

## Jonathan P. Bell

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**Subject:** Public Comment on Accessory Dwelling Units ordinance update for October 17, 2017 community meeting  
**Attachments:** ADU Ordinance Update-Public Comment 17 October 2017-Jonathan P Bell.pdf

From: **Jonathan Bell** <[jonathan.bell@sjsu.edu](mailto:jonathan.bell@sjsu.edu)>

Date: Mon, Oct 16, 2017 at 10:41 PM

Subject: Public Comment on Accessory Dwelling Units ordinance update for October 17, 2017 community meeting

To: "Hwang, Joanne" <[jhwang@cityofpasadena.net](mailto:jhwang@cityofpasadena.net)>, "Reyes, David" <[davidreyes@cityofpasadena.net](mailto:davidreyes@cityofpasadena.net)>

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Lawrence Wilson, [ira@yimbyla.com](mailto:ira@yimbyla.com), Mark Vallianatos, James Rojas, Gunnar Hand, Elsa Rodriguez

Dear Joanne,

Thank you for all your hard work on this critically important housing issue.

I'm unable to attend tomorrow night's open house community meeting but I'd like to make a comment on record via this email. I've attached my previous public comment letter to Pasadena City Council dated June 19, 2017 regarding the ADU ordinance update. My comments today are exactly the same as those outlined in my June 19, 2017 letter to City Council. **Please submit this email and the attached letter dated June 19th as my public comment on ADUs.**

The Pasadena City Council was wrong to reject the proposed ordinance in June. The Council majority's decision was cowardly, and its reasoning was shortsighted, classist, and oozing with irrational NIMBY paranoia. Creating a safe and legal pathway for ADUs minus all the built-in obstacles will not "tear up the fabric of the neighborhood" as the Council alleged on record.

As it stands, the Pasadena City Council's willingness to hold onto the 15,000 square foot minimum lot size, or entertain a pseudo-"compromise" of a 7,500/7,200 square foot minimum lot, simply maintains the class-based inequalities codified in the original Second Unit Ordinance. Please see my previous public comments on that score. Worse yet, Council's decision violates both the spirit of the new State ADU Laws and the State's implementation guidelines that prohibit local jurisdictions from using obstructionist lot size minimums to thwart development of the new ADU.

The solution is to remove the purpose-built hurdles in the ordinance and make ADUs accessible to all. Please see my letter for details.

Please give each one of the Council members and the Mayor my letter and this email.

Thank you.

In solidarity with neighbors needing homes,

Jonathan Pacheco Bell, M.A., MLIS

@c1typlann3r

Pasadena District 5 resident

**Date:** June 19, 2017

**To:** Pasadena City Council  
100 N. Garfield Avenue  
Pasadena, CA 91101

**From:** Jonathan Pacheco Bell

**Re:** ADU ordinance update at City Council, June 19, 2017

Dear City Council Members,

I join my colleagues at the Greater Pasadena Affordable Housing Group in submitting this letter of support for the Accessory Dwelling Unit (ADU) ordinance update before your council on June 19, 2017. Specifically, I ask you to strengthen the ADU ordinance in the following ways:

- A. I agree with the Planning Commission's and staff's recommendation to reduce the minimum lot size for ADUs to 5,000 square feet because: 1) 5,000 square feet is a standard lot size owned by working families in Pasadena who would benefit from ADUs; 2) the majority of comments at the community workshops recommended 5,000 sf; and 3) the majority of cities chosen by staff to compare to Pasadena allowed ADUs in properties at 5,000 sf or less. A minimum lot size of 5,000 square feet would offer a reasonable threshold that opens up more opportunities for property owners with standard sized lots and diverse income levels to build ADUs legally. The larger the lot size hurdle, the lesser chance for middle-and working-class families to build ADUs on their properties. We cannot continue to codify upper-class privilege in the Zoning Code vis-à-vis minimum lot size standards benefitting wealthier property owners with larger parcels. As the intent of State Law is to facilitate production of ADUs, a minimum lot size of 5,000 square feet enables this goal in Pasadena.
- B. I support development of ADUs in the RS and RM zones. The inclusion of properties zoned RM increases opportunities to build safe and legal ADUs in Pasadena.
- C. ADUs should be allowed in Landmark Districts and historic districts. The addition of Landmark and historic districts increases opportunities to build safe and legal ADUs throughout Pasadena, unencumbered by the city's many historic overlay districts.
- D. I support the reduced side and rear yard setback areas for ADUs and encroachment into the side and rear yards as buildable space. ADUs should have the same encroachment allowance as other accessory structures already permitted in side and rear yards. The reduced setbacks facilitate development of ADUs – including the conversion of existing accessory structures in yard areas, such as detached garages and pool houses – in a manner that's consistent with existing conditions and standards. Priorities matter. We must be less concerned with storing cars and pool supplies and more concerned with housing people.
- E. The recommendation of 800 square feet as the limit on the size of the ADU is arbitrarily low and does not accommodate the spatial needs of single occupants, couples, or families residing in accessory residences. Instead, increase the maximum size of an ADU to 1,200 square feet to

