

## Jomsky, Mark

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**From:** Jill Shook <Jill@makinghousinghappen.com>  
**Sent:** Sunday, January 29, 2017 7:35 PM  
**To:** Jomsky, Mark  
**Subject:** re: from Jill Shook to City Council  
**Attachments:** Promise Land-Pas Weekly Aug 12 2004.pdf

Dear City Council,

Pasadena Weekly published this article about Second Units in 2004, just after our Second Unit Ordinance was passed. It is just as relevant now as it was then. I have been waiting since 2003 for this issue to be put on a City Council agenda. Three 5 year cycles of housing Elements have happened since, each one asking for this issue to be addressed, and each time it has not been even studied. It was to be studied this time around in 2015-16. At a recent Planning Commission meeting David Reyes said it would be studied and brought to the City Council in the first quarter of 2017. Please be sure that this is the case.

Thank you! Jill Shook

"Don't look for big things, just do small things with great love....The smaller the thing, the greater must be our love." — Mother Teresa

Please consider the environment before printing this email

**Jill Shook, Missions Door, Catalyst** <http://www.missionsdoor.org/missionaries/shook-jill>

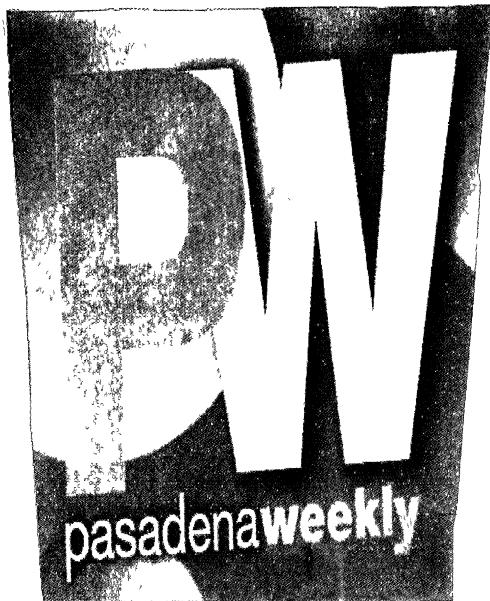
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### Promised land

"Affordable housing is hard," said Cynthia Kurtz, Pasadena's city manager, in the City Council meeting June 13. Kurtz added, "Especially when there is no land." That is one perspective. I don't believe it needs to be that hard and I know there is land

There is land in backyards all across our city. With 600 plus children in our public schools considered homeless, 900 residents sleeping nightly on our streets, and a steadily decreasing African-American population (and now Latino) — we have a serious housing crisis

If we want to house our most vulnerable residents and maintain the economic and racial diversity for which our great city is known, we can and must do something. Our state recognizes that we are in a serious housing crisis. They have sought to curb the crisis by allowing single-family property owners a chance to build a second dwelling on their land

It is really not that hard. Our City Council is making it more difficult than it needs to be. Forget trying to come up with some kind of local ordinance. Let the state law stand. Allow those families to build who want to. The design and all the local housing codes still

must be upheld and approved by the city

Forget trying to figure out lot size and the size of a second unit — a small percent of any one property can be in a structure anyway in order to allow for sufficient open space. That will determine the unit size and if a second unit can even be built. In most cities no more than 10 permits per year are pulled to build second units. So what's the big deal?

In the March 1 second unit public hearing, Chris Holden answered that question at the end of the long debate at almost 1 a.m. when he essentially said, "Let's be honest, this is really all about not wanting low-income families in our neighborhoods. We all were lucky enough to get properties years ago when things weren't so expensive."

The intent of the state mandate AB 1688 is to help increase our housing stock — a stock that has not kept up with the pace of need now for the past 20 years. Some estimates say we are about half a million housing units short in Southern California alone. With the shortage of housing, the demand pushes all the prices up. We need more housing stock, and people are not willing to drive any further on crowded freeways — sprawl has hit the wall.

In 1949 President Truman won the presidency on a housing ticket. He countered his opponent's campaign slogan "two cars in every garage" with a statement of reality: "two families in every garage." As a result, he won the presidency and declared the strongest federal housing policy our country has known called the 1949 Housing Act, declaring "a decent home and suitable living environment for every American family." That law is still on our books. But most of our council today seems to have forgotten it.

