

Honorable Members of the Stockton Planning Commission:

I represent the applicant for the Administrative Use Permit (P19-0290).

THE NEED FOR AFFORDABLE HOUSING STOCK

A widely accepted study by McKinsey Global conclude that California will face a critical shortage of housing in the amount of 3 ½ million dwelling units by 2025. Locally it has been repeatedly stated by Stockton officials that the city has a housing shortage and the City is committed to take steps to increase the housing stock.

This project increases Stockton's share of affordable housing stock. It helps the City attain the stated goal of providing more affordable housing to local residents. Moreover, it is designed as an owner occupied project meaning that people will own their individual units and therefore have a real and meaningful equity interest in their home and their community. Indeed, my client has already received substantial interest from local residents interested in living in the project.

This project represents the rubber hitting the road. Is Stockton serious about taking steps to produce more housing for its citizens or will it walk back from aspirational declarations in favor of housing once neighbors raise typical NIMBY complaints.

Indeed these NIMBY like arguments raised by opponents are troubling. The implied predicate to these arguments is that a person with less financial assets and who therefore can only afford a home with a small square footage footprint somehow possesses a questionable character, and is more likely to misbehave socially, commit crimes or reduce property values. Yet I hear every Sunday morning that a person's worth and virtue is not defined by the size of their bank account or the square footage of their home. These very troubling biases lack integrity and have no place in public policy decision making. Our community is better than that.

THE STAFF REPORT

In August the Planning Department completed its review of the application, concluded the application satisfied all requirements of law and was prepared to issue the permit. However an objection was lodged, claiming the project would cause crime, traffic and reduce property values. That objection triggered this appeal to the planning commission.

We agree with the staff report, including the analysis, findings and recommendation of approval. We urge you to follow the advice of the independent planning department staff and approve the administrative use permit.

Also, this is an in-fill piece of property. As you know the General Plan strongly encourages development of in-fill property. In this case this property has been in the city and vacant for over thirty years. I am aware of at least three very serious efforts to develop the land with commercial or retail uses. Each effort was unsuccessful. This project fulfills the General Plan goal of promoting the development of in-fill property.

IT IS IMPORTANT TO EMPHASIZE THAT THIS IS A “MINISTERIAL” PROJECT

A key aspect of the staff report is its explanation that this is a ministerial permit request. In this respect this is one of the most unusual situations I’ve dealt with in my 40 plus years as a land use attorney.

Normally ministerial permits, such as building permits, are issued without a public hearing. In this case state law takes over this approval process, thereby rendering the Administrative Use Permit ministerial. In fact a state agency, the Department of Housing and Community Development (HCD), rather than Stockton, has the regulatory power to approve the residential project. However, an older provision of the City planning code did not recognize HCD’s primary role in approving the project and still required the administrative use permit process to be followed. In discussing the need for this permit with the then director of Community Development, Mr. David Kwong concluded there was no basis to deny or condition to permit but still concluded that as the planning code is written the permit was still technically required. Mr. Kwong indicated that after this process concluded the City should consider repealing or revising this planning requirement to acknowledge HCD’s central role.

As stated in the staff report and as your attorney can explain in more detail, since this is a “ministerial” permit the issues raised by the objectors—including crime, traffic and diminished property values—are not relevant when deciding to approve this application.

Indeed, the staff report includes a matrix depicting how the normal issues that a planning commission would consider have been preempted or taken over by HCD. If land use, environmental or CEQA issues are raised by the opponents, we urge you to ask the City Attorney for clarification that these types of issues—issues typically raised when a discretionary land use application is at issue—are irrelevant for determining whether to issue a ministerial permit.

Thus the City’s professional planning staff has independently reviewed the unique state law that applies in this instance against the planning code and determined that this application satisfies all requirements and must be issued. As the matrix presented in the staff report reveals the complaints made by the opponents are preempted by state law and the authority to ultimately approve or deny the project rests with HCD and not with the City of Stockton.

