



**City of South Pasadena
Planning and Community
Development Department**

Memo

Date: August 11, 2020

To: Chair and Members of the Planning Commission

From: Joanna Hankamer, Director of Planning and Community Development
Margaret Lin, Manager of Long Range Planning and Economic Development

Re: August 11, 2020, Planning Commission Meeting Item No. 3 Additional Document – Public Comments Received

After posting of the staff report, public comments were received from four individuals. These comments are included as Attachment 1.

Attachments: Public Comments Received

ATTACHMENT 1

Item #3: 2021 Housing Element Update – Public
Comments Received

**August 11, 2020 Planning Commission Meeting Agenda Item #3:
2021 Housing Element Update – Preliminary Sites Analysis (Continued from July 21,
2020) - Inclusionary Housing and Accessory Dwelling Unit Ordinances**
(as of August 11, 2020 at 10:00AM)

1. Josh Alberktson
2. Josh Alberktson
3. Oscar Uranga
4. Matthew Glefand
5. Robert Joyner (<https://www.dropbox.com/s/usc6bzbmj3gewba/VM1.WAV?dl=0>)

*also provided a voicemail public comment that will be played for the Commission during the meeting

From: Josh Albrektson [REDACTED]
Sent: Monday, August 10, 2020 8:00 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>; Diana Mahmud <dmahmud@southpasadenaca.gov>
Subject: Public Comment for Item 3 2021 Housing Element Update, August 11th Planning Commission Meeting

I write to you guys yet again to tell you that estimating 1,000 ADUs for the 6th RHNA is a non-compliant housing element. This is not allowed by the rules and the fact decisions are being made based on this number is malpractice (I'm a MD in my spare time).

I want to be sure that you start using real numbers to make the hard decisions you have to make. In order to get on the ballot for a height limit in March you have to have the wording done in late December and every month you spend pretending like HCD will allow 1,000 ADUs on 5,000 Single family homes is time wasted and every dollar that Placeworks is charging based on this assumption for their work should be refunded.

If any of you have any questions about what I have written below, I encourage you to call the HCD Housing Policy Development office at 916-263-2911. Tell them you are on the planning commission and ask them about how to calculate ADUs and if they will allow a projection of 1,000 ADUs for South Pasadenas 2,062 units. This is the purpose of the phone line and they are very responsive.

The following are three direct sources from HCD about how to calculate ADU:

Page 31 on the June 10th HCD memo on how cities are allowed to calculate ADU contributions to RHNA numbers.

https://www.hcd.ca.gov/community-development/housing-element/docs/Sites_inventory_memo_final06102020.pdf

I will also direct you to the HCD Building Blocks website on ADU counting.

<https://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/accessory-dwelling-units.shtml>

I will pull out one very important sentence from this website and post it here:
"The projection of ADU and JADU development must be based on realistic capacity and development trends of ADUs and JADUs in the previous planning period."

On July 24th HCD did a webinar and again listed the ways that a city can use ADUs in their RHNA numbers. You can watch the presentation here. Skip to minute 41 where they talk about ADUs.

<https://youtu.be/pgcVjMEA-Fo>

This is the slide from the meeting, what matches page 31 on the June 10th memo and the HCD Building Blocks website

I recommend listening to the 4 minute part of the YouTube video a few times where they clearly lay out the rules for the use of ADUs and exactly what data should be used in this calculation.

To recap my last email, I showed you the data that Planworks estimates that South Pas would produce 25 ADUs per 1,000 Single Family Homes per year is 4 times the rate of Los Angeles best production year and 12 times that of Pasadenas best production year. Repeat, that is 4 times that of the regional production.

If you look at the three sources of information from HCD I posted above, you can see clearly how cities are supposed to estimate ADUs. That is by trends on ADU production since 2018. It is only if you do not have this data should you use an alternative method.

At the July 21st meeting Placeworks stated the number of ADUs allowed based on trends on production since 2018 was 290 ADUs.

When you do NOT have that data (note, South Pas does have that data) you can take the total number of ADUs produced from 2013 to 2018 and multiply it by five.

Or, you could use regional production. Combining the regional production of LA, Pasadena, San Marino, Alhