

Date: July 17, 2022

RECEIVED

2022 JUL 18 AM 7:33

CITY CLERK
CITY OF PASADENA

Dear Pasadena City Council,

We appreciate our city's commitment to affordable housing. As you know, one of the biggest obstacles to building affordable housing is a lack of sites. About ten churches in Pasadena would like to have affordable housing built on their underutilized land. Yet most of these churches are not properly zoned for this use. For this reason, I ask that the city adjust the proposed policy that the staff is recommending from 32 units per acre to 36—just four more units. And also to allow the development standards to be no less than that of a 32 unit per acre designation. This is a very modest ask and will help only six more churches in the city, but a few of these churches have expressed interest. This will allow for funding sources like tax credits to be accessed. This will assure that several new affordable housing projects will succeed with funding and provide well-designed, beautiful housing in a timely fashion.

If you wish to help more churches do what our neighbor Sierra Madre has done to 42 units per acre on religious land.

The housing crisis is real, and the need is urgent, as evident from these statistics:

- 521 in our last homeless count (2019)
- 700 students considered homeless in PUSD
- 19% of all PCC students have experienced homelessness.

Please allow interested Pasadena congregations to serve our city in this way. We ask that you do all you can to pass this amendment as soon as possible. Thanks for your consideration.

Signed K Brunkow

Printed name: Katherine Brunkow

Address: 500 E. Colorado Blvd. Pasadena

Cell (optional): _____

Date: 7/17/22

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Signed Thomas Brunkow

Printed name: THOMAS BRUNKOW

Address: 500 E. COLORADO BLVD, PASADENA

Cell (optional): 301-502-5652

Date: 7-17-22

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Signed K. Grace Bell

Printed name: Kathleen Grace Bell

Address: 238 South Arroyo Parkway Apt 402 Pasadena, CA 91105

Cell (optional): 267-625-7947

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Signed: Susan Lohr

Printed name: Susan Lohr

Address: 2304 Las Lunas St. Pasadena, CA 91107

Cell (optional): _____

Date: 7/17/2022

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Signed Laura Rhodes

Printed name: Laura Rhodes

Address: 960 S. Orange Grove Blvd.
Unit C

Cell (optional): _____

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Signed David RAJARATNAM

Printed name: David RAJARATNAM

Address: 238 S. Arroyo Parkway

Cell (optional): Pasadena, CA

951-9774007

Date: 7-17-22

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Signed Edward Rhodes

Printed name: Edward Rhodes

Address: 940 S. Orange Grove Blvd. Unit C
Pasadena, CA. 91105

Cell (optional): 937-672-8737

Date:

July 17, 22

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Signed Karen Zankovich

Printed name: KAREN ZANKOVICH

Address: 500 EAST COLORADO BLVD.

Cell (optional): _____

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Signed Dale S. Gore

Printed name: Dale S. Gore

Address: 1144 ~~Danvers~~ Dr S 00 E, Colocada Blvd

Cell (optional): _____

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Signed

Printed name:

Address:

Cell (optional):

Curtis Elrod
Curtis Elrod
1150 Bella Vista Ave 91107

Date: _____

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Signed Pamela M. Allen

Printed name: PAMELA M. ALLEN

Address: 2085 E. ORANGE GROVE 91104

Cell (optional): _____

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Signed Barbara von Maychauser

Printed name: Barbara von Maychauser

Address: 183 W. Woodruff Ave

Cell (optional): Pasadena, CA

91007

Date: SUN 17, 2022

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Signed

Printed name:

Address:

Cell (optional):

Stanford von Mayrhauser

STANFORD VON MAYRHAUSER

183 W. WOODRUFF AVE. ARCADA 91007

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Signed Beverly J DeVoy

Printed name: Beverly J DeVoy

Address: 99 N. Catalina Ave #2 Pasadena, CA 91106

Cell (optional): landline - 626 449 5024

Date: 7/17/22

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Signed Helen Kune

Printed name: Helen Kune

Address: 1267 N. Hudson #113 Pasadena CA 91104

Cell (optional): Sorry

Date: 7/17/22

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Signed [Signature]

Printed name: Jeremy Camp

Address: 125 Harkness Ave. Apt. 3 Pasadena CA 91106

Cell (optional): (864) 430-5675

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Signed Nancy Elrod

Printed name: Nancy Elrod

Address: 1150 Bella Vista Ave. Pas 91107

Cell (optional): _____

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Signed [Signature]

Printed name: FEDERICO CARMONA

Address: 1095 Sunset Ave. 91103

Cell (optional): (626) 787-3240

Date: 7-17-2022

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Signed [Signature]

Printed name: Lois Gargano

Address: 2207 E Orange Ave Bldg 7114

Cell (optional): _____

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IN CHECK
MAY 11 2022

Dear Pasadena City Council,

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If you wish to help more churches do what our neighbor Sierra Madre has done to 42 units per acre on religious land.

The housing crisis is real, and the need is urgent, as evident from these statistics:

- 521 in our last homeless count (2019)
- 700 students considered homeless in PUSD
- 19% of all PCC students have experienced homelessness.

Please allow interested Pasadena congregations to serve our city in this way. We ask that you do all you can to pass this amendment as soon as possible. Thanks for your consideration.

