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An Open Letter to the Pasadena City Council Urging a Comprehensive Overhaul of the Second Dwelling Unit Ordinance

JANUARY 29, 2017 BY [JONATHAN P. BELL](#) — [LEAVE A COMMENT](#)



Notice of Public Hearing *CITY COUNCIL*

Amendments to the Second Dwelling Unit Ordinance (Section 17.50.275 of the Zoning Code)

ZONING: All Single-Family Residential Zoning Districts (RS-1, RS-2, RS-4 and RS-6)

GENERAL PLAN DESIGNATION: Low Density Residential

PROJECT DESCRIPTION: The proposed project is a set of amendments to Section 17.50.275 of the City's Zoning Code (Second Dwelling Unit Ordinance), along with all other applicable sections in the Zoning Code (i.e. definitions, land use table). The proposed amendments include a number of targeted changes to the existing regulations governing the construction of second units on properties zoned for single-family development. These changes are necessary to bring the City's Zoning Code into compliance with recently amended State Law (Assembly Bill 2299 and Senate Bill 1069), and will allow the City to continue to enforce the majority of the City's existing Second Dwelling Unit Ordinance.

Separately from the proposed amendments, a comprehensive review of the City's Second Dwelling Unit Ordinance is anticipated to begin later this year. This effort will include community participation and input prior to the drafting of any new regulations.

On January 30, 2017, the Pasadena City Council will hold a public hearing to consider an amendment to the city's Second Dwelling Unit Ordinance to comply with new standards codified in AB 2299 and SB

Dear Pasadena City Council Members,

A long overdue update to the Second Dwelling Unit Ordinance is before you at the January 30, 2017, City Council public hearing. With the passage of [AB 2299](#) and [SB 1069](#), all local jurisdictions are obligated to amend zoning ordinances to facilitate easier pathways to building accessory dwellings units (ADUs). As the [staff report](#) notes, the new state laws came about in response to a statewide affordable housing crisis. We see it in Pasadena. It's rendered in the presence of homeless encampments, occupied vehicles on city streets and parking lots, and the existence of unpermitted housing on private properties across the city.

Pasadena responded with a tepid ordinance amendment that [complied](#) with the state's mandated ADU laws but failed to examine the problematic operational and development standards in the original ordinance. In a December 12th [Open Letter to the Pasadena Planning Commission](#), I called these standards "poison pills" because they discourage new ADUs and make the ordinance unworkable in practice.

Many housing advocates joined me in voicing concerns about the weak proposal at the Pasadena Planning Commission's December 14, 2016, public hearing. We asked the Planning Commission to fix it. Commissioners summoned the courage to remove some, but not all, of the poison pills.

The [original](#) Second Dwelling Unit Ordinance was broken from the start. The [amended ordinance](#) remains unfair and unfeasible. There's no date for the "[anticipated comprehensive review](#)" of the ordinance as part of the Housing Element Implementation Program. Thus my call for a comprehensive overhaul of the ADU ordinance remains unfulfilled.

So once again, I outline my grievances against Pasadena's ADU ordinance. I urge you to consider these grievances in concert with our city's urgent need to improve affordable housing access:

- The minimum lot size of 15,000 square feet to build an ADU represents an unjust codification of upper-class privilege because it limits new ADUs to large parcels owned by wealthier Pasadena residents. Maintaining this ridiculous lot size hurdle does nothing to alleviate the affordable housing crisis. The minimum lot size to build an ADU should be at or near 5,000 square feet. This reasonable threshold opens more opportunities for

property owners with standard sized lots and diverse income levels to build ADUs legally, and it's on par with neighboring jurisdictions such as the County of Los Angeles.

