sea Bowl Project [IWOV-BN.FID3603943]

Comment letter – FYI.



CHRISTIAN MURDOCK, AICP
PLANNING DIRECTOR
CITY OF PACIFICA | PLANNING DEPARTMENT
540 Crespi Drive, Pacifica, CA 94044
Phone: (650) 738-7341 | cmurdock@pacificagov

From: Sanderford, Vera <vsanderford@buchalter.com>
Sent: Friday, October 13, 2023 1:22 PM
To: Murdock, Christian <cmurdock@pacificagov>
Cc: Woodhouse, Kevin <kwoodhouse@pacificagov>; Michelle Kenyon [BWS Law] <mkenyon@bwsllaw.com>; Guerra, Alicia C. <aguerra@buchalter.com>; Nick Kosla <nkosla@tollbrothers.com>; Alli Sweeney <asweeney@tollbrothers.com>
Subject: TRANSMITTING Letter to Christian Murdock re The Sea Bowl Project [IWOV-BN.FID3603943]

[CAUTION: External Email]

Hi Christian,
On behalf of Alicia Guerra, please find attached Buchalter's letter re The Sea Bowl Project.

Best regards,

Vera Sanderford

Legal Assistant to Alicia Guerra, Esq.

Buchalter

Vera Sanderford

Legal Assistant

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October 13, 2023

415.227.3508 Direct
aguerra@buchalter.com
File No.: T5162-0044

VIA E-MAIL (CMURDOCK@PACIFICA.GOV)

Christian Murdock
Planning Director
City of Pacifica
540 Crespi Dr.
Pacifica, CA 94044

Re: The Sea Bowl Project

Dear Christian:

As you know, Buchalter, a Professional Corporation, represents Toll Brothers with its proposal to develop a residential townhome project on property located at 4625 Coast Highway in the City of Pacifica (the "City") (APN: 022-150-440) (the "Property"). Toll Brothers is proposing to demolish the existing Sea Bowl bowling alley on the Property and to develop it with 79 townhome style units, 24 accessory dwelling units ("ADUs"), and 14 duet-style units, along with 186 resident parking spaces and 22 guest parking spaces (the "Project"). The 24 ADUs will be deed-restricted as rentals for lower income households. As you know, Toll Brothers filed with the City an SB 330 Preliminary Application for the Project on September 11, 2023.

We were initially encouraged to see that staff previously included the Property in the Sites Inventory of the City's Draft 6th Cycle Housing Element (the "Draft Housing Element"). As you know, the Sites Inventory originally identified the site as suitable for accommodating 219 lower-income units. (Draft Housing Element, p. 12.) Although the City was required to submit the Draft Housing Element to the California Department of Housing and Community Development ("HCD") by January 31, 2023, we understand that the City did not submit its Draft Housing Element to HCD until May 10, 2023. In any case, we understand that HCD rejected the City's Draft Housing Element on August 8 because the City's Housing Element did not comply with State Housing Element Law ("HCD August 8 Letter"). HCD noted in an Appendix to its August 8 Letter that, among other things, the Draft Housing Element failed to adequately analyze the realistic development of projects; failed to justify the use of AB 2011 to develop dense housing projects on commercial property; and failed to analyze the likelihood that identified sites

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Christian Murdock

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in nonresidential zones will be developed with housing. HCD's findings echoed many of the challenges that we documented regarding the Housing Element in our earlier correspondence with the City.

We understand that on September 25, 2023, the City Council and Planning Commission met to consider and provide direction on the next iteration of the City's Housing Element. Unfortunately, the City Council and Planning Commission voted to remove the Property entirely from the Housing Element's Sites Inventory. The City Council and Planning Commission's determination conflicts with HCD's recommendation to the City to "analyze projects including information on typical densities on all recent and pipeline projects. (August 8 HCD Letter, append., p. 2.)