Signed Elizabeth Verniere

Printed name: ELIZABETH VERNIERE

Address: 1709 N. 80th Ave. Torrance, CA 90504

Cell (optional): (626) 862-6296

Date: 07-06-22

RECEIVED

2022 JUL 18 AM 7:34

CITY CLERK
CITY OF PASADENA

Dear Pasadena City Council,

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Printed
name: _____

Address: _____

Cell (optional): _____

Date: 07-06-22

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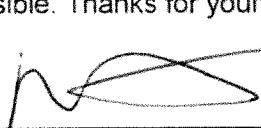
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Signed

Printed
name:

Address:

Cell (optional):


Margie Crockett
488 N Raymond Ave #1
N/A

Date: 07-06-22

RECEIVED

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2022 JUL 18 AM 7:34

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Signed _____

Printed
name: _____

Address: _____

Cell (optional): _____

Marice WANDLAW

488 N Raymond #1

757 710 3143

Date: 07-06-22

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2022 JUL 18 AM 7:34

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Signed TUE

Printed name: Tiffany Ellington

Address: 513 N. Mentor Ave Pasadena CA 91106

Cell (optional): _____

07/18/2022

Item 6

Date: 07-06-22

RECEIVED

2022 JUL 18 AM 7:34

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Signed

Printed
name:

Address:

Cell (optional):

Keshia L. Bryant
627 N. Fair Oaks Avenue Pasadena CA 91103
626-200-7232

Date: 07-06-22

RECEIVED

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2022 JUL 18 AM 7:34

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Signed: 

Printed name: Danny Schen

Address: 158 Stockbridge Ave Altadena
91801

Cell (optional): _____

Date: 7/17/22

RECEIVED

2022 JUL 18 AM 7:35

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Signed [Signature]

Printed name Jason Shupe

Address: 32 E Terrace St Altadena, CA 91001

Cell (optional): unshupe@pasadena

Date: 18 July 2022

RECEIVED

2022 JUL 18 AM 7:35

Dear Pasadena City Council,

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Signed Elizabeth Miles

Printed name: Elizabeth Miles

Address: PO Box 91504 Pasadena CA 91109

Cell (optional): _____

From: Peter Hartgens <pch.knowledge@icloud.com>
Sent: Saturday, July 16, 2022 12:17 PM
To: PublicComment-AutoResponse
Subject: Idiom 1. Rezone religious land church, synagogue etc.,for helping the homeless etc.

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Dear Mayor, and City Council members:

As medical science is realizing more and more that one cannot separate the concept of body and mind but they both go together and then that same light so does body mind and spirit. Yes there is the adage and concepts of keeping church and state separate. However this concept came about by our forefathers of this nation so that no one religion would become a state religion. Even here with the concept of separation of state the word God is mentioned in the Pledge of Allegiance and many political leaders use it in their speeches. The point here is that religious organizations should be just as involved in helping the physical needs of human beings as well as the spiritual the two are one. There is an old saying that goes : what is good for the spirit is good for the body what is good for the body is good for the spirit this can also be said what is good for the body is good for the mind and what is good for the mind is good for the body.

By rezoning religious land so that religious organizations can provide for less fortunate individuals physical needs such as housing should be part of the duty of any civilized people. And not to have such restrictions as it really prohibits them from actually taking part in building housing on their land for the homeless. What has been allotted I propose so far needs to be expanded as to land mass. The problem of homelessness is not going to get better without us all working on seeing all people as our brothers and sisters are children or parents and so on. Pasadena can be an example to other communities in the state and perhaps the country. To amply rezoning land for helping the poor-homeless by religious organizations should be looked at as a civic duty at this point in time and I am afraid time for all of us is running short.

So I humbly request of you to do what needs to be done in this area and open your eyes, minds, and hearts and do it. The more we shrink from doing what is necessary for our brother and sister human beings in the city that needs this kind of help the worse this problem will get. And at such a point the fabric of our society will become dangerously destabilized. Many societies in history have been destroyed from within by not taking care of the needs of the most needed in their reality in the most humane ways possible. The more schism is created

between the hide ideals of this country and the low practice of putting those ideals into action is it a very dangerous point at this time in history. Science itself is coming to understand that all things are related in the universe and effect each other from weather in one part of the country or from one country to another across the globe and so it is with the human condition. So one could safely say I believe what harm is done to the pool and look collect sooner or later will be harmful and will Glaxo of the wealthy contented and supposedly secure. Blessings to you all in this endeavor.

As a member of the Orange Grove Quaker meeting or should say in a tender of such meeting and working with different groups connected with housing I know firsthand the importance of this. Also no person with the importance of this since I do live in subsidize housing. I live at the hotel Green Apartments here in Pasadena. When people are properly and safely housed they can think and act better. When rents are fair and equitable people can produce better.

Sincerely,

Peter C. Hartgens OFM,MSW

Sent from my iPad

Jomsky, Mark

From: Tim and Joanne Wendler
Sent: Saturday, July 16, 2022 3:59 PM
To: PublicComment-AutoResponse
Subject: Agenda Item 6 - Opportunity for More Affordable Housing at Religious Institutions

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Mayor Gordo and Members of the City Council:

Thank you for your active support of housing including the Mayor's Housing Task Force and your support of projects like Heritage Square South and the Civic Center. As a former Planning Commissioner representing District 5, I supported the improvement of the zoning code to allow more flexibility for religious institutions to develop additional affordable housing for our community. I support the staff recommendation with one refinement (I recommend an increase in dwelling units per acre from 32 to 36) and encourage you to do so as well:

- We need more housing especially affordable housing – our community is telling us that, and we should listen.
- We need to be careful, then, when we do have proposals that do improve housing supply, we should seek to embrace them, not try to find reasons not to support them or delay them (don't let 'perfect be the enemy of good').
- We have been discussing this as a community for quite a while, and I think we have taken too long, so let's accomplish something now. There may be opportunities to expand this down the road to include other community institutions, but let's not delay this improvement to, for instance, debate definitions of institutions for another year or longer.
- Staff has done a great job of consolidating all the input and finding a good approach and I support the staff recommendation.

Thank you for your consideration of this important measure.

