

## **Jomsky, Mark**

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**From:** ckirby <ckirby351@earthlink.net>  
**Sent:** Sunday, October 09, 2016 4:10 PM  
**To:** Tornek, Terry; Masuda, Gene; Gordo, Victor; Hampton, Tyron; Kennedy, John; McAustin, Margaret; Madison, Steve; Wilson, Andy  
**Cc:** Jomsky, Mark  
**Subject:** Item#16 - Single layer Overlay

Dear Councilpersons:

I would like to add my support to planning commission's recommendation and staff's recommendation for a single level overlay. However I do believe the thresholds suggested are much too high. I would urge you to lower those percentages so that the many neighborhoods of the 40's and 50's which are not in an historical district can be preserved retaining the charm and character of their neighborhoods. One of the neighborhoods that come to mind is the Daisy Villa area. I believe all neighborhoods in the City should have the tools to direct their own evolution.

Diane Kirby, 600 Rim Road

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October 10, 2016

Mayor Terry Tornek  
Vice-Mayor Gene Masuda  
Hon. Council Members Madison, Gordo, McAustin, Kennedy, Hampton, and Wilson  
City Council of the City of Pasadena  
100 North Garfield Avenue, Rm. S249  
Pasadena, California 91109

Re: Agenda Item 16 – Single Level Overlay District

Dear Mayor Tornek, Vice-Mayor Masuda, and Honorable Members of the City Council:

Item No. 16 on your Agenda tonight is consideration of a zoning code amendment to create a new Zoning Overlay District called the “Single-Level Overlay District.” As you will see, the new zone is to be available in single family neighborhoods throughout the City.

For the reasons set-forth below, however, we would ask that you not adopt it and, instead, consider adopting the Neighborhood Development Permit (“NDP”) process citywide.

*First*, as explained in the staff report for this item and the staff report for Agenda Item 15, the idea for this proposal came out of the Planning Commission’s March 23, 2016 hearing on the amendments to the Neighborhood Overlay District in Lower Hastings Ranch. As the staff reports also makes clear, that hearing followed two-year’s worth of community meetings with Lower Hastings Ranch residents; and, it was followed by additional community outreach with Lower Hastings Ranch residents over the past six months.

However, there has been no such community outreach or participation *citywide*. To the contrary, as your staff report makes clear, there has been one Planning Commission meeting on July 27, 2016 at which it was discussed on its own merits separate and apart from any discussion about Lower Hasting Ranch.

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The vast majority of the residents of the City are thus unaware that you are considering an amendment to the Zoning Code that allows their neighbors to prevent them from building a second story.

*Second*, the other existing overlay districts are regulatory in nature and capable of being known before a buyer purchases their property, i.e., they are based on an objective criteria or need not the subjective whims of a few property owners. For example, whether a home is historic by virtue of its age or architecture is visible to the naked eye when a potential buyer inspects it. Similarly, whether there are enough historic homes to warrant a Landmark District is also capable of being known before purchasing a property. Whether there is a concentration of existing alcohol uses in a commercial area, or a multi-family area adjacent to a single family residential area that could lead to a height overly district are all easily visible to a potential buyer of a property.

Here, however, the process could be initiated after a buyer purchases their property to prohibit them from doing the very thing they bought it to do. For example, assume there are ten houses on a block with older, empty nest couples. Further assume, three of them sell their homes to young couples who move in and want to add a second story for their growing families. The remaining seven owners meet them, hear what they want to do, and promptly file a petition to prohibit it. The three young families then cannot build their second stories and have property that has gone down in value. Worst of all, they had no notice of any kind that they would be deprived of doing what they wanted to do before buying their property.

*Third*, one of the consequences of allowing neighbors to prohibit second stories will be more and bigger basements and more neighborhood acrimony. The former will result in much more excavation work in residential neighborhoods, and the latter will land in your lap much like it has this year with so many HDP appeals. There has to be a better solution than to create more acrimony.

The solution we would recommend is adopting the Neighborhood Development Permit ("NDP") process citywide. In particular, if you read the "Purpose" of the Neighborhood Overlay District in Section 17.28.090, simply replacing the words "for the Lower Hastings Ranch Area" with "for second story additions in residential zones" would accomplish most of what you hope to achieve, i.e., only allow second stories to be built in context with the neighboring properties with input from the neighbors directly impacted by it.

Adopting the NDP process citywide rather than the single-level overlay district also would be consistent with the General Plan policies cited in Attachment "A" to your staff report, which the current proposal is not. To the contrary, whereas the General Plan speaks of making sure new development is in character and context with our neighborhoods, the proposed process would result in an outright prohibition and block by block zoning, which by definition is inconsistent with the goals and policies of the General Plan.

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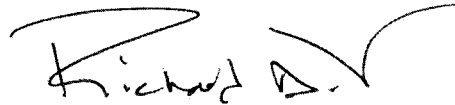
**Fourth**, if points one to three have been unconvincing, then I would recommend, at a minimum, setting a minimum number of homes that have to be included in any such district (e.g., 35 or 40), so that small cul-de-sacs and dead-end streets with only a few lots cannot be ransacked by it and so that we avoid the risk of block by block zoning that is inconsistent with the General Plan as mentioned above. Similarly, require 80% of all homes in the proposed district to be single story and the petition signed by 75% of the neighborhood so that if the process is used, it is used sparingly.

**Last**, on my own street, my wife and I moved into a single story home in 1988. Back then, almost all of the homes on our street were single story and owned by older residents whose children were in college or about to go to college. Over time, those residents sold to younger families who remodeled their homes so that now almost all of the homes on our street are two stories. Under the proposed overlay district, however, any of the older neighbors could have stopped that regenerative process, thereby depressing property values and creating serious disincentives for young families to move onto our street to help revitalize it.

As a City demographically older and aging, creating a process that prohibits young families from moving into and regenerating our residential neighborhoods does not seem like the right vision for the City's future. It also seems like a recipe for acrimony and division between old and new neighbors. On a personal note, to me, there already seems to be way too much acrimony and division in our neighborhoods and creating a process that invites more of it seems inherently unwise.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. McDonald". The signature is stylized with a large, sweeping initial "R" and a checkmark-like flourish at the end.

Richard A. McDonald, Esq.

CC: City Manager  
City Attorney  
City Clerk