



June 8, 2018

Mayor Terry Tornek and Pasadena City Council
100 North Garfield Avenue
Pasadena, CA 91109
VIA EMAIL

Re: Agenda Item 23 – Reducing Building Capacity

Dear Mayor Tornek and Council Members,

The Pasadena Chamber of Commerce and Civic Association is very concerned with agenda item 23 (Reducing Building Capacity). This measure is designed to curtail housing development in Pasadena at a time when we are facing a housing crisis. Restricting the ability to build to allowable limits with density bonuses for affordable housing will mean that housing needs of your community will remain unaddressed.

No matter how you try to disguise it, the idea that development needs to conform to "no more than 10 feet taller than the average height of existing buildings along the same block" is clearly intended to stop multi-family housing development in most of the areas of Pasadena where it is currently allowable in the zoning code. It may allow the same density on paper, but in reality the height restriction would immediately down-zone these properties.

It is no wonder, when seeing attempts like this to circumvent your own regulations and those of the State of California, that the state legislature has seriously considered allowing housing projects with affordable components to be allowed by right, or without local jurisdictional control. By enacting this sort of measure, you are inviting the California State Senate and Assembly to enact further legislation that allows for the development of housing without regulation or conditions set by local jurisdictions.

Has any outreach about this been done to those who own property in Pasadena where they plan to develop multi-family housing? Is the affordable housing advocate community aware of this? The first I heard about this initiative was on Thursday when I glanced through the City Council agenda and saw the item listed.

Please do not move forward with this action. It is wrong to, after the fact and in disregard to your own and state regulations, to impose these severe restrictions on the ability to create more housing, especially when it is so desperately needed.

Thank you for your service to Pasadena.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Little". The signature is stylized with a large, sweeping initial 'P'.

Paul Little
President and Chief Executive Officer

Cc: M. Jomsky, S. Mermell, D. Reyes

Jomsky, Mark

From: Areta Crowell <acrowell13@sbcglobal.net>
Sent: Monday, June 11, 2018 6:52 AM
To: Jomsky, Mark
Subject: Agenda Items 22 and 23, June 11

Dear Mr. Mayor and members of Pasadena City Council,

I am deeply distressed that Pasadena is not moving firmly to address the housing crisis which affects the quality of life for ALL of us!

It is a very sad commentary on the obstacles which Pasadena has placed to development of affordable rental housing which have made it necessary to transfer nearly 1/2 million dollars of Housing Successor funds to the County housing authority - for development far from Pasadena!

I am also appalled by the delays to approving the Heritage Square South proposal from staff for a development housing for our homeless seniors! All the resources are in place, the plan presented by your own staff is excellent.. To refuse it also would mean returning \$1 M.in HUD funds - a loss which is both unethical and definitely not in keeping with the image which Pasadena tries to present as a model community!!

The city should use all available funds - including the HUD money which was used to purchase the Heritage Square South site- to address the housing crisis. I plead with you : do not permit the NIMBY forces to push our zoning in directions which limit the ability to have a range of income levels among our residents. Pasadena must be open to the facts that our quality of life depends on having services and attractions which all enjoy- and the workers who provide those deserve to be able to live here too! Pasadena is a proud city - and has deserved its good reputation as a model for reducing homelessness- let us not now lose that in our fears of the poor and homeless , most of who have lived among us before they became homeless . They should be housed in dignity and make us proud to walk our streets without having to see homeless people everywhere, without being ashamed to bring visitors who wonder at the large, visible homeless population in a wealthy community such as ours!.

Areta Crowell, Ph.D.
1115 Cordova ,#403
Pasadena CA 91106

213-220-7000

Jomsky, Mark

From: Timothy Murphy <revtimothymurphy@gmail.com>
Sent: Friday, June 08, 2018 3:14 PM
To: Jomsky, Mark
Subject: regarding downzoning plan

Mr. Jomsky,

I am a resident of Pasadena and wanted you to let the City Council know that I oppose downzoning areas of Pasadena as a re-emptive act. My understanding that this plan is in response to Weiner's state proposal around up-zoning areas. We need more inclusionary zoning and affordable housing in Pasadena and downzoning would prevent this from happening. Thank you.

Peace,
Timothy Murphy

David R. Whitehead
388 E. Mountain Street
Pasadena, CA 91004

June 11, 2018

City Council
City of Pasadena
Hale Building
175 North Garfield Ave.
Pasadena, CA 91109

RE: Agenda Item #23: INTERIM ORDINANCE TO REDUCE ALLOWABLE BUILDING CAPACITY

Dear Mayor Tornek and City Council Members,

I am writing to express my **support** for an Interim Ordinance to Reduce Allowable Building Capacity.