-Tim Wendler

Jomsky, Mark

From:
Sent: Saturday, July 16, 2022 11:10 AM
To: Gordo, Victor; Rivas, Jessica; Wilson, Andy; Kennedy, John J.; Hampton, Tyron; Madison, Steve; Williams, Felicia; Masuda, Gene; PublicComment-AutoResponse
Subject: Thanks for your support of Heritage Square South.... and for agendizing rezoning religious land

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Dear Honorable Mayor Gordo and City Council members,

It was a great joy as well as an honor to be invited to the groundbreaking of Heritage Square South, which will provide 69 units of supportive housing for seniors experiencing homelessness. As Mayor Gordo pointed out, this project was a "long time in the making" and required the community coming together to make it possible.

We at Making Housing and Community Happen want to express our gratitude to Mayor Gordo, Council member John Kennedy, the Council members who voted unanimously for this project in 2018, as well as city officials, Union Station, Wells Fargo, Bridge Housing, and others who played a role in making this project happen.

We have created a 5-minute video of this historic occasion which I hope you enjoy:

<https://youtu.be/l7MWan12fZQ>

On Monday, you will have an opportunity to make it possible for more desperately needed affordable housing to be built on religious land in our city.

As was the case with Heritage Square South, this policy has overwhelming public support, especially from the religious community. Approximately 230 letters of support were sent to you in the past month, along with 76 signatures from All Saints Church. They are all calling for a policy that will result in affordable housing being built, which will require some modifications in the Planning Department's recommendations, i.e. increasing the dwelling units per acre from 32 to at least 36 and allowing the development standards for 32 units per acre.

Among the supporters are Union Station, All Saints Church, the First United Methodist Church, Pasadena Foursquare Church, POP!, NDLON, the Interdenominational Ministerial Alliance, the Clergy Community Coalition (consisting of 76 churches), and the Pasadena Affordable Housing Coalition (consisting of 15 community organizations, such as the League of Women Voters, etc.).

As Anne Miskey points out in her remarks in this video, to end homelessness, we need to work together as a community. That's why Union Station and so many other community organizations support rezoning religious land for affordable housing.

See <https://makinghousinghappen.net/2022/07/14/groundbreaking-heritage-square-south-the-role-of-faith-communities/>

Gratefully yours,

Anthony Manousos

Jomsky, Mark

From: Steve and Kim Brorby
Sent: Saturday, July 16, 2022 10:59 AM
To: PublicComment-AutoResponse
Subject: Rezone church land.

Some people who received this message don't often get email from sborby@aol.com. [Learn why this is important](#)

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Dear Mayor and City Council Members,

I reside in Steve Madison's district and appreciate his support to the community, and have been a Pasadena home owner for over twenty years. We need affordable housing.

Thank you Mayor Gordo for appointing a Housing Task Force for affordable housing and thank you Council for unanimously supporting affordable housing at Heritage Square South and the Civic Center.

I am writing to urge you to vote to support the proposal to rezone church congregational land ,which have large underutilized parking lots, for our critically needed affordable housing and for your support of the needed zoning change to increase the number of units permitted per acre from 32 to 36. Adopting this policy can be a big win for Pasadena by passing a zoning change to provide feasible sites that attract developers because their projects can pencil out on church property and the zoning change addresses our city's critical shortage of affordable housing. Ten churches have expressed keen interest in having affordable housing built on their underutilized land. This could result in hundreds of units of affordable housing, at no cost to the city. The religious zoning armament will bring outside investment and Pasadena residents will benefit in countless ways. This is a golden opportunity to enable the city to meet the state mandated goal of 6000 units of affordable housing in the next eight years so for the good of Pasadena increase the number of units permitted per acre from 32 to 36 and use development standard for 32 dwelling units/acre zones.

Thank you.

Steve Brorby

Jomsky, Mark

From: Philip Burns
Sent: Saturday, July 16, 2022 10:19 AM
To: andy@wilsonforcitycouncil.com; Rivas, Jessica; Felicia Williams (fewiwilliams@gmail.com); Kennedy, John J.; tyron@tyronhampton.com; Madison, Steve; Masuda, Gene; Gordo, Victor
Cc: PublicComment-AutoResponse
Subject: MHCH Position on Housing on Religious Land Zoning Amendment (Item #6)

Some people who received this message don't often get email from phil@arroyogroup.com. [Learn why this is important](#)

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Esteemed Mayor Gordo and Councilmembers:

On behalf of the Making Housing and Community Happen (MHCH) Congregational Land Committee, I want to thank you for your dedication to adopt the housing on religious land zoning amendment which is before you today. It has been a long time since you affirmed this direction and directed staff to develop the zoning amendment in an October 2020 study session. Since that time, hundreds of Pasadena citizens have testified before this body and the Planning Commission, attended community meetings and written letters, demonstrating the overwhelming support that this policy has in our community. The people have made it clear, time and again, that they desire decisive action to be taken to address the housing crisis in our city which continues to displace low- and moderate-income families on a daily basis.

The proposed zoning amendment includes several important zoning changes which are necessary to bring affordable housing developers to the table to build the housing projects which can help our community stay in place. Among the most important of these are a two-tiered approval process which requires design review, but not a conditional use permit, for projects of under 75 units.

However, **it is important that you understand that the specific standards proposed by staff result in a very limited policy which is not likely to result in actual new projects.** Affordable housing is dependent on public subsidy. Projects of less than 50 units are unlikely to be developed because they do not provide enough subsidy to compensate affordable housing developers for the effort involved.

Looking at the City's **97** religious congregation-owned properties through that lens, only **7** have zoning and sufficient land area to build an affordable housing project under the current zoning, but only one of these has demonstrated interest. The staff proposal would enable only **3** additional congregations to build. (None of the three additional congregations has declared their interest in building.) Thus the result of the amendment would be that 10% of the City's congregations could build affordable housing.

At minimum, two modifications are needed to make this zoning amendment work for a few more projects. First, density should be increased from 32 du/ac to 36 du/ac. This relatively minor change will help a few interested churches clear the 50-unit hurdle. Second, projects should be allowed to build affordable housing with, at minimum, the development standards of the RM-32 zone. Some very large properties which are abutted with only single-family uses would under the proposed standards be forced to build in accordance with single-family standards, which clearly will not work for affordable housing.

