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An Open Letter to the Pasadena Planning Commission Urging a Comprehensive Overhaul of the Second Dwelling Unit Ordinance

DECEMBER 12, 2016 BY [JONATHAN P. BELL](#) — [LEAVE A COMMENT](#)



Notice of Public Hearing

Planning Commission

Amendment 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 an amendment to the Second Dwelling Unit Ordinance, Section 17.50.275 of the City's Zoning Code. The proposed amendment includes 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. The Planning Commission will forward its recommendation to the City Council. The City Council will make a final decision in a separately-noticed public hearing. The work effort on a more comprehensive review of the City's existing Second Dwelling Unit Ordinance will begin in 2017 and separate notice will be sent at a later time.

On December 14, 2016, the Pasadena Planning Commission will hold a public hearing to consider an amendment to the city's Second Dwelling Unit Ordinance to comply with new standards for accessory dwelling units codified in AB 2299 and SB 1069.

Dear Pasadena Planning Commissioners,

A long overdue update to the City of Pasadena's Second Dwelling Unit Ordinance is before you at the December 14, 2016, Planning Commission public hearing. This will be the first of many hearings in response to the passage of [Assembly Bill 2299](#) (AB 2299) and [Senate Bill 1069](#) (SB 1069) and the upcoming Housing Element Implementation Program. At this juncture, I see three compelling reasons for your Commission to advocate a comprehensive overhaul of Pasadena's Second Dwelling Unit Ordinance.

First, the obvious reason is [Governor Brown's signing](#) of AB 2299 and SB 1069. The new laws modify development standards for accessory dwelling units in all local jurisdictions statewide. They facilitate an easier pathway to build new accessory dwellings, or legalize unpermitted ones, by relaxing on-site parking requirements, setbacks, utility connection fees, and other hurdles. The city's [staff report](#) outlines the new standards enacted by AB 2299 and SB 1069; a close reading also discloses how the [existing Second Dwelling Unit Ordinance](#) and the proposed amendment are largely inconsistent with the letter and spirit of these new housing laws. We need a comprehensive overhaul to comply with AB 2299 and SB 1069 but also to fix the original and amended ordinances.

Second, Pasadena's existing Second Dwelling Unit Ordinance was broken from the start. In response to [NIMBY-driven objections](#) during the first go-around, the city adopted operational and development standards for second dwelling units that were, and remain, unfair and unworkable. Here's why:

- The minimum lot size of 15,000 square feet represents an unjust codification of upper-class privilege as it limits new second dwelling units to large parcels owned by wealthier Pasadena residents
- The minimum distance of 500 feet between properties with second dwelling units is an arbitrary and unreasonable bulwark that also constitutes an unjust limitation of one's right to improve private property
- The prohibition against prefabricated housing and trailers codifies and imposes upper-class aesthetics and values in an otherwise economically and culturally diverse city
- The limit of 20 second dwelling units per year, and 200 units over ten years, callously disregards the urgent housing needs Pasadena has long faced
- The limit of 800 square feet per second dwelling unit is arbitrarily low and does not

accommodate the spatial needs of single occupants, couples, or families residing in accessory residences

- The height limit of a single-story not exceeding 17 feet ignores the fact that many long-ago-built legal nonconforming second dwelling units exist above garages in Pasadena
- The ban on a second dwelling unit's entry being visible from the street is utterly absurd
- The requirement of two covered parking spaces for a second dwelling unit reinforces the unfair minimum lot size of 15,000 square feet insofar as it requires space to develop an *entirely new* garage/carport for an *accessory* residence

These standards are "poison pills" designed to discourage new accessory dwelling units. It should come as no surprise that only [one permitted second unit](#) has been built in twelve years under the existing ordinance. We cannot repeat this mistake. **Therefore, I object to the city's proposal to leave untouched these poison pill criteria:**

- **15,000 minimum lot size**
- **500-foot minimum distance requirement**
- **Maximum gross floor area of 800 square feet**
- **Cap at 20 units per year, and 200 units over 10 years**

Furthermore, I argue that the proposed amendment is inconsistent with the policy objectives of the General Plan despite the [Findings of Consistency](#) to the contrary. As proposed, the amended ordinance does not "provide opportunities for a full range of housing types, densities, locations, and affordability levels" pursuant to Policy 2.1 (Housing Choices); does not facilitate a variety of affordable housing types pursuant to Policy 21.1 (Adequate and Affordable Housing); 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 does not "facilitate and encourage diversity" in housing options pursuant to Policy HE 2.1 (Housing Diversity). We need a comprehensive overhaul leading to an accessory dwelling unit ordinance that residents can actually use.

Third, when the formal development channels are unworkable, people build "informally." I've [worked in the field of municipal zoning code enforcement](#) for over ten years in the Los Angeles Region. Among the [many lessons](#) I've learned is that unpermitted housing exists in every jurisdiction, every geography, every demographic, and every socioeconomic stratum. In other words, unpermitted dwellings, garage conversions, subdivided houses, and occupied RVs exist across the City of Pasadena. Lack of affordable housing coupled with skyrocketing housing prices are partly to blame, but there's more. While I'll not absolve residents of their

responsibility to develop properties legally, I know from experience that unworkable zoning laws that stifle efforts to build legal accessory dwellings directly contribute to the proliferation of illegally built dwellings. It's a simple calculus: **when people need housing, people build housing**. And when the zoning code creates barriers, people ignore the code.

Paradoxically, our restrictive zoning codes inadvertently encourage an unregulated, off-the-books housing market. The existence of this "hidden density" in Pasadena should be of concern for many reasons, namely:

- [Unsafe housing](#) is being built and rented without the benefit of permits or inspection
- Substandard housing arrangements are fire hazards directly threatening the lives of occupants and neighboring properties. We've seen the dangerous consequences [locally](#) and [elsewhere](#) in California
- Unpermitted housing adds "unaccounted for," unplanned usage to our local utilities, sewer systems, and street parking access
- Obstacles to constructing legal accessory dwellings diminish access to safe and permitted affordable housing options
- Occupants of unpermitted dwelling units 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

We need a comprehensive overhaul that encourages residents to develop affordable, safe, and legal accessory dwelling units. The benefits are clear. Allowing more accessory dwellings helps Pasadena address the local and regional housing crisis with units scaled to fit into its lower density neighborhoods. Accessory dwellings help households provide living space for family members, from grannies to millennials. Or, property owners may choose to rent out their accessory residence to help pay the mortgage. In the end, legal accessory dwelling units enable more Pasadena residents to help "shape this city."

I look forward to working with you and staff in future workshops and public hearings on the Second Dwelling Unit Ordinance update. These venues will give concerned residents opportunities to articulate our vision for a true overhaul of this ordinance.

Pasadena [calls itself](#) a “world class” city with “great neighborhoods and opportunities for all,” a city that’s “responsive to our entire community,” and a city that values “diversity and inclusiveness.” Prove it. Show us you mean it by advocating a humane and usable accessory dwelling unit ordinance that enables new housing arrangements *for all residents*.

Thank you,

Jonathan Pacheco Bell

Pasadena District 5 resident

Acknowledgement: I thank Mark Vallianatos, Chase Andre, and Jake Wegmann for sharing their thoughts with me on this issue.

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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.
