YIMBY Law

2261 Market Street STE 10416
San Francisco, CA 94114
hello@yimbylaw.org

YIMBY LAW

3/17/2025

City of Rancho Palos Verdes
City Council
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275
Via email: CC@rpvca.gov

Re: Removal of Sites 16, 18, and 19 from the Housing Sites Inventory

Dear City Council,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Element Law.

We understand that this Council is preparing to remove sites 16, 18, and 19 from its sites inventory as identified in Program 1 of the City's April 16, 2024 Housing Element. This follows the site being rezoned for 22 units per acre, and a preliminary application for development on site 16. The proposed amended Housing Element and subsequent downzoning of those sites will violate state housing law and the vested rights of Clipper Development, beyond the threat this action poses to your ability to meet the statutory RHNA obligation.

To remain in compliance with Housing Element law and ensure the City is not subject to the Builder's Remedy, it must move forward with the Local Coastal Program amendment that would finalize the April 2024 zoning amendments.

Vested Rights

Clipper submitted its SB 330 preliminary application on November 22, 2024, for a development of 14 townhomes and 2 Accessory Dwelling Units. That submission vests the applicant's rights under the current General Plan and Zoning designations, as per CA

Gov. Code 65589.5(o)(1). The application vests rights to develop the project only according to “the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.” The application relied upon representations made in the Housing Element, General Plan, and Zone changes, on the (then reasonable) belief that Rancho Palos Verdes did not complete these processes for no reason.

Even if you proceed with removing the site from your Housing Element and subsequently reducing its density, the Preliminary Application granted the property a vested right to the City of Rancho Palos Verdes approval of the LCP Amendment, and to develop the Project in accordance with the Zone Change and General Plan Amendment. Coastal Act § 30514(b) requires that any LCP amendment be submitted to the Coastal Commission following adoption. The City’s resolutions seeking an LCP amendment and Housing Element certification were both adopted and effective prior to the November application.

The Coastal Commission is not bound by vesting rights, but you are legally prohibited from withdrawing that request to the Coastal Commission via a new resolution until the applicant fails to file a full application within the statutory 180 day period.

Duty to Affirmatively Further Fair Housing

Rancho Palos Verdes’ certified Housing Element made programmatic commitments to affirmatively further the cause of fair housing. As per the Rancho Palos Verdes Housing Element, as drafted, reviewed, and certified:

"Program 1, Zoning Amendments to Increase Housing Development Potential, is focused on increasing the amount of land zoned for residential development at or above the default minimum density for lower-income housing. This will promote additional opportunities for housing for lower-income households, including minorities and people with disabilities, in Rancho Palos Verdes, a high opportunity community. This program also contains provisions to permit Emergency Shelters by-right in a new Mixed-Use Overlay District (MUOD) zone that will also permit residential uses and eliminate requirements for View Preservation analysis and CUPs for buildings over 16 feet developed on Housing Element sites."

Program 1, specifically, is a component to address the city's Fair Housing issue of "limited housing choice." The city's housing element says, a contributing factor to this issue of housing choice is, "Land Use and Zoning laws that historically limited opportunity for development of higher density housing types (e.g., apartments, condominiums); economic factors (i.e., high cost of housing)."

If City officials stayed by their words and specific commitments, housing which would address those flaws and has already been applied for could move forward. The options in front of you are to respect the efforts of your staff which led to a Housing Element and subsequent rezoning AND an application consistent with those measures, or to waste time and open yourselves to our lawsuit while crippling your ability to meet the statutory RHNA obligation.

Obligation to Meet RHNA Capacity

Substantially reducing capacity on opportunity sites will prevent Rancho Palos Verdes from meeting the statutory responsibilities it committed to.

If zoning were undone on Site 16, its maximum capacity would fall from 17 units to 3 single family homes, though current RS-4 lot size requirements could preclude this on the 1.56 acres that the City has identified as buildable property.

Site 18, a 3.71 acres site currently zoned for ministerial approval under the city's "residential overlay district" (ROD-6) zoning, would have its maximum capacity reduced from the current 12 units with the ROD overlay, to the underlying zoning of "Institutional" which does not allow residential uses. (12 -> 0 units)

The "closed Marymount University/sold to UCLA site at 30800 Palos Verdes Drive E (site 19), which is a 20.87 acre site currently zoned for ministerial approval under the ROD-6 zoning would have its maximum capacity reduced from the current eight (8) units to the underlying zoning of "institutional" which does not allow residential uses. (8 -> 0 units)

Site 16 is one of only three sites in the city's site inventory on which the property owner has expressed interest in developing, and one of only two sites that the City performed a true rezoning on as part of their rezoning Program 1. All other rezonings are overlays.

The two UCLA sites represent 2/3 of the total sites city rezoned with the ministerial approval of the "residential overlay district" zoning for sites that were previously designated as "institutional" where no housing is otherwise permitted. The other housing element sites that were rezoned as "mixed use overlay district" as part of the Program 1 rezoning action in April 2024 are still zoned commercial retail or office, and the majority have active commercial uses. While some sites could seek ministerial approval under AB 2011, they are likely subject to known development challenges on shopping center sites such as reciprocal easement agreements.

Environmental Impacts

Page 5 of the staff report for this amendment states that site removal would have little to no environmental impacts as opposed to following through with legal requirements and city programs. This assumption ignores the habitat loss and emissions that result from low density housing.

Rancho Palos Verdes' amended Mitigated Negative Declaration considered the Housing Element upzoning; it found that "The Revised Project would allow for an increase in residential units and non-residential square footage that would occur as infill development throughout the City. ...Future infill development of residential and limited residential-serving retail or commercial uses would also not be anticipated to result in substantial increases in vehicle miles traveled (VMT) and associated vehicle emissions. **The housing sites were identified to locate higher-density and mixed-use developments in infill locations near other uses that would help to reduce VMT within the city**." (Addendum to Adopted Negative Declaration, March 2024, page 33)

As the already completed upzoning would reduce VMTs, a subsequent downsizing must necessarily increase VMTs. The proposed amendment could require new environmental reviews to assess this damage. That process, along with a reopened Housing Element, subject the City to numerous opportunities for litigation and scrutiny.

We urge the City to take its commitments seriously, as well as state housing law. I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law