

## Iraheta, Alba

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**From:** Reyes, David  
**Sent:** Monday, May 23, 2022 4:56 PM  
**To:** Official Records - City Clerk  
**Cc:** Fuentes, Theresa; Kurtz, Cynthia; Paige, Jennifer; Robles, Sandra  
**Subject:** response to Ms. Hernandez questions

Dear City Council,  
Please see staff responses in *red bold italics* to Ms. Hernandez' letter, below.

May 23, 2022

Honorable Mayor and Members of the City Council,

I am writing this letter to oppose the Zoning Code Amendment for Religious Facilities with Affordable Housing as proposed. The staff report is only presenting a framework for which the ordinance which will be written later and brought back to the Council for approval. The Planning Commission or community will not have the opportunity to review the draft ordinance prior to its first reading. The following are a list of concerns:

**Public Notices** – Text amendments which affect the whole city are published in newspapers, however, this amendment is not only a text amendment but constitutes map amendments by overriding existing zoning designations. Due to the size of the proposed units 75 units by right per site, property owners that live adjacent or across the street from a church will be affected by these developments. The Commission only heard comments from groups that are proponents of this ordinance. There was no staff outreach to neighborhood associations. In addition, community participation is one of the eight Guiding Principles of the General Plan. This represents a due process issue.

- *The City provided public notice for the proposed Zoning Code Amendment consistent with the requirements of the Zoning Code. The proposed amendment is a Zoning Code text amendment only and does not propose rezoning parcels with new zoning map designations. The proposed amendment sets a residential density limit of 32 dwelling units per acre. Up to 75 units may be permitted by-right, however to achieve this number, a site would have to be larger than two acres.*

**Predevelopment Plan Review** – If a project is 50 units or greater will the applicant be required to go through PPR and reviewed by the City Council prior to formal application as required by the zoning code?

- *Yes, PMC Section 17.60.40.C.2.a specifies mandatory Predevelopment Plan Review (PPR) for multi-family projects consisting of ten or more units. Therefore, the PPR process would be applicable for projects of ten units or more.*

**Review Process** - The proposed zoning designation for this development within this ordinance is 32 du/acre and up to 75 units per site by right. Will an applicant be permitted to apply for a density bonus? If an applicant requests more than 75 units a minor CUP will be required with a staff report going to the Hearing Officer with no public notice to the affected adjacent property owners.

- *Applicants may apply for density bonus consistent with the Zoning Code and State law. For projects over 75 units, a Minor Conditional Use Permit is required, which requires public noticing and a public hearing with the Hearing Officer if requested.*

As proposed the Design Commission is the only reviewing body for projects submitted on church property. Projects before the Design Commission are not publicly noticed.

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- ***Projects proposing ten or more units require review by the Design Commission through a public hearing process and are noticed consistent with the requirements of Chapter 17.76 (Public Hearings).***

If an applicant applies for affordable housing concessions, as suggested in a letter from Bill Burns, asking for all five concessions, will the applicant be required as per code to be reviewed by the Hearing Officer? Same question applies if the applicant wishes to submit for a waiver of development standards which would supersede FAR, height and setbacks. Would a variance be required?

- ***Any applicant for a concession, incentive or waiver would follow State Density Bonus Law. The number of concessions would depend on the level of affordability provided.***

**Development Standards** - The 32 du/acre requires a minimum of a 10,000 square foot lot, and a reduction in number of units based on lot square footage. Will this amendment override the zoning code and allow for 32 du/acre whatever the size of the lot?

In the PS zones, which have no development standards, the development standards of the least restrictive abutting zone, including across the street, would apply. Therefore, if a proposed project is zoned RM-16 but across the street is RM-32, then RM-32 would prevail. Would this not require a zoning map amendment?

- ***The proposed development standards do not set a minimum lot size or required reduction in number of units based on lot square footage. The proposed amendment would require a project to utilize the development standards of the underlying zoning. The proposed standards do not apply to projects located within the RM-16 zone.***

**Mixed Use Development Standards** - Mixed Use standards are recommended because of the constraints of building on church property with an existing building. If a church has a vacant lot contiguous to the main church which is solely used for parking can the City of Garden Standards be applied especially if the church is adjacent to RS or RM-12 zoning districts.