With these two minor changes, the number of congregations with ability to build affordable housing increases to **16**, including three who have expressed strong interest. Therefore, we ask that you direct staff to include these two modifications in the ordinance which they will bring back to you soon for adoption.

Thank you again for your attentiveness to addressing the urgent need for affordable housing in our city.

Sincerely,
Philip Burns, AICP

Pasadena, CA 91103
Chair, Congregational Land Committee
Making Housing and Community Happen

Analysis Results – 50-unit Minimum including all applicable density bonuses:

Congregations with Existing Zoning & Space to Build (don't need the amendment) - 7

St. Andrew's (311 N. Raymond Av.) – remote parking lot
Scottish Rite Cathedral (150 N. Madison Av.)
Christian Science Church (80 S. Oakland Av.)
St. Philip (151 S. Hill Av.)
First Baptist (75 N. Marengo Av.)
All Saints (132 N. Euclid Av.) – remote parking lot
Knox Presbyterian (225 S. Hill Av.)

Added by Staff Proposal - 3:

Lake Ave Church (434 Maple Way)
Church of Latter-Day Saints (770 N. Sierra Madre Villa Av.)
Hill Av Grace Lutheran (73 N. Hill)

Added by MHCH Proposal - 6:

New Life Holiness Church (2005 N. Fair Oaks Av.)
First Lutheran Church (808 N. Los Robles Av.)
Pasadena First Church of the Nazarene (3700 E. Sierra Madre Bl.)
Mission Gathering (789 N. Altadena Dr.)
Bridge Church (400 W. Claremont St.)
Living Waters Church (835 Hastings Ranch Dr.)

Jomsky, Mark

From: julianna
Sent: Saturday, July 16, 2022 7:55 AM
To: PublicComment-AutoResponse; Jomsky, Mark
Cc: 'julianna'
Subject: RE: July 18th City Council Agenda Item#6 -- Religious Housing -- Commissioner DELGADO Comment Letter
Attachments: Agenda Item #6 - Religious Housing - 071822 CC Meeting - DELGADO.pdf; Agenda Item #18 - Religious Housing - 052322 CC Meeting - DELGADO.pdf

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[Attached please find my comment letters as .pdf files for the May 23rd and July 18th Meeting on this item for Council distribution]

July 18, 2022

RE: Agenda Item #6. Continued Public Hearing: Zoning Code Amendment: Religious Facilities with Affordable Housing

Honorable Mayor and Members of the City Council:

Pasadena needs more affordable housing. However, I am one of the two Planning Commissioners that did not recommend amending the Zoning Code to allow religious facilities to build housing by right, which you are considering, again, this evening. My objections are outlined in my May 23, 2022, letter to you submitted in Public Comment. The Amendment does not advance affordable housing generally, teeters dangerously on crossing the boundary between Church and State, and could have unintended, negative consequences for the community, especially with respect to due process.

In your deliberations, in addition to the issues I raised previously, please consider the following:

1. Legally, the basis for zoning cannot be financial feasibility (i.e. based on project pro forma);
2. In requiring 80% of the units to be affordable and utilizing State Density Bonus Law, projects could be built with nearly half of the total units at market rate (see calculation below); and
3. The Zoning Code Amendment, if approved, will not be in compliance with proposed State Housing law (SB 1366 and AB 2011) unless all units are affordable and not as far-reaching.

1. Zoning Cannot be Based on Financial Feasibility

Zoning is all about the public purposes related to mitigating 'nuisances,' not to the financial feasibility of specific projects and uses and then zoning on that basis. 'Doing a deal' is not doing zoning.

Marsh V. Rood, Fellow, American Institute of Certified Planners (FAICP)

In response to my question regarding why Staff has proposed to amend the Zoning Code to allow 32-units per acre on any religious facility-owned parcel regardless of size and a 'By Right' 75-unit cap regardless of the underlying zoning, Staff rebutted "financial feasibility."

[Excerpt from my May 23rd letter with Staff's inserted rebuttal]:

The Amendment allows a density of 32-units per acre on any parcel regardless of size with a “By Right” 75-unit cap. Why were these amounts specified and why are they appropriate citywide?

Staff worked with affordable housing advocates and the Housing Department to understand the minimum densities required for project feasibility. Staff’s understanding is that densities less than 32 dwelling units per acre are not financially feasible and would result in no affordable housing provided on these sites.

Staff’s reasoning is solely speculative based on project financing. It is also inconsistent with the constitutional basis of zoning, which rests on the landmark 1926 US Supreme Court ruling in *Village of Euclid, Ohio v. Ambler Realty Co.* (“Euclid”). In reversing upon appeal the lower court decision that zoning constitutes a ‘taking,’ the Court ruled in Euclid that zoning ordinances, regulations, and laws must find their justification in some aspect of police power and asserted for the public welfare. These must be determined in connection with the circumstances, conditions, and locality, and based on the health, safety and welfare of the community. In no instance does “financial feasibility of a future project benefitting from a change in regulations,” which constitutes special privilege, figure into the ruling. Furthermore, per CA State law, which likewise prohibits special privilege, “financial infeasibility” of a project is not a permitted finding for granting a variance from regulations (CA Gov. Code Section 65906). Hence, it cannot be a finding for amending regulations.

2. An 80% Affordability Requirement Might Result in Nearly Half Market Rate Units When Applying State Density Bonus Law

Despite the above discussion, the City Council could find that the need for affordable housing in Pasadena is so dire a ‘nuisance’ that allowing affordable housing on religious facility-owned land by right serves the public welfare. In arguing that this is not a ‘special privilege’ and with respect to due process, the Council would also have to show there is a rational nexus, that religious facilities are somehow better equipped to provide and administer housing than any other use, and that religious facilities is the sole use that has surplus land that could be converted to housing. Neither of these is true.