They are our elected representatives, but for the most part they seem to represent the wealthy who somehow think that "preserving our neighborhoods" only means preserving a place for the wealthy, who now have the opportunity to build a guest house on their land if it measures 15,000 square feet. Their intent was blatant — they don't want second units. They went against the 10,000 square foot recommendations of city staff, the planning commissions and the Affordability Task Force

It seems to me that preserving our neighborhoods should be about welcoming the children who grew up here — creating affordability so that all races in our city can afford to stay. The housing element (part of the General Plan) that we all voted on says that we are required by law to have sufficient housing for all income levels in our city. Our city is not upholding this. If you ask any African-American person where many of their family members now live, they will tell you San Bernardino, Riverside County, Apple Valley, Palmdale... they have gone where they can afford to buy. But many people I have spoken to say they would have stayed if they could build a second unit on their land.

In the course of attending the Planning Commission and the City Council meetings on the second unit issue, I have come to know six low- to middle-income families who desperately want to stay in our great city. They figured out a way to do it. They planned to build a small second unit on their own land to live in for their retirement. They spent their hard-earned money to hire architects to draw up plans for a second unit. The state law says they *can* as of July 1, 2003. But when they went to the city to pull a permit after that date, they were told they could not. They have been told a lie. Until a city ordinance that says otherwise is passed, we go by state law, and that gives anyone permission. It is 100 percent legal.

That same law that went into effect last summer allowed for municipalities to design a second unit ordinance to give "guidance" — but not to restrict them. The "guidance" they gave us Monday night was ridiculous. If fact, it was obscene. All the white members of the council voted for 15,000 square feet, including our mayor, who supposedly is supportive of affordable housing.

AB 1688's intent is to make it easier to build a second unit — to prevent restrictions. But they added restrictions, saying they have to be 500 feet apart and that no more than 20 a year could be built. The council's decision couldn't be farther from the intent of the law. It seems that the only reason our council wants a second-unit ordinance is to keep anyone from ever building one. At least the two African-American and one Latino

members of the council voted for the 10,000 square feet — but even that disqualifies most of Northwest Pasadena with the average property size of 6,500-7,000 square feet. Northwest is where second units are most needed with gentrification, forcing property values to skyrocket and rents to soar.

In one very unwise decision, the council decided to prevent my friends from being able to stay and retire in the city they have lived most of their lives. No, it's not that hard to have affordable housing. It just takes courage, a will to do the right thing no matter what others may think and a heart to hear the cries of people. I am praying that our council members find that courage. The land is there.

JILL "SUSANA" SHOOK  
VIA EMAIL

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## An Open Letter to the Pasadena City Council Urging a Comprehensive Overhaul of the Second Dwelling Unit Ordinance

JANUARY 29, 2017 BY JONATHAN P. BELL — [LEAVE A COMMENT](#)



## Notice of Public Hearing CITY COUNCIL

### Amendments to the Second Dwelling Unit Ordinance (Section 17.50.275 of the Zoning Code)

**ZONING:** All Single-Family Residential Zoning Districts (RS-1, RS-2, RS-4 and RS-6)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**PROJECT DESCRIPTION:** The proposed project is a set of amendments to Section 17.50.275 of the City's Zoning Code (Second Dwelling Unit Ordinance), along with all other applicable sections in the Zoning Code (i.e. definitions, land use table). The proposed amendments include a number of targeted changes to the existing regulations governing the construction of second units on properties zoned for single-family development. These changes are necessary to bring the City's Zoning Code into compliance with recently amended State Law (Assembly Bill 2299 and Senate Bill 1069), and will allow the City to continue to enforce the majority of the City's existing Second Dwelling Unit Ordinance.

Separately from the proposed amendments, a comprehensive review of the City's Second Dwelling Unit Ordinance is anticipated to begin later this year. This effort will include community participation and input prior to the drafting of any new regulations.

**On January 30, 2017, the Pasadena City Council will hold a public hearing to consider an amendment to the city's Second Dwelling Unit Ordinance to comply with new standards codified in AB 2299 and SB**

1069.

01/30/2017

Item 6 and 9

Dear Pasadena City Council Members,

A long overdue update to the Second Dwelling Unit Ordinance is before you at the January 30, 2017, City Council public hearing. With the passage of AB 2299 and SB 1069, all local jurisdictions are obligated to amend zoning ordinances to facilitate easier pathways to building accessory dwellings units (ADUs). As the staff report notes, the new state laws came about in response to a statewide affordable housing crisis. We see it in Pasadena. It's rendered in the presence of homeless encampments, occupied vehicles on city streets and parking lots, and the existence of unpermitted housing on private properties across the city.