Development Standards for “Existing Use Permits” and Development Standards” conflict. Unclear as to the different approaches.

- ***The proposed amendment would require the Community Open Space requirements of Section 17.50.160 (Mixed Use Projects) to provide appropriate open space for affordable housing projects associated with religious institutions.***
- ***Regarding Existing Use Permits, if a religious institution was established through the Conditional Use Permit (CUP) process, new affordable housing projects would not require amending the existing CUP. New affordable housing projects would be subject to development standards and process as outlined in the proposed zoning code amendment.***

**Addendum to the 2015 General Plan EIR** – An addendum (paid for by the City) was prepared for this project which included comments that there are 15 potential church sites that do not permit church housing and references the 75 units by right. The EIR does not identify those 15 sites nor their zoning. Attachment E lists zoning Districts that would allow religious facilities, however many of those districts already provide for the development of housing. Identifying those sites would require the public to be familiar with the zoning code to determine which changes are allowed. How can an Addendum to the 2015 General Plan EIR be prepared when the ordinance itself is not yet written?

- ***The proposed ordinance would not amend the City’s General Plan. The Addendum to the General Plan EIR analyzed the potential impacts associated with the proposed development standards and concluded that the proposed project will not result in any potentially significant impacts that were not already analyzed as part of the environmental review of the General Plan.***

**Specific Plans** – The East Pasadena, North Lake and Fair Oaks Orange Grove Specific Plans have not been reviewed by the community nor the Planning Commission. The church ordinance is pre-empting the Specific Plan process. By



allowing housing on church properties without any discussion for context of surrounding land is consistent with spot zoning practices.

- ***The City Manager initiated a zoning code amendment in 2020 and the City has conducted a community meeting (with over 100 attendees) and has conducted public meetings on the issue with the Planning Commission (four times) as well as the City Council. The City has also provided public notice for the proposed Zoning Code Amendment consistent with the requirements of the Zoning Code. The City Council has directed us to bring the project forward, which we are doing.***

**Special Privilege** – By approving this ordinance at this time appears to be a case of special privilege for churches.

- ***The proposed regulations are drafted based on the characteristics of Religious Facility Land uses, which typically have underutilized property that could be repurposed to affordable housing. Land for affordable housing is scarce and this amendment is intended to help the City achieve its affordable housing goals.***

There is no question that the City of Pasadena needs more affordable housing. Using underutilized church property may be one alternative of many, to addressing this issue. However, as proposed there are still many questions that need to be addressed, and which most likely be addressed in the ordinance presented to the City Council. But at that point there will be little opportunity for the community or any commission to voice their comments and concerns to the creation of new laws that make a multiple family, 3-4 or 5 story projects by right use.

Sincerely,

Carol Hunt Hernandez  
Planning Commissioner  
AICP, Retired

Cc:

David Reyes  
Director, Planning and Community Development  
City of Pasadena  
626-744-4650

## Iraheta, Alba

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**From:** Paul Gibson <[pgibson@pasadena.gov](mailto:pgibson@pasadena.gov)>  
**Sent:** Monday, May 23, 2022 5:40 PM  
**To:** PublicComment-AutoResponse; Gordo, Victor; tyron@tyronhampton.com; Reyes, David; Kennedy, John J.  
**Subject:** Churches and Affordable Housing -- Agenda Item May 23, 2022

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Dear Pasadena City Council,

“While I appreciate that this matter is coming to the City Council, I would encourage you to please send the proposal back to the Planning Dept to work closely with the Housing Dept to adjust the zoning from 32 units per acre to 36—just four more units. With development standards that accompany the 32 dwelling units per acre standard. This will produce a policy that will work for several of the interested churches. This change would be a great start.”

I lived in the Orange Heights Neighborhood for 30 years and raised my children there. One of my daughters has been teaching in Pasadena Unified School District for 20 years and cannot afford to buy house in Pasadena. I know that I’m biased but she is a wonderful educator who has and is contributing to the well-being and knowledge of hundreds of Pasadena students.

Thank you for sending the proposal back to the Planning Department.

Paul Gibson  
(626) 622-3547

For we are God's workmanship, created in Christ Jesus to do good works, which God prepared in advance for us to do.  
Ephesians 2:10

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