Nonetheless, if the public welfare assertion could be made, the following hypothetical shows the percentage of affordable units per site that might result from the Amendment. As written, the proposed Amendment would allow a maximum of 75 units per site, requiring a minimum of two (2) acres of land, with the caveat that only 80% of the units be affordable.

ASSUMPTION:

75 units [maximum number of units ‘by right’ per site with no discretionary review]

80% affordable units (75 units x .80) = 60 units

20% market rate units (75 units x .20) = 15 units

*Apply State Density Bonus (SDB) law provisions, allowed by right:

According to SDB, if 44% of all units are affordable, then the density bonus is 50% and all additional units may be offered at market rate. In this case, 80% are affordable; thus a 50% density bonus of market rate units would apply.

CALCULATION:

75 units + SDB units = 75 + (75/.50, or 38 SDB units) = 113 total units allowed per Zoning Code and SDB.

TOTAL Mix of Affordable/Market-Rate Units for Project = 60 affordable units; 15 + 38 SDB units = 53 market rate units

PERCENTAGE OF MARKET RATE UNITS PER SITE = 53 market/113 total units, or **47% of TOTAL units**

Thus, the Amendment would allow by right a religious-facility housing project on a two-acre site with 47% market rate units with no discretionary review plus additional concessions (i.e. parking, height, setback). The City does not need more market rate housing, especially without community input.

3. The Proposed Zoning Code Amendment Will Not Be Consistent with the Proposed Changes to State Housing Law Unless 100% Affordable Units is Required

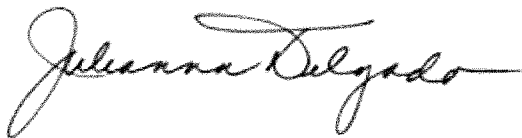
If adopted, current State housing legislation that has garnered much support—SB 1336 (Weiner) and AB 2011 (Weeks)—would both amend State Housing law and supersede City regulations. Together these bills would essentially allow multi-family housing in all zones (except for single-family residential and industrial) if all units were affordable. SB 1336 would allow housing by right on land owned by any religious-facility and “independent institution of higher education.” AB 2011, the Affordable Housing and High Road Jobs Act of 2022, is more far-reaching. It would allow 100% affordable housing by right on parcels zoned for retail, office, and parking uses, if projects meet specified labor standards.

Consistent with CA Government Code Section 65915 (added in 2020), both bills require 100% of the units, exclusive of the manager’s unit or units, be restricted to lower-income households (those making less than 80 percent of the area median income), except up to 20% could be for moderate-income households (making 80 to 120 percent of the AMI) as long as they are rented or sold at 20% below fair market. Additionally, AB 2011 would allow by-right mixed-income housing on properties along four-to-six lane commercial corridors as long as at least 15% of the units are affordable. For both bills, housing projects would be subject to objective design standards but not to City Council approval and exempt from CEQA.

The Council should also note that per SDB amendment in 2019, if a project is proposed with 100% affordable units and is within a ½ mile of a major transit stop, the City cannot impose any maximum density limit. The project is further entitled to receive a maximum height increase up to three additional stories or 33 feet.

In conclusion, if the public welfare assertion of the proposed Zoning Code Amendment is to produce much-needed affordable housing, the Council should adopt the Amendment only if all units were required to be 100% affordable. To conserve public resources, the Council might want to suspend this item pending outcome of the two new State Housing bills.

Respectfully,



Julianna Delgado, MArch, PhD, FAICP

Planning Commissioner, City of Pasadena

Design Commissioner, City of Pasadena,

Member, Mayor’s Housing Task Force

President, Southern California Planning Congress

Professor Emerita, Dept. of Urban & Regional Planning, California State Polytechnic University, Pomona

Fellow, American Institute of Certified Planners (FAICP)

July 18, 2022

RE: Agenda Item #6. Continued Public Hearing: Zoning Code Amendment: Religious Facilities with Affordable Housing

Honorable Mayor and Members of the City Council:

Pasadena needs more affordable housing. However, I am one of the two Planning Commissioners that did not recommend amending the Zoning Code to allow religious facilities to build housing by right, which you are considering, again, this evening. My objections are outlined in my May 23, 2022, letter to you submitted in Public Comment. The Amendment does not advance affordable housing generally, teeters dangerously on crossing the boundary between Church and State, and could have unintended, negative consequences for the community, especially with respect to due process.

In your deliberations, in addition to the issues I raised previously, please consider the following:

1. Legally, the basis for zoning cannot be financial feasibility (i.e. based on project pro forma);
2. In requiring 80% of the units to be affordable and utilizing State Density Bonus Law, projects could be built with nearly half of the total units at market rate (see calculation below); and
3. The Zoning Code Amendment, if approved, will not be in compliance with proposed State Housing law (SB 1366 and AB 2011) unless all units are affordable and not as far-reaching.

1. Zoning Cannot be Based on Financial Feasibility

Zoning is all about the public purposes related to mitigating 'nuisances,' not to the financial feasibility of specific projects and uses and then zoning on that basis. 'Doing a deal' is not doing zoning.

Marsh V. Rood, Fellow, American Institute of Certified Planners (FAICP)

In response to my question regarding why Staff has proposed to amend the Zoning Code to allow 32-units per acre on any religious facility-owned parcel regardless of size and a 'By Right' 75-unit cap regardless of the underlying zoning, Staff rebutted "financial feasibility."

[Excerpt from my May 23rd letter with Staff's inserted rebuttal]:

The Amendment allows a density of 32-units per acre on any parcel regardless of size with a "By Right" 75-unit cap. Why were these amounts specified and why are they appropriate citywide?