Pasadena responded with a tepid ordinance amendment that complied with the state's mandated ADU laws but failed to examine the problematic operational and development standards in the original ordinance. In a December 12<sup>th</sup> Open Letter to the Pasadena Planning Commission, I called these standards "poison pills" because they discourage new ADUs and make the ordinance unworkable in practice.

Many housing advocates joined me in voicing concerns about the weak proposal at the Pasadena Planning Commission's December 14, 2016, public hearing. We asked the Planning Commission to fix it. Commissioners summoned the courage to remove some, but not all, of the poison pills.

The original Second Dwelling Unit Ordinance was broken from the start. The amended ordinance remains unfair and unfeasible. There's no date for the "anticipated comprehensive review" of the ordinance as part of the Housing Element Implementation Program. Thus my call for a comprehensive overhaul of the ADU ordinance remains unfulfilled.

So once again, I outline my grievances against Pasadena's ADU ordinance. I urge you to consider these grievances in concert with our city's urgent need to improve affordable housing access:

- The minimum lot size of 15,000 square feet to build an ADU represents an unjust codification of upper-class privilege because it limits new ADUs to large parcels owned by wealthier Pasadena residents. Maintaining this ridiculous lot size hurdle does nothing to alleviate the affordable housing crisis. The minimum lot size to build an ADU should be at or near 5,000 square feet. This reasonable threshold opens more opportunities for

property owners with standard sized lots and diverse income levels to build ADUs legally, and it's on par with neighboring jurisdictions such as the County of Los Angeles.

- The limit of 800 square feet per ADU is arbitrarily low and does not accommodate the spatial needs of single occupants, couples, or families residing in such dwellings. The maximum gross floor area should be at or near 1,000 square feet to provide occupants more generous living space.
- The 17-foot height limit of a single-story detached ADU ignores that fact that many long-ago-built legal nonconforming apartments exist above garages in Pasadena. As a city that respects its history, Pasadena can learn from such past practices.
- The ban on an ADU's entry being visible from the street is utterly absurd. No reasonable justification for this standard has been given because none exists. Dismiss this ridiculous provision with prejudice.
- The newly added 30-day rental term limit for an ADU undercuts affordable housing access and bolsters the proliferation of problematic short-term rentals that are currently unregulated in Pasadena. The insurgent short-term rental market removes affordable housing options in the L.A. region. This provision amounts to Pasadena codifying a new poison pill in the ADU ordinance. The 30-day rental term limit is cruel and illogical; it must be removed
- Despite the alleged Findings of Consistency, this amendment is inconsistent with the policy objectives of Pasadena's General Plan. As proposed, the amended ordinance does not "provide opportunities for a full range of housing types, densities, locations, and affordability levels to address the community's fair share of" housing pursuant to Policy 2.1 (Housing Choices). It does not facilitate "a variety of affordable housing types" pursuant to Policy 21.1 (Adequate and Affordable Housing). It does not "encourage, foster, and protect a balanced mix" of housing throughout the entirety of the city pursuant to Policy HE-1.1 (Neighborhood Character). And it does not "facilitate and encourage diversity" in housing options pursuant to Policy HE-2.1 (Housing Diversity). The lack of General Plan consistency is alarming.
- Unpermitted housing is found in every jurisdiction, every geography, every demographic, and every socioeconomic stratum. Among the many reasons for this condition is the codification of infeasible zoning codes that thwart efforts to build safe

and legal ADUs. Pasadena's original and amended ordinances embody these contradictions. Our unusable ordinance explains, in large part, why unpermitted housing exists across Pasadena. When people need housing, people build housing. When formal channels are unworkable, people build "informally." When a zoning ordinance obstructs construction of legal ADUs, people ignore the ordinance. It's that simple. Paradoxically, our overly restrictive ADU laws encourage an unregulated, off-the-books housing market. This "hidden density" should concern you for many reasons, namely:

- Unsafe housing is being built and rented without the benefit of permits or inspection.
- Substandard housing arrangements are fire hazards that threaten the lives of occupants and neighbors. The Ghost Ship and Aviles Family tragedies are vivid reminders of the dangerous consequences of unpermitted housing.
- Unpermitted housing adds "unaccounted for" and unplanned usage to our local utilities, sewers, and street parking access.
- Obstacles to building legal ADUs diminish access to safe and permitted affordable housing options.
- Occupants of unpermitted housing are far less likely to be counted by Census takers, resulting in population and housing under-reporting that directly impacts federal funding for our community.
- The lack of site plan review and building permits issued to unpermitted dwellings equates to untold losses of potential annual revenue for the City of Pasadena.
- Stealth housing will likely go unaccounted for during the upcoming Housing Element Implementation Program.
- Systemic rejection of housing code compliance undermines the ordinance's validity.