provide occupants more generous living space, consistent with State Law. As to the concern of ADU scale and size in relation to the primary residence, I support a code section amendment requiring a subordinately sized ADU if the primary residence is 1,200 sf or smaller.

- F. Staff is recommending that the height limit of 17 feet remain. I recommend that ADUs be allowed above garages by increasing the height limit to 25 feet. Pasadena allows homeowners to have a second floor in their homes. My recommendation is consistent with this allowance. While concerns of view obstruction and privacy are understandable, these justifications should not be fashioned into poison pills to kill the development of ADUs above garages. Privacy issues can be mitigated with design standards prohibiting windows and doors facing neighbors. Further, the 17-foot height limit of a detached ADU ignores the fact that many long-ago-built legal nonconforming apartments exist above garages in Pasadena. As a city that respects its history, Pasadena can learn from such past practices. Multi-story single-family residences and second story additions are allowed in Pasadena; in other words, there are existing pathways in the Zoning Code to build dwellings above 17 feet in single-family residential areas, so let's create a legal pathway for ADUs, too.
- G. While I believe in affordable housing, I do not support affordability covenants for ADUs. In other situations affordability covenants are appropriate, but not with ADUs. In this case it can be used as a poison pill to prevent homeowners from wanting to build an ADU.
- H. I recommend that ADUs be allowed a waiver of the Residential Impact Fee of \$18,979.88. This exorbitant cost discourages working families from developing new ADUs on their properties. Such an egregiously high cost serves as a poison pill that thwarts ADUs. Paradoxically, this Fee can encourage development of unpermitted housing built "on the stealth" at a far lower cost.

Our state is in a housing crisis with a shortfall of 1.3 million units that drives up housing costs faster than wages. It is essential that you, as our Council members, do all you can to help relieve this severe housing shortage. In addition to helping to increase sorely needing housing stock, there are many good reasons to support the above recommendations, namely:

1. To create life cycle housing for aging parents who might otherwise wind up in assisted-living facilities or nursing homes, thus reducing the cost of their care.
2. To keep affordable housing from being concentrated in one spot and to invite economic diversity.
3. To house "boomerang" kids or those who want to stay close but can't afford local housing.
4. To provide a potential source of income when homeowners are ready to downsize, especially for seniors on a fixed income. They can live in the ADU and family members can move into the main house, or rent it out for retirement income.
5. To allow more money to circulate and stay in the community through the employment of local contractors and construction workers, as opposed to large developers that are usually from out of town.

6. To increase property values and provide more property taxes for the city.
7. To minimize traffic by allowing people to live closer to family and work.
8. To prevent a possible fair housing lawsuit due to the disparity between those who want ADUs but cannot build them due to an unreasonably high minimum lot size, and those who have large lots but don't have the need for ADUs; and to remove the class-based inequalities that were built into and carried over from the original Second Dwelling Unit ordinance.
9. To help increase the city's housing stock without the use of subsidies. Due to limited federal funds for housing, the city has lost 85% of its budget for affordable housing. ADUs are one important source for helping to solve the housing crisis without spending tax payer dollars.
10. To help remedy informal housing in Pasadena that is, by definition, uninspected and thus unsafe. A reminder: unpermitted housing exists in every jurisdiction, every geography, every demographic, and every socioeconomic stratum. Unpermitted dwellings, garage conversions, subdivided houses, and occupied RVs exist across the City of Pasadena. The lack of affordable housing coupled with skyrocketing housing prices are partly due to unworkable zoning laws that stifle efforts to build legal ADUs and therefore contribute to the proliferation of unpermitted dwellings. It's a simple calculus: when people need housing, people build housing. And when the Zoning Code creates barriers, people ignore the code.

Pasadena calls itself a "world class" city with "great neighborhoods and opportunities for all," a city that's "responsive to our entire community," and one that values "diversity and inclusiveness."

Here's where you can prove it by advocating an equitable ADU ordinance that enables new housing arrangements *for all residents*.

Thank you,



Jonathan Pacheco Bell  
Pasadena District 5 resident  
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