Staff worked with affordable housing advocates and the Housing Department to understand the minimum densities required for project feasibility. Staff's understanding is that densities less than 32 dwelling units per acre are not financially feasible and would result in no affordable housing provided on these sites.

Staff's reasoning is solely speculative based on project financing. It is also inconsistent with the constitutional basis of zoning, which rests on the landmark 1926 US Supreme Court ruling in *Village of Euclid, Ohio v. Ambler Realty Co.* ("Euclid"). In reversing upon appeal the lower court decision that zoning constitutes a 'taking,' the Court ruled in Euclid that zoning ordinances, regulations, and laws must

find their justification in some aspect of police power and asserted for the public welfare. These must be determined in connection with the circumstances, conditions, and locality, and based on the health, safety and welfare of the community. In no instance does “financial feasibility of a future project benefitting from a change in regulations,” which constitutes special privilege, figure into the ruling. Furthermore, per CA State law, which likewise prohibits special privilege, “financial infeasibility” of a project is not a permitted finding for granting a variance from regulations (CA Gov. Code Section 65906). Hence, it cannot be a finding for amending regulations.

2. An 80% Affordability Requirement Might Result in Nearly Half Market Rate Units When Applying State Density Bonus Law

Despite the above discussion, the City Council could find that the need for affordable housing in Pasadena is so dire a ‘nuisance’ that allowing affordable housing on religious facility-owned land by right serves the public welfare. In arguing that this is not a ‘special privilege’ and with respect to due process, the Council would also have to show there is a rational nexus, that religious facilities are somehow better equipped to provide and administer housing than any other use, and that religious facilities is the sole use that has surplus land that could be converted to housing. Neither of these is true.

Nonetheless, if the public welfare assertion could be made, the following hypothetical shows the percentage of affordable units per site that might result from the Amendment. As written, the proposed Amendment would allow a maximum of 75 units per site, requiring a minimum of two (2) acres of land, with the caveat that only 80% of the units be affordable.

ASSUMPTION:

75 units [maximum number of units ‘by right’ per site with no discretionary review]

80% affordable units (75 units x .80) = 60 units

20% market rate units (75 units x .20) = 15 units

*Apply State Density Bonus (SDB) law provisions, allowed by right:

According to SDB, if 44% of all units are affordable, then the density bonus is 50% and all additional units may be offered at market rate. In this case, 80% are affordable; thus a 50% density bonus of market rate units would apply.

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3. The Proposed Zoning Code Amendment Will Not Be Consistent with the Proposed Changes to State Housing Law Unless 100% Affordable Units is Required

If adopted, current State housing legislation that has garnered much support—SB 1336 (Weiner) and AB 2011 (Weeks)—would both amend State Housing law and supersede City regulations. Together these bills would essentially allow multi-family housing in all zones (except for single-family residential and industrial) if all units were affordable. SB 1336 would allow housing by right on land owned by any religious-facility and “independent institution of higher education.” AB 2011, the Affordable Housing and High Road Jobs Act of 2022, is more far-reaching. It would allow 100% affordable housing by right on parcels zoned for retail, office, and parking uses, if projects meet specified labor standards.

Consistent with CA Government Code Section 65915 (added in 2020), both bills require 100% of the units, exclusive of the manager’s unit or units, be restricted to lower-income households (those making less than 80 percent of the area median income), except up to 20% could be for moderate-income households (making 80 to 120 percent of the AMI) as long as they are rented or sold at 20% below fair market. Additionally, AB 2011 would allow by-right mixed-income housing on properties along four-to-six lane commercial corridors as long as at least 15% of the units are affordable. For both bills, housing projects would be subject to objective design standards but not to City Council approval and exempt from CEQA.

The Council should also note that per SDB amendment in 2019, if a project is proposed with 100% affordable units and is within a ½ mile of a major transit stop, the City cannot impose any maximum density limit. The project is further entitled to receive a maximum height increase up to three additional stories or 33 feet.

In conclusion, if the public welfare assertion of the proposed Zoning Code Amendment is to produce much-needed affordable housing, the Council should adopt the Amendment only if all units were required to be 100% affordable. To conserve public resources, the Council might want to suspend this item pending outcome of the two new State Housing bills.

Respectfully,



Julianna Delgado, MArch, PhD, FAICP

Planning Commissioner, City of Pasadena

Design Commissioner, City of Pasadena,

Member, Mayor’s Housing Task Force

President, Southern California Planning Congress

Professor Emerita, Dept. of Urban & Regional Planning, California State Polytechnic University, Pomona

Fellow, American Institute of Certified Planners (FAICP)

Honorable Mayor and Members of the City Council,

Pasadena needs more affordable housing. As a longtime advocate of housing as a human right, I have pushed for more affordable units citywide on underutilized land. However, I have serious concerns at this time about amending Pasadena's Zoning Code to create a new Land Use Category, "Religious Facility with Affordable Housing" ("the Amendment"), given the many issues raised, questionable purpose, inherent inequity as written, disregard for the entire community, and limited possibility to increase significantly housing affordability. Furthermore, in compliance with State law (CA Govt. Sec. 65030) and best professional planning practices, the Staff Report does not disclose or discuss the potentially vast unintended consequences. Thus, as a Planning Commissioner and Design Commissioner, I voted against recommending the Amendment for the following reasons:

- **The Amendment creates a new land use category--"Religious Facility with Affordable Housing"--that supersedes an existing use with 'By Right' zoning, setting a precarious precedent.** "By Right" development eliminates the underlying zoning, substitutes development standards for those that would apply, and precludes any form of public, Planning Commission, or City Council participation in the approval process (other than appeals to the Council of a Design Commission approval).
- **There is no draft ordinance to review and approve.** The ordinance will amend the Zoning Code. Staff reports are not used to regulate land use but Zoning Codes are. The exact language of the proposed ordinance for the Amendment, as members of the Planning Commission requested, should be provided to the public and the City Council before any actions are taken.
- **The Amendment essentially creates "mini-Planned Developments" (PDs), a *de facto* form of spot-zoning citywide.** Like the PD, the Amendment would erase base zoning designations; however, in this case a project would not be subject to contextual design considerations and discretionary review in any form. The eliminated discretionary reviews would include Pre-Development Review ("PPR") by the City Council (required for 50 units or more), Planning Commission recommendation and City Council approval (currently required for PDs), and (potentially) Zoning Hearing Officer review for any affordable housing concessions (currently required for all eligible projects). **This means church-housing developers would be given *carte blanche* to build projects as they see fit that might be out-of-scale and context with their surroundings, citywide with no oversight.** Given the number and location of churches, this 'one-size-fits-all' approach is consequential (see maps in Staff Report, Attachments E. and F.).
- **The Amendment erodes due process.** 'By right' undermines all public participation that has established the underlying zoning, including the 2015 General Plan Land Use Element Update and subsequent Specific Plan Updates now underway. This disregard for the public process and lack of governmental transparency further erodes the community's confidence and trust in the City Council and City staff. The City has spent approximately \$5 million in public funds on

consulting and outreach costs, and the community has volunteered countless hours towards those efforts. 'By Right' eliminates the right of the community to weigh in on development issues that concern them. **All developers, including affordable housing ones, should abide by the community's underlying zoning and standards and respect the public engagement process.**

- **If the Amendment is designed to help failing churches, then selling their surplus land at Fair Market Value, instead of doing ground leases, is more likely to ensure longer-term viability for religious institutions.** If church property is ground leased, religious institutions put their property at risk if the developer defaults on its financing. Have churches been provided a clear picture of the risks of ground leasing their land, which subsidizes development? While it benefits and protects the developer, the church's lease revenue for its land may be far less than if the church sold its property at Fair Market Value.
- **Furthermore, if the underlying purpose of the Amendment is to help failing churches become financially solvent by building housing, "By Right" zoning may constitute favoritism, a special privilege that is contrary to the constitutional guarantee of equal protection.** What makes a religious business any better suited as a landlord than any other one?
- **Extending the financial opportunity to all non-profits, especially those located in Public/Semi-Public zones, which currently prohibits housing would broaden the possibility of constructing more affordable housing citywide and do so in an equitable manner, a far better approach.**
- **Pasadena does not need any more market-rate housing.** If the purpose of the Amendment is genuinely to provide more affordable housing then, as the Planning Commission initially recommended, 100% of the units must be affordable. Staff has argued that 20% needs to be market rate to make the project 'pencil out' for developers. But no evidence has been presented in terms of development pro forma that has been analyzed by City staff.
- **If application of the State Density Bonus law results in additional housing units, would the additional units be market rate or affordable?**
- **The Amendment supersedes all previous entitlements for a site and is based on considering the 'least restrictive' adjacent use in applying development standards.** This means that all single-family residential districts—the 'most restrictive use'—adjacent to church properties are not considered or protected and might be severely impacted.
- **Pasadena households of all ethnicities and income levels own and maintain single-family homes and the City's largest land use zone in terms of area is single-family residential. The Amendment would allow upwards of 75 multi-family units next to a single-family house or duplex. There would be no limit if all units were affordable to very-low-income tenants and**

adjacent homeowners would have no recourse, except to appeal the physical design. Given the number and location of churches, this 'one-size-fits-all' approach is also consequential.

- **The Amendment allows a density of 32-units per acre on any parcel regardless of size with a "By Right" 75-unit cap. Why were these amounts specified and why are they appropriate citywide?**
- **Exceeding the 75-unit cap requires only a Minor Conditional Use Permit (MCUP).** The MCUP means that exceeding the cap would be approved at the City staff level with no public process, required noticing and community outreach. This would, again, by-pass the Planning Commission and other discretionary public review bodies.
- **In preparing the Amendment, the City made no concerted effort to reach out and inform the public at large--especially potentially impacted neighborhoods--about the long-term impacts of an Amendment that severely limits their civil right to appeal.**
- In preparing the Addendum to the General Plan EIR, about nine (9) properties were identified where housing is not now allowed that would benefit from the Amendment, which Staff refused to disclose by address (See Attachment F.). **Because noticing of the CEQA document is not required by statute, neither the public at large nor the surrounding property owners of the identified sites were ever notified of potential impacts, which also includes negative impacts on their property values.**
- **Findings of Approval for the Amendment cannot be made as it is not in compliance with State law or the City's General Plan.** CA Government Code Sections 65030 and 65033 require public participation at every level of the planning process. In particular, Section 65030 states:

The Legislature recognizes the importance of public participation at every level of the planning process. It is therefore the policy of the state and the intent of the Legislature that each state, regional, and local agency concerned in the planning process involve the public through public hearings, informative meetings, publicity and other means available to them, and that at such hearings and other public forums, the public be afforded the opportunity to respond to clearly defined alternative objectives, policies, and action.
- **Importantly, Guiding Principle #7 of Pasadena's General Plan also states: "Community participation will be a permanent part of achieving a greater city."** At no time has the public at large been adequately notified or given the opportunity to review viable alternatives or the proposed language of the Amendment. The majority of input has come from a small number of proponents led by affordable housing developers and several churches.
- **The Amendment does not require units to remain affordable should the property be sold and no longer under religious facility control.** Affordable housing covenants should be recorded and run with the land, not the financing.