I'll say it again: we need a comprehensive overhaul of the ADU ordinance that encourages residents to develop affordable, safe, and legal accessory housing in Pasadena. Allowing more ADUs helps Pasadena address the local and regional housing crisis with units scaled to fit into its lower density neighborhoods. ADUs help households provide living space for family members, from grannies to millennials. Property owners may also choose to rent out their ADUs to help pay the mortgage. The ability to develop safe and legal ADUs enables more Pasadena residents to help "shape this city."

Pasadena calls itself a "world class" city with "great neighborhoods and opportunities for all," a city that's "responsive to our entire community," and one that values "diversity and inclusiveness."

Prove it.

Advocate a humane and usable ADU ordinance that enables new housing arrangements *for all residents*.

Thank you,

Jonathan Pacheco Bell

Pasadena District 5 resident

FILED UNDER AFFORDABLE HOUSING, CIVIC, FEATURE POSTS, LOS ANGELES, PLANNING  
TAGGED WITH AB 2299, ACCESSORY DWELLING UNIT, AFFORDABLE HOUSING, CODE ENFORCEMENT, HOUSING, LOS ANGELES, PASADENA, SB 1069, SECOND DWELLING UNIT, URBAN PLANNING, ZONING, ZONING ENFORCEMENT



### About Jonathan P. Bell

Jonathan Pacheco Bell is a proud public sector professional with over 17 years of diversified experience spanning the fields of urban planning, architecture, and information/library science. Since 2006, Jonathan has worked as an urban planner for a large municipal planning department in Los Angeles County. He has extensive experience in countywide zoning enforcement and community planning in South Central Los Angeles. Jonathan received his M.A. in Urban Planning from the UCLA Luskin School of Public Affairs and studied political science and architecture as an undergraduate. He is currently completing an MLIS with an emphasis in public libraries through the San Jose State University iSchool.

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**Jomsky, Mark**

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**Subject:** FW: Second Dwelling Unit Ordinance

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**From:** Jonathan P. Bell [mailto:c1typlann3r@gmail.com]

**Sent:** Monday, January 30, 2017 4:42 PM

**To:** Hwang, Joanne; Reyes, David

**Cc:** Gordo, Victor; De La Cuba, Vannia; Tornek, Terry; Huang, William; Jomsky, Mark

**Subject:** Second Dwelling Unit Ordinance

Dear all,

See Planetizen's additional coverage of my grievance letter to Pasadena City Council over the ADU ordinance going to council.

[https://www.planetizen.com/node/90933/pasadena-urged-purge-poison-pills-adu-reform-ordinance?utm\\_source=dlvr.it&utm\\_medium=dlvr-twitter&utm\\_campaign=newfeed](https://www.planetizen.com/node/90933/pasadena-urged-purge-poison-pills-adu-reform-ordinance?utm_source=dlvr.it&utm_medium=dlvr-twitter&utm_campaign=newfeed)

One way or another we are going to rebuild this ordinance to make it usable for all. Right now, only the wealthy can use it.

Sincerely,  
Jonathan P. Bell

Pasadena District 5 resident

01/30/2017

Item 6 and 9



# Pasadena Urged to Purge Poison Pills from ADU Reform Ordinance

Pasadena is adopting accessory dwelling unit (ADU) reform in response to state legislation designed to spur affordable housing options by easing restrictions on ADUs. But is it really entrenchment dressed as reform?

January 30, 2017, 12pm PST | wadams92101

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In a second open letter to the Pasadena City Council on the topic of accessory dwelling unit regulation reform, Los Angeles planner Jonathan P. Bell urges the elimination of what he calls "poison pills," which bar an increase in ADU construction on a practical level. Among other things, under the new ordinance, ADUs are:

- Restricted to properties of at least 15,000
- Barred over garages on single story buildings (via a 17 foot height limit)
- May not be visible from the street
- Limited to 30 day rental terms (thus favoring vacation rentals over housing)

Bell argues that the findings supporting the adoption of the Pasadena's ordinance are simply and obviously erroneous. He further explains how the new ordinance, by limiting ADU to unrealistically narrow circumstances, essentially creates a black market in illegal housing and residents. This in turn, creates safety and other problems. The matter is coming again before the City Council on January 30, 2017.

Pasadena's accessory dwelling unit reform is in response to state legislation easing restrictions on ADU's to spur affordable housing options. Bell's letter is both detailed and compelling. It is instructive not just for Pasadena, but for all municipalities and persons interested in the subject.