We recognize that some people would rather not see residential development on the Property, but that is contrary to the City's obligations to provide more housing as a matter of state law. Toll Brothers proposed a shovel-ready development project that will provide 117 housing units, 24 of which will be deed restricted as affordable for lower-income households. **If approved, the Project would account for more than 6% of the City's total Regional Needs Housing Allocation ("RHNA") requirement.¹**

As we have explained in our prior correspondence, State Planning and Zoning Law requires housing elements to provide an "inventory of land suitable and available for residential development" that have "*realistic and demonstrated potential* for redevelopment during the planning period to meet the locality's housing need." (Gov. Code, § 65583(a)(3) (emphasis added).) To that end, Toll Brothers has submitted to the City a realistic housing proposal for the development of over 100 dwelling units on the Property, and City officials have ignored that proposal for a short-sighted effort to force a property owner to maintain recreational uses on his property without any evidence that such a use is even feasible.

¹ The City is required to accommodate 1,892 units pursuant to its 6th Cycle RHNA allocation. (Draft Housing Element, p. 7.) The 117 units Toll Brothers has proposed in this Project amounts to approximately 6.2% of this total requirement.

Buchalter

Christian Murdock

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We respectfully request that the City add the Sea Bowl Property back into the Housing Element Sites Inventory. In doing so, the City should update the Sites Inventory such that it reflects a realistic density potential of up to 30 dwelling units per acre.

Thank you for your attention to these comments and please do not hesitate to reach out if you have any questions.

Sincerely,

BUCHALTER
A Professional Corporation

A handwritten signature in blue ink, appearing to be 'Alicia Guerra', with a long horizontal line extending to the right.

By

Alicia Guerra

AG:vs

cc: Michelle Kenyon
Kevin Woodhouse
Nick Kosla
Alli Sweeney

From: Peter Loeb [REDACTED]
Sent: Saturday, October 14, 2023 3:11 PM
To: Public Comment
Cc: housingelements@hcd.ca.gov
Subject: 10/16 Continued joint study session of City Council and Planning Commission to consider and provide direction on the Draft 2023-2031 Housing Element of the General Plan

[CAUTION: External Email]

Pacifica Housing 4 All (PH4A) recommended policies to address Housing and Community Development (HCD) required revisions of Housing Element (HE) re: tenant protection and displacement and low income housing.

Please include policies in the Housing Element to address tenant protections and displacement, and to incentivize low income housing:

Policies for tenant protection and preservation of affordable housing

- **Rental registry.** Example: Concord, cost \$5-15 per unit. Advantages: data source, track complaints, track displacement indicators referenced in Sharp Park Specific Plan, AirB&B tax compliance.
- **Anti-harassment ordinance,** City of Richmond, January 2022.
- **Red Tag Ordinance,** City of San Mateo, requires property owners to provide relocation payments to tenants displaced because of code violations.
- **Short term rental regulations** linked to vacancy rate, below 5% vacancy.
- **Substantial renovation ordinance:** pulled permits required before tenant eviction, tenant first right of return, tenant 3 month relocation benefits.
- **Just cause eviction protection** from 1st day of rental.
- Developer buyout allowing **tenants first opportunity of purchase.**

Policies to incentivize low-income housing

- **Increase inclusionary rate to 20%** to produce more low-income housing. In-lieu fees should be based on market values (\$750K/unit)
- Create **dedicated housing fund** supported by:
 1. **Vacancy fee:** all residential properties, NOT just rental properties – see San Francisco, Oakland, Vancouver BC 2017 – 1% non-primary residence unoccupied for more than 6 months annually including short term rentals.
 2. **In lieu fees,** developer impact fees (to benefit low income housing), sale of city land.

- Pathway for **preservation of existing affordable housing** – HIP housing and HEART: to leverage funds from dedicated housing fund. Redwood City has an established system to be ready in the event an opportunity for affordable housing presents.

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From: helen smith [REDACTED]
Sent: Monday, October 16, 2023 8:21 AM
To: Murdock, Christian
Cc: Bigstych, Tygarjas; Beckmeyer, Sue
Subject: New homes New beginnings

[CAUTION: External Email]

Hello-

For those of you who don't know me, my name is Helen Nasser and I am the owner of the Pacifica Brewery. I was born and raised in Pacifica. My beloved hometown. My children were born and raised in Pacifica. I have given to this community my entire life. All 3 of my children have attended public schools in town throughout their education. Diligently supporting our public school system.