- **The Amendment is silent on how providing housing on church-owned land will be non-discriminatory if in conflict with religious beliefs.** Under the US Constitution, the First Amendment states that “...Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” **This may permit churches to discriminate against such groups as the LGBTQ community and people of color or other faiths.**
- **The definition of ‘religious facility’ in the City’s Zoning Code is broad and vague, which the Amendment does not address.** The Planning Commission recommended more clarity, such as in order to benefit, a ‘religious facility’ must have operated as such and owned the subject site a minimum of five (5) years prior to applying for permits and provide proof of non-profit status. Otherwise, any developer could claim to be a ‘religious facility’ and build a “mini-PD” anywhere. **Does it have to stay a church for another 5 years post development?**
- **Under CA Senate Bill 9, landmark and historic districts are excluded from residential development beyond the base zoning. However, the Amendment does not similarly exclude church-owned sites within those districts nor does it protect historic or historic-eligible church buildings per the Sec. of Interior’s standards, consistent with the City’s Historic Preservation Ordinance.**

In conclusion, most of Pasadena’s religious-owned property is zoned for housing but little has been built (see the Attachment F. map). No members of the clergy have spoken at Planning Commission or Housing Task Force meetings about the proposed Amendment to allow their congregation to build affordable housing on their surplus property. At the April 27, 2022, Planning Commission meeting, Staff confirmed that only one (1) religious facility, New Life Holiness Church, has approached the City to date to build housing where the zoning precludes it; however, this church has not applied for a zone change. **The proposed Amendment appears to be driven more by developers who stand to profit from these housing developments than by churches.**

I urge you to continue the Amendment until these and other community issues raised are resolved.
Sincerely,



Julianna Delgado, MArch, PhD, FAICP
Planning Commissioner, City of Pasadena
Design Commissioner, City of Pasadena
Member, Mayor’s Housing Task Force
President, Southern California Planning Congress
Professor Emerita, Dept. of Urban and Regional Planning
California State Polytechnic University, Pomona

Jomsky, Mark

Subject: FW: #6 on Monday's City Council Agenda

From: Bert Newton

Sent: Friday, July 15, 2022 12:02 PM

To: PublicComment-AutoResponse <publiccomment@cityofpasadena.net>

Cc: Kennedy, John J.; Wilson, Andy; Rivas, Jessica; Williams, Felicia; Hampton, Tyron; Madison, Steve; Gordo, Victor; Masuda, Gene

Subject: #6 on Monday's City Council Agenda

Dear Mayor and City Council,

In 1990, there were over 25,000 African Americans in Pasadena comprising 19% of the population. According to the 2020 census, there are now under 12,000 African Americans in Pasadena, comprising only 8.3 percent of the population. That's a decline of more than 50%.

Many of those that have left are families that have lived in Pasadena for generations.

I counted 12 schools in Pasadena that have closed since 2005. They didn't close because the population of the city decreased. No, the population has been slowly increasing, but families who send their kids to public schools, which are primarily black and brown families, have been moving away because they can't afford to live here anymore, so we are closing public schools.

Affordable housing in Pasadena is a matter of racial justice.

The state has mandated that affordable housing be spread evenly throughout the city. The policy is called Affirmatively Furthering Fair Housing.

Church sites give us an opportunity to take a step in that direction. We are not asking for developments in the middle of single-family neighborhoods, but we are asking that multi-family affordable housing be allowed along major corridors in east Pasadena, such as along Altadena Dr. and Sierra Madre Blvd. This is a modest and reasonable request.

You can see at [this link](#) that there is very little affordable housing in east Pasadena.

If we cannot take this modest step toward a more just and integrated city, then what steps will we take?

Rezoning church sites at a density that will make affordable housing feasible is one step toward healing our city of the scourge of racism to create a community of justice and compassion.

The recommendation by the Planning Department will add only 2 or 3 church sites to the short list of those zoned at the sufficient density to build affordable housing. None of the churches at these sites is likely to build affordable housing. If the zoning in the staff recommendation is increased to just 36 dwelling units per acre, with development standards for zoning that is no less than 32 du/a, then a few more church sites can be added, and the likelihood that some affordable housing will actually get built increases significantly.

If the zoning is adjusted to 42 du/a, as Sierra Madre has done, then even more sites will be viable.

Please do the right thing and zone as many church sites as possible at a density that will make these sites viable for affordable housing. It is a matter of racial justice and a way to address our affordable housing crisis.

Respectfully,

--

Rev. Bert Newton, [Making Housing and Community Happen](#)

Jomsky, Mark

From: Joe Watkins

Sent: Friday, July 15, 2022 4:18 PM

To: PublicComment-AutoResponse <publiccomment@cityofpasadena.net>

Subject: In Support of Affordable Housing

Dear Mayor Gordo and City Councilmembers,

First Church of the Nazarene (PazNaz) on Sierra Madre Boulevard has been part of the Pasadena community fabric since 1905. Across the decades PazNaz has sought to care for the needs of the least among us through a variety of programs. Currently our Helping Hands programs distributes food to almost 400 families each week and 650 senior adults across the LA basin each month. Our ministry to the homeless assist with the needs of 50-60 homeless each week.

Given our 118 year history in Pasadena and our biblical mandate to care for the marginalized, I write today in support of the rezoning of available church land to provide for expanded opportunities for the City of Pasadena to meet its state mandated goal of nearly 6,000 affordable housing units in the next eight years. While church land may not be the only source of affordable housing sites, the 10 churches currently willing to host affordable housing projects can, due to their willingness, possibly shorten the development timeline, potentially reduce the need for capital expenditure by developers to secure sites and assist affordable housing developers to bring affordable housing resources to those in our community more quickly. Further, rezoning church land provides for the distribution of affordable housing units throughout the community. Finally, our congregation has watched a significant number of young families leave the Pasadena area to move out of state due to the high cost of housing. Increasing the stock of affordable housing will contribute to a greater generational diversity and reduce the potential for continued "brain drain" if increasing numbers of younger people are forced to leave Pasadena.

It is my hope that you and your colleagues will make the rezoning of church land possible and thereby serve as a model and a beacon of hope for many other communities through public private partnerships with local congregations.

Prayerfully,
Joe

Joe Watkins, Ph.D
Senior Pastor