- The limit of 800 square feet per ADU is arbitrarily low and does not accommodate the spatial needs of single occupants, couples, or families residing in such dwellings. The maximum gross floor area should be at or near 1,000 square feet to provide occupants more generous living space.
- The 17-foot height limit of a single-story detached ADU ignores that 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.
- The ban on an ADU's entry being visible from the street is utterly absurd. No reasonable justification for this standard has been given because none exists. Dismiss this ridiculous provision with prejudice.
- The newly added 30-day rental term limit for an ADU undercuts affordable housing access and bolsters the proliferation of problematic short-term rentals that are currently unregulated in Pasadena. The insurgent short-term rental market [removes affordable housing](#) options in the L.A. region. This provision amounts to Pasadena codifying a new poison pill in the ADU ordinance. The 30-day rental term limit is cruel and illogical; it must be removed
- Despite the alleged [Findings of Consistency](#), this amendment is inconsistent with the policy objectives of Pasadena's General Plan. As proposed, the amended ordinance does not "provide opportunities for a full range of housing types, densities, locations, and affordability levels to address the community's fair share of" housing pursuant to Policy 2.1 (Housing Choices). It does not facilitate "a variety of affordable housing types" pursuant to Policy 21.1 (Adequate and Affordable Housing). It does not "encourage, foster, and protect a balanced mix" of housing throughout the entirety of the city pursuant to Policy HE-1.1 (Neighborhood Character). And it does not "facilitate and encourage diversity" in housing options pursuant to Policy HE-2.1 (Housing Diversity). The lack of General Plan consistency is alarming.
- Unpermitted housing is found in every jurisdiction, every geography, every demographic, and every socioeconomic stratum. Among the many reasons for this condition is the codification of infeasible zoning codes that thwart efforts to build safe

and legal ADUs. Pasadena's original and amended ordinances embody these contradictions. Our unusable ordinance explains, in large part, why unpermitted housing exists across Pasadena. When people need housing, people build housing. When formal channels are unworkable, people build "informally." When a zoning ordinance obstructs construction of legal ADUs, people ignore the ordinance. It's that simple. Paradoxically, our overly restrictive ADU laws encourage an unregulated, off-the-books housing market. This "hidden density" should concern you for many reasons, namely:

- [Unsafe housing](#) is being built and rented without the benefit of permits or inspection.
- Substandard housing arrangements are fire hazards that threaten the lives of occupants and neighbors. The [Ghost Ship](#) and [Aviles Family](#) tragedies are vivid reminders of the dangerous consequences of unpermitted housing.
- Unpermitted housing adds "unaccounted for" and unplanned usage to our local utilities, sewers, and street parking access.
- Obstacles to building legal ADUs diminish access to safe and permitted affordable housing options.
- Occupants of unpermitted housing are far less likely to be counted by Census takers, resulting in population and housing under-reporting that directly impacts federal funding for our community.
- The lack of site plan review and building permits issued to unpermitted dwellings equates to untold losses of potential annual revenue for the City of Pasadena.
- Stealth housing will likely go unaccounted for during the upcoming Housing Element Implementation Program.
- Systemic rejection of housing code compliance undermines the ordinance's validity.

I'll say it again: we need a comprehensive overhaul of the ADU ordinance that encourages residents to develop affordable, safe, and legal accessory housing in Pasadena. Allowing more ADUs helps Pasadena address the local and regional housing crisis with units scaled to fit into its lower density neighborhoods. ADUs help households provide living space for family members, from grannies to millennials. Property owners may also choose to rent out their ADUs to help pay the mortgage. The ability to develop safe and legal ADUs enables more Pasadena residents to help "shape this city."

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."

Prove it.

Advocate a humane and usable ADU ordinance that enables new housing arrangements *for all residents*.

Thank you,

Jonathan Pacheco Bell

Pasadena District 5 resident

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About Jonathan P. Bell

Jonathan Pacheco Bell is a proud public sector professional with over 17 years of diversified experience spanning the fields of urban planning, architecture, and information/library science. Since 2006, Jonathan has worked as an urban planner for a large municipal planning department in Los Angeles County. He has extensive experience in countywide zoning enforcement and community planning in South Central Los Angeles. Jonathan received his M.A. in Urban Planning from the UCLA Luskin School of Public Affairs and studied political science and architecture as an undergraduate. He is currently completing an MLIS with an emphasis in public libraries through the San Jose State University iSchool.

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