As you are aware, the height and massing of many recently-constructed, multi-family residential buildings have been a significant aggravation to many Pasadena residents who frequently express the feeling that these buildings are negatively impacting the character and beauty of our City.

(I understand that our City needs more inclusionary and affordable housing. But past efforts to encourage developers to create such housing have failed. Developers have little incentive to create it when new units can be sold or rented for exorbitant prices.)

For these reasons, I feel that an interim ordinance will be a valuable and effective measure to check the growth of the over-sized residential buildings while the City works to develop a more permanent ordinance.

Please support one of the options presented by the Planning Department's Staff Report.

Thank you in advance for your time, attention, and consideration.

Sincerely,



David Whitehead
Pasadena resident

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California Renters Legal Advocacy and Education Fund

1260 Mission St
San Francisco, CA 94103
hi@carlaef.org



Pasadena City Council
100 North Garfield Avenue, Room S249
Pasadena, California

June 11, 2018

Re: Consideration of an interim ordinance to reduce allowable building capacity

Honorable Members of Pasadena City Council:

CaRLA writes in opposition to item #23 on the June 11, 2018 city council meeting agenda. This measure is designed to reduce or eliminate construction of new housing at a time when California is experiencing a statewide, crisis-level housing shortage, including in Pasadena. The City of Pasadena has a moral and legal obligation to provide sufficient housing for its residents, both present and future; an ordinance that is tantamount to a moratorium on new housing production runs contrary to that obligation.

Further, the City of Pasadena may be committing a blatant violation of CEQA by refusing to complete even an initial study evaluating the consequences of this action. While the city cites section 15305 of the CEQA Guidelines as justification to preclude such a study, the cited regulations in fact apply only to decisions that do not result in a change in density. Additionally, the city cites section 15061 with the justification that “The proposed interim measures would inherently reduce any potential environmental effect.” This is blatantly false. The record numbers of Californians experiencing homelessness is *itself* both a public-health and environmental crisis.

Even the most casual of CEQA studies would demonstrate the nexus between a reduction in housing capacity and increased displacement, greenhouse gases, and suburban sprawl. Pasadena must consider in its analysis:

- The environmental effects of extended commute times for Californians who, failing to find housing in Pasadena, are instead forced to drive further in the LA basin between their homes and their jobs.
- The inevitable loss of pristine, undeveloped land in suburban cities as development pressures are removed from Pasadena and instead redirected towards greenfield development elsewhere. The proposal would decrease the potential for more environmentally responsible infill development, instead incentivising further expansion of our urban footprint into untouched natural habitats and ecosystems.

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- The very real threat to human health and safety imposed on Californians by increased displacement resulting from an extremely competitive housing market where more Californians compete for an ever shrinking number of homes. In any capitalist economic system such as that in California, those with the least means are the most vulnerable to market forces; this often means living on the street as they are outbid by others who are also simply looking for a home.

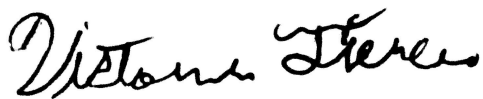
Additionally, Pasadena's economic analysis of a proposed reduction in housing capacity leading to increased affordable housing is indefensible. With an inclusionary housing scheme as proposed in the city's report, affordable housing production is necessarily tied to market-rate housing production. Reducing the number of homes that may be built in the city does not equate to an increase in the number of affordable homes actually built in the city.

CaRLA objects particularly to the staff report's suggestion that the city of Pasadena could legitimately find multi-family apartment buildings to be a specific, adverse impact to human health and safety as a mechanism to extend this moratorium on new housing production. Sprawl as induced by single-family-home exclusive zoning is several orders of magnitude more harmful to human health and safety than any single apartment building. What is more, apartments are occupied by renters—to argue that the buildings they live in pose such a hazard is classist, exclusionary language that risks running afoul of the Fair Housing Act, among other laws.

A housing moratorium is predatory delay that harms renters first and foremost. The City of Pasadena must be able to demonstrate that this proposal advances a legitimate public purpose and does not contribute to further displacement of Californians both within and without the city. While such a moratorium may seem appealing to those who are already housing secure, it undoubtedly presents an insurmountable barrier to members of the affordable housing development community. As with any government decision, it is the responsibility of the body tasked with the decision to consult with all stakeholders who will be impacted. This does not appear to have happened and must be immediately corrected.

CaRLA is a 501(c)3 non-profit organization whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households through legal enforcement of state housing law. You may learn more about CaRLA at www.carlaef.org.