THE PROJECT

My client will provide more details to you concerning the project he is proposing to HCD. While we believe this project will be approved in the manner that it is submitted HCD does have the authority to modify the design. But again, to emphasize the point, state law takes the authority to modify and approve the project from the city and transfers this power to HCD. This renders the opponents' land use and CEQA arguments inapt for purposes of considering and approving the administrative use permit.



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I want to start by thanking city staff for the difficult job separating City and State authority regarding manufactured home parks. The spreadsheet in your package does a better job explaining the various levels of authority and responsibility than anything I created.

I was looking forward to explaining this innovative project in person. I will do my best in this format and I look forward to answering your questions.

One of the first questions is, “Will this be a homeowner or a rental project?”

The answer is yes, it’s both a homeowner and rental project.

Residents purchase their own home and rent the home site. This incorporates the best of both types of housing.

HOME OWNER

- Financial Investment
- Pride Ownership
- Personal Responsibility
- Community Stakeholder

RENTAL

- Financial investment
- Professional Management
- Enforce Rules / Guidelines
- Community Stakeholder

Yes, Homeowner and Rental Community

Homeowners have significant financial investment, pride of ownership, personal responsibility for their homes and yards and become a community stakeholder as they are emotionally and financially invested in the community.

As land owner, leasing the home sites, I have significant financial investment, I provide professional management and qualify potential residents, enforce community guidelines which are similar to CCRs in a subdivision as a community stakeholder I accept responsibility to comply with California Mobile Home residency law that protects homeowners.

Ownership of individual homes while leasing home sites significantly reduces down payment costs and monthly housing expense.

When I say yes, it's both a homeowner and rental project, I do not mean someone can purchase a bunch of homes and rent homes out like an apartment building within the community. The guidelines for living allow a homeowner to rent their home while the rules prohibit individuals from owning 2 or more homes and operating a rental business within a community of homeowners.

Homes

- PMRV (residential siding and roofing)
- HUD (Federal building code)



Option: Tiny Home



Option: park model recreational vehicle or (2) a HUD code home



Option: 2 bedroom Park Model RV



The homes will be a mix of HUD code homes, built to the Federal manufactured home code and Park Model Recreational Vehicles built to the Federal safety standard.

We require the homes to have residential siding and residential roofing and meet our design standards. A benefit to homeowners is professional management enforcing design and maintenance standards for many years into the future.

The homes could range in value from approximately \$25,000 if someone built their own tiny home to \$100,000 or more depending on homeowner desires and budget.

Every home site will have space for an outdoor storage shed and in phase 2, the community will have it's own garage/artist space where residents can rent storage space and even artist work space to work on their own projects.



This is a top of the line home offered on RVTrader.com for less than \$78,000.

Home owners can purchase their home from any number of dealers and factories. While many people think of tiny homes as less than 300 square feet with sleeping space in a loft, most homes will range from 400 to 600 square feet. At these sizes the bedrooms are on the main level and homes can be built with complete ADA accessibility. Let me point out, I am not aware of any other new accessible homes that cost \$600 to \$1,200 per month depending on down payment and financing.

This tiny home development will allow people to live with 1-3 people per household at a reasonable monthly expense with private outdoor space. I envision a parent with a small child, two adults or any other combination of 3 or less people per home site.



Here is a proposal that complies with the required state and local laws, creates much needed housing, has been reviewed and supported by staff and has significant community support.

This proposal,

- has no displacement of existing residents,
- creates new units that qualify as market rate,
- receives no subsidies, no tax credits, no grants,

AND is affordable at \$600 to \$1,100 per month depending on home and financing.

This is a unique project. As outlined in your package, most aspects are outside local jurisdiction. Instead of being distracted by potential, possible or some unanticipated future concerns, I ask you to focus on the incredible need and real problems existing right now due to the lack of affordable housing.