I'm a big advocate in donating whatever I can to the resource center and pacificas care.

Most recently, I opened Pacifica Brewery. This cost me millions of dollars. Now I am asking for the City Council and Planning Commission to do something for the community and for locals like me. Please, I beg you to reconsider your position and make the old bowling alley site a residential use in the housing element consistent with the Toll Brothers plan.

The Toll Brothers project will save my Brewery. Otherwise, to put it in context you will have two vacant buildings on a giant sea of asphalt for decades to come. Toll Brothers has agreed to do a number of improvements to my business including redoing my parking lot to make it function way better and building a proper loading area so that I can receive and deliver beer and supplies easier. The steep entrance for my parking will be replaced with easier safer access.

We will also be catering to their workers when the project is being built. Any Added business at this time is needed. Most importantly when their townhomes get completed, I will have built in customers right next door. The Toll Brothers project will SAVE my business this is not an Exaggeration.

Housing on the former Sea Bowl site is going to happen either now or in the next few years. Time is running out for us as we've been needing the extra business for the past year.

As very little housing continues to get built and the state puts more and more pressure on us to build, eventually there will be housing on the Sea Bowl site. You can allow my business to fail and then roll the dice with another developer in the future. Or you can go with Toll Brothers who will work with you as they worked with me to bring community benefits to the City of Pacifica along with much needed housing. They have promised me their goal is to work with myself and the city, while building this new development to enrich our community. I think the choice is very clear and the time to act is now. Please put the Sea Bowl site back into the Housing Element as a residential use to accommodate the Toll Brothers project. Your decision tonight will either help Pacifica Brewery to thrive and continue to be a major benefit to the community or you will put me out of business. I say this last statement with our livelihood on the line. Please help us stay to serve our community.

Thank you.

Helen Nasser
President of Pacificabrewery

Sent from my iPhone

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From: Suzanne Moore [REDACTED]
Sent: Monday, October 16, 2023 9:19 AM
To: Public Comment; HousingElements@hcd.ca.gov; Murdock, Christian
Cc: Suzanne Moore
Subject: Pacifica Housing Element Draft 2

[CAUTION: External Email]

Honorable Pacifica City Council, Planning Commissioners, Planning Director Christian Murdock, and City Staff,

Housing and Community Development Staff,

Pacifica's needs assessment and the HCD response letter both provide important direction for the next draft of our Housing Element. It seems that there are critical priorities for our community, and I'd like to take excerpts from both sources to highlight three areas.

1. **Low-income housing.** From our needs assessment: Pacifica has not built **low-income housing** in decades.

The HCD suggested Pacifica meet the housing needs of **special needs populations**.

- a. Transitional and Supportive Housing: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
 - b. Group Homes of Seven or More Persons – zoning should implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones.
 - c. Describe the reasonable accommodation process and list the required approval findings - the element must analyze these findings for potential constraints on persons with disabilities. Based on a complete analysis, the element may need to add or modify programs to remove any potential constraints.
 - d. Create programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate- income households. Examples of actions could include proactive outreach with developers and the community, identifying potential sites, provide incentives (e.g., expedited permitting, flexible development standards, gap funding, fee waivers), and applying for state and federal funding.
 - e. Include strategies for community preservation and revitalization...
- For much-needed housing, we should clearly state what we are willing to do and create a pathway to achieve these housing resources.

A dedicated team seeking collaboration with nonprofits, a dedicated housing fund from a vacancy tax, use of public properties, and waivers for below market-rate housing properties -

all these seem plausible actions. Low-income housing in perpetuity and maintained by a nonprofit would be a true community asset.

2. Homeless

Needs assessment: Pacifica's homeless numbers are 3rd in the county: Pacifica is 5% of the County's population but has 15% of the homeless - of which 75-80% have strong ties to Pacifica and many of whom were previously housed here.

The HCD response letter made several important suggestions:

- a. Emergency Shelters: Zoning to permit emergency shelters without discretionary action was required as part of the 4th cycle housing element and prior to the 5th cycle housing element.
- b. Single-Room Occupancy (SRO) Units: SROs provide a valuable source of affordable housing especially for persons experiencing homelessness and extremely low-income households. Based on complete analysis, the element may need to add or modify programs with a commitment to removing any potential constraints on the development of SROs.

3. Tenant housing stability

Needs assessment: Pacifica's tenants face difficult challenges.

- rents increased and wages stagnated: median contract rent increased 62% since 2009
- rental market in Pacifica is constrained partially due to vacation rentals
- Some populations are disproportionately impacted by housing costs: female headed households, seniors, disabled, farmworkers, low-wage earners, homeless, Hispanics

The HCD further recommends displacement protection.

- Pacifica with housing critically constrained by vacation housing, a short-term rental restriction linked to a vacancy rate below 5% is appropriate.
- An anti-harassment ordinance similar to that adopted by the City of Richmond can provide pertinent direction for those impacted.
- Expanded just cause eviction protection with clarity on substantial renovation, relocation benefits, right of first return in the event of continued loopholes in state tenant protection law - all can contribute to greater housing stability for tenants.

HCD notes that the element indicates the City has 101 affordable units with expiring affordability restrictions within the next eight years (e.g., 2025). The element must include an assessment of conversion risk and estimate and analyze the cost for replacing versus preserving the units.

Another HCD observation, the element should include a program committing to actions that preserve coastal housing units for lower-and moderate-income households. This Program could commit to annual monitoring, commitment to complying with replacement requirements and proactive noticing and outreach to non-profits and service providers in the event that future coastal housing is at-risk. A rental registry, similar to that of Concord, could be a tool to monitor rental costs.

Conclusion

Pacifica has critical needs: for below market-rate housing, interventions for our unhoused, and tenant protections. Those should be clearly prioritized in the second draft of our Housing Element as advised by HCD.

--

Suzanne Moore

Home [REDACTED]

Cell [REDACTED]

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From: David Szeto [REDACTED]
Sent: Monday, October 16, 2023 9:58 AM
To: Murdock, Christian; Woodhouse, Kevin
Subject: Sea Bowl Site

[CAUTION: External Email]

Hi Christian,

It has come to my attention from the last study session that my former Sea Bowl site is no longer being proposed to be in the Housing Element for residential uses. It seems that this decision was made very late at night without a lot of discussion and I would like to respectfully request that the City Council and Planning Commission reconsider the direction that they gave staff. The best use for my property is residential and we have a quality builder in Toll Brothers that can finally bring much needed market rate and below market rate housing to the City. Additionally, housing on the site will greatly benefit the current Pacifica Brewery. I improved that site from a construction storage site, Gem Patio, to Surf Spot Restaurant and Event Center back in 2010. As you know, Pacifica Brewery is a much loved community asset that can finally thrive with the construction of the Toll Brothers' project.

I know that there was a study done saying that my property is good for visitor serving uses but that is not based in reality. There is no market for visitor serving use on my property. In my decades' long ownership and operation of the former Sea Bowl site never have I been approached by a legitimate business to do this. To be extremely clear, I am not selling my property to an entertainment or visitor serving businesses that does not exist. Furthermore, Pacifica needs housing much more than even more tourists crowding our roads and beaches on the weekend.

For several decades I have provided the Community with incredible entertainment on my site at a great cost. I resurrected Sea Bowl Entertainment Center from the failed and bankrupted tenant, Pacifica Coast Lanes, back in 1992. I have given as much as I can for a very long time and now I am retired and want to move on to the next chapter of my life. Please, I sincerely ask that the City do the right thing for the community and put this site in the Housing Element as a residential use.

Thank you for your time.

David Szeto
Sea Bowl Pacifica Inc.