Sincerely,



Victoria Fierce
Co-Executive Director

California Renters Legal Advocacy and Education Fund

June 11, 2018

The Honorable Mayor Terry Tornek and the Pasadena City Council
100 North Garfield Avenue
Pasadena CA 91109

Agenda Item 23 – Reducing Building Capacity

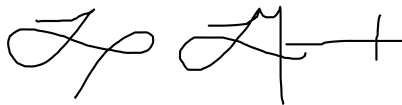
I write to you on behalf of California YIMBY to oppose Agenda Item 23 (Reducing Building Capacity). If adopted, this measure would curtail housing production, especially of the most affordable construction types, which will worsen the state's widely recognized housing shortage. It also stands to threaten existing subsidized affordable housing currently under consideration.

California YIMBY is a network of thousands of housing advocates throughout California who promote policy to make housing more affordable. Policy such as Agenda Item 23 makes housing construction more difficult, which exacerbates the shortage of housing in California. In turn, this squeezed supply of housing has increased the cost of housing and the cost of rent far beyond what Californians can afford. Because of the current high cost of housing, California has the highest poverty rate in the country, which anti-housing legislation caused. Item 23 clearly intends to block the construction of triplexes, quadplexes, and apartment buildings in Pasadena, which would increase housing prices and displacement in Pasadena.

Furthermore, the Item has not considered potential legal issues related to the Housing Accountability Act or to the California Environmental Quality Act. By circumventing the normal zoning process, this may bring Pasadena out of compliance with its housing element, which may threaten your eligibility for certain government funds. Furthermore, I am concerned that Agenda Item 23 may contravene other state laws, such as No Net Loss laws, Fair Housing legislation, and the state's density bonus law. Staff should consider these questions before you adopt anything similar to Agenda Item 23.

Pasadena, like almost every city in the state, faces a severe housing crisis that new housing would alleviate. Adopting Item 23 would exacerbate the housing shortage in Los Angeles County. I respectfully urge you to oppose Agenda Item 23.

Best wishes,



Louis Mirante

Legislative Director, California YIMBY

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Martinez, Ruben

Subject:

FW: Comments on tonight's agenda item#23

From: Blair Miller <blairmiller1@yahoo.com>

Date: June 11, 2018 at 4:33:47 PM PDT

To: ttornek@cityofpasadena.net, mmcaustin@cityofpasadena.net

Cc: mjomsky@cityofpasadena.net

Subject: Comments on tonight's agenda item#23

Mayor Tornek and Councilmember McAustin,

I have reviewed the staff report for tonight's meeting agenda Item #23, Consideration of an Interim Ordinance to Reduce Allowable Building Capacity.

Unfortunately I am out of town and will be unable to comment in person. We are in Seattle right now, which is an interesting example of how a city is responding to the demands on their infrastructure, especially housing capacity and transportation.

Overall I am in favor of increased density, but I recognize that some of the projects built with the Density Bonus have been out of scale relative to their immediate neighbors.

My main point regarding the proposed solutions is this:

Please take care, if possible, to protect the ability to build more densely on the arterials and in the commercial districts, including allowing for taller buildings on the edges of residential districts. I think that is a desirable urban form in Pasadena.

Also I support staff's recommendation to look at increasing the inclusionary zoning requirement. The City is going to have to be able to "give" something to "get" the increase, so it will be important to evaluate it in light of the new height restrictions, as you have proposed.

I apologize for any typos, I am writing this on my phone.

Thank you,

Blair Miller

Holland & Knight

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Holland & Knight LLP | www.hklaw.com

Jennifer L. Hernandez
+1 415-743-6927
Jennifer.Hernandez@hklaw.com

June 11, 2018

Office of the Mayor and City Council
City Hall
100 N. Garfield, Room S228
Pasadena, CA 91109-7215

Re: Agenda Item No. 23, Meeting of 6/11/2018 – Reducing Allowable Building Capacity

Honorable Mayor and City Council:

We have only very recently learned of the City's proposed interim control ordinance to reduce housing development in the City. No matter how the proposed new restrictions are framed, the interim ordinance is clearly aimed at reducing multi-family housing production in the City. This is a significant change to the City's General Plan, and it appears to be aimed squarely at intentionally lowering the City's housing production in violation of the City's Regional Housing Needs Assessment allocations, as well as intentionally violating state Density Bonus Law and the Housing Accountability Act.

We respectfully request that the City: 1) delay taking any action and instead provide adequate notice of the proposed actions so the City may receive more input from affected stakeholders (which include but are not limited to the stakeholders that participated in the City's General Plan process, regional housing and civil rights advocates, and state housing enforcement authorities); 2) analyze and fully disclose the impacts of the proposed actions to housing production in the City; and 3) complete the legally required analysis and public comment process required by the California Environmental Quality Act (CEQA), including preparation of an Environmental Impact Report, prior to voting on the proposed actions.

It appears that the City's proposed actions undercut the City's General Plan, and would have significant legal, environmental, and civil rights consequences that are not addressed, or even disclosed, in the staff report. As documented by numerous scholars, many California communities have, for too long, used exclusionary zoning policies to prohibit or constrain multi-

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family housing units and thereby engage in economic and racial housing discrimination.¹ The Legislature has recognized equal right to access to housing, *inter alia*, in the California Fair Employment and Housing Act (Gov. Code Sec. 12900 *et seq.* (“FEHA”). FEHA Section 12921(b) provides that: “The opportunity to seek, obtain, and hold housing without discrimination because of race, color,...source of income...or any other basis prohibited by Section 51 of the Civil Code is hereby recognized and declared to be a civil right.” Even when such discriminatory housing outcomes are not intended, they are unlawful.

California’s housing crisis is particularly acute, and has long-lasting adverse impacts. The City’s proposed actions would reduce housing supply, which non-partisan experts have concluded is the primary reason for the high cost of housing.² New housing – especially the multi-family infill housing targeted by the City’s proposed actions – is already the top target of CEQA lawsuits statewide, which has hindered timely housing production.³ The City’s proposed actions impose even more hurdles to prevent development of the infill, multi-family housing that regional climate plans and other environmental imperatives demand be constructed to address the severe housing shortfall for hard working California families. No analysis of the California housing allocation and production laws, environmental laws, or housing and civil rights laws, is provided in the staff report.

For example, the complete exemption from CEQA as proposed by the staff report is unlawful and unsupported by substantial evidence in the record. Even a short-term policy would foreseeably result in the reduction of both the number and nature of dwelling units within the City. The contemplated reduction in development intensity would reduce the number of households that may be accommodated within the City through residential and mixed-use projects that have been proposed and that may be proposed, including projects that include affordable housing units that would be restricted to lower income households. Failing to allow housing production in compliance with the existing General Plan and state laws would result in more people driving greater distances to find housing they can afford to rent or buy, resulting in significant adverse traffic, air quality, and greenhouse gas impacts that must be addressed in an EIR. These physical impacts to the environment will also directly and disproportionately affect residents of the City located closest to already congested highways and high volume roadways.

The existing housing crisis is already severe, has caused the US Census Bureau to conclude that California has the highest poverty rate in the nation, has resulted in the nation’s highest homeless population, and continues to disproportionately affect younger residents, minority residents, and

¹ See, e.g., *The Color of Law*, Richard Rothstein (2017), summary available here:

<https://www.epi.org/publication/the-color-of-law-a-forgotten-history-of-how-our-government-segregated-america/>

² *California’s High Housing Costs: Causes and Consequences*, California Legislative Analyst Office (2015), available here: <http://www.lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx>

³ See *In the Name of the Environment: Litigation Abuse Under CEQA*, available at <https://www.hklaw.com/publications/in-the-name-of-the-environment-litigation-abuse-under-ceqa-august-2015/> and *CEQA and the California Housing Crisis: the Sequel to In The Name of the Environment*, available at https://repository.uchastings.edu/hastings_environmental_law_journal/vol24/iss1/3/.

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people of lesser income who do not already own homes. Intentionally reducing housing production under these circumstances violates the constitutional as well as statutory rights of hard working California families, it impedes California's progress toward meeting greenhouse gas reduction goals by undermining compliance with the region's Sustainable Communities Strategy for reducing greenhouse gas emissions from the land use sector, and it violates CEQA.

As noted above, we have only recently learned of the proposed City Council action and reserve the right to supplement these comments. We very much appreciate that the City has limited resources, urge the City Council to reject the proposed actions and avoid the inevitable diversion of these limited resources to defending the enforcement actions and lawsuit challenges that would result from approval of the proposed actions. We urge that you continue to direct your limited resources to the timely approval of multi-family housing that complies with the City's approved General Plan, as well as the state's Density Bonus, Housing Accountability Act, and climate change laws.

We urge the City to reject the proposed actions, and instead continue the orderly implementation of the City's own approved General Plan and state laws as the City's "fair share" in helping to solve California's severe housing, homelessness, poverty, and transportation crises.

Sincerely yours,

HOLLAND & KNIGHT LLP



Jennifer L. Hernandez

JLH:mlm