

CORRESPONDENCE



3/27/2023

City of Pasadena
100 North Garfield Ave.
Pasadena, CA 91101

correspondence@cityofpasadena.net
Via Email

Re: City of Pasadena’s Proposed Elimination of Planned Development Zoning

Dear City of Pasadena,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the City Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The ordinance “AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 17 (ZONING CODE) TO ELIMINATE NEW PLANNED DEVELOPMENT DISTRICT APPLICATION”, which is up for first reading by the City on Monday, March 24th, is proposing a complete elimination of new applications for Planned Development Districts for the City of Pasadena, California. This ordinance comes squarely in violation of California Government Code Section 66300(b), which states that "an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph

(B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or **anything that would lessen the intensity of housing.**”

Planned Development districts are an important tool to streamline the development of new, larger housing projects to add a significant number of units to your city's limited housing stock. In Chapter 17.26.020(c) of the City of Pasadena's Municipal Code, it defines one of the purposes of PD districts as to "Establish a procedure for the development of large parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of land use regulations and administrative procedures designed primarily for small parcels."

The city's own municipal code admits one of the primary purposes of Planned Developments is to streamline larger housing projects that would otherwise be more difficult to plan and develop without the ease of use provided by the PD process. By establishing an ordinance to prohibit new Planned Development applications, the City of Pasadena is effectively moving to lessen the intensity of new housing by intentionally establishing an additional barrier to new housing development and further restricting the City of Pasadena's new housing stock.

Additionally, in California Government Code Section 663300 (i), it states:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

Because the City of Pasadena is not concurrently changing development standards, policies, or conditions in order to counteract this ordinance's resulting net loss in residential capacity, the City will find itself in violation of SB 330 should it approve this new ordinance to amend Pasadena Municipal Code Title 17. We urge the City to avoid passing this ordinance in order to remain in compliance with California law. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced. By way of this letter, we have also notified HCD of your city's proposed violation of the "no net loss provision" of SB 330. I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law