



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Jennifer Paige, AICP, Director of Planning & Community Development Department

DATE: April 3, 2023

SUBJECT: Ordinance Amending Planned Development Regulations – Public Comment

On March 27, 2023, the City Council received a comment letter from YIMBY Law regarding the City's proposed elimination of Planning Development applications. The letter claims that the proposed ordinance, "AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 17 (ZONING CODE) TO ELIMINATE NEW PLANNED DEVELOPMENT DISTRICT APPLICATION," violates California Government Code Section 66300(b) (also referred to as SB 330 or the Housing Crisis Act of 2019).

Government Code Section 66300(b) states that Cities shall not enact a development policy, standard, or condition that would change or have the effect of 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 in effect at the time of the proposed change, below what was allowed under the land use designation or zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018..."

Government Code Section 66300(b) further clarifies that reducing the intensity of land use includes:

"reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity."

Contrary to the comment's claims, the ordinance does not reduce density or intensity within any existing general plan land use designation, specific plan land use designation, or zoning district, nor does the ordinance change any development standards now applicable to residential development, either directly or indirectly. No site will have any reduction in residential development capacity as a result of this action.

Planned Development (PDs) applications, as permitted prior to their proposed elimination by this ordinance, required a legislative action, included a zoning map amendment, and allowed flexibility in development standards and land uses for large sites greater than 2 acres. The majority of existing PD sites do not contain any housing. The use of the PD tool for recent housing projects was to

4/3/2023

Item 12

request the maximum densities in the General Plan, where the zoning was not at the maximum of the range. The City is currently updating its Specific Plans to increase densities and implement the General Plan. Additionally, changes to state density bonus law (AB 2334) effective January 1, 2023 entitle projects eligible for a density bonus to the maximum density specified by the General Plan, Specific Plan, or Zoning Code, whichever is the greatest. This means that housing projects that are eligible for a state density bonus do not need to request a PD zone to obtain the maximum density allowed by the General Plan. Housing projects may also obtain the same flexibility in development standards through use of waivers and concessions under density bonus law. Compliance with the City's inclusionary ordinance makes residential projects eligible for a density bonus.

Approval of a Planned Development is a legislative action, and as such is not subject to the Housing Accountability Act. By contrast, residential projects requesting density bonuses and waivers of development standards may be approved through a quasi-judicial process such as design review and are subject to the Housing Accountability Act, a much easier process for applicants than an application for a PD.

The changes being made by this ordinance simply eliminate the ability for new PDs to be requested. The ordinance is making no changes in the Zoning Code that will have the direct or indirect effect of reducing housing density. Accordingly, staff recommends that the Council complete second reading of the ordinance.