

Q2 - Public Comment

From: [Jeff Carr](#)
To: [City Clerk](#)
Subject: Public Comment--City Council Agenda Discussion Item 2: "Olive Street Area Rezoning"
Date: Tuesday, April 16, 2024 11:28:19 AM

[EXTERNAL EMAIL]

Public Comment---Discussion Item 2:

Approval of Consultant Agreement and Establishment of a City Council Ad-hoc Committee for the General Plan Amendment and Rezoning Process - Uptown/Town Center Specific Plan Boundary Expansions - "Olive Street Area Rezoning"

I suggest the council deny approval of this item and--"Take no action"--because:

1. The staff report does not clearly define any benefits to the city that will be derived from taking this action. The city only provides a vague claim, a claim that contradicts the city staff's own claim from August 2023.
2. The true motivation for this project appears to be for some perception of control--that has not been defined. As I understand it, the State of California's ADU rules can not be restricted by the city. In addition, I'm told by others that the controls that do exist in T3 can be more constraining to property owners than in R1; and could actually inhibit building.
3. The city held a workshop on the topic--and not one resident in the 'Olive Street Area' stood up in support of the project. I don't recall any participation at all from area residents. This implies to me that there is no clear support for this project. Will that change?
4. Changing from R1 to T3 can potentially lower available housing in the area because of the more constraining rules, newly available commercial opportunities, and more Short Term Rental opportunities.
5. The subject of Short Term Rentals is completely and suspiciously missing from this discussion. A change from R1 to T3 will have affects on the STR balance in the city that must be addressed. In addition, STRs moving from R1 to T3 will then be allowed to transfer that STR permit upon a property sale. This could disrupt this area greatly. The STR issues need to be studied and resolved; including, (1) reassess the STR situation in T3 and R1 zones caused by this change; and (2) consider eliminating STR permit transfers in T3.
6. The Short Term Rental issue is even more concerning on this item because of the risk of conflict of interest that exists with our council members and city staff. With the recent appointment of Council Member Roden and the need to build a voting quorum for the council--this risk can no longer be eliminated. --- I'll be blunt: If you don't already know, there are people that feel this entire effort is a plan to increase STRs in the city and potentially benefit STR owners in this area. Of course I have no proof of this claim, but I can understand why people might think so--especially when the city has not provided a clear list of city benefits that will result from "Olive Street Area Rezoning".
7. The staff report does not provide adequate detail of staff hours required to

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support this project. Time has already been spent and more staff time will be required in order to monitor and support the contractor--and then in addition, time to assemble and manage an ad hoc committee. I feel the city is trivializing this fiscal impact--especially as we've learned that available staff is limited as some city staff members have 'conflicts of interest' with this project.

Background

This item's staff report claims, on August 17, 2023: "The HCOC determined the UTSP's flexibility with design standards and dwelling types available under the T-3 zone, rather than R-1 and R-2, could produce more infill housing in the area."

Having attended that HCOC meeting, I don't recall anyone at the HCOC meeting making such a statement. In fact, the comments I recall hearing on the topic leaned more like this:

- *there was very little space in the area available for new development or infill.*
- *the rezone would give the city more control; and that they didn't like the state dictating planning in the city (i.e. wrt ADUs).*
- *want property owners to have more choice with how they use their property. -- I assume to take advantage of the added commercial opportunities that might exist in T3 vs. R1.*
- *there was still opportunity in the other nearby T-zones that was not being used. So--this rezoning can wait.*

In addition--the city's staff report for the August 2023 HCOC meeting stated,

*4. In 2017, the HCOC identified the expansion of the UTSP east of Olive St. as an area that could be rezoned to increase housing production. At the January 22, 2022 meeting the HCOC considered a report from staff and recommended the City Council consider a specific plan expansion and rezoning of the block east of Olive St. **The basis of the recommendation was the assumption the UTSP's T-3 zoning district allowed more units (density) than the R-1 zoning district.***

*5. The State of California has recently implemented a number of single-family residential zoning preemptions that now allow both ministerial lot splits and multiple accessory dwelling units on all R-1 lots (SB-9, AB-345, AB-3182, AB-68, AB-881, SB-13). **Consequently, it is now possible to a similar number of units in the R-1 zoning district as the T-3 zoning district***

This contradicts any claims of additional housing benefits when moving from R1 to T3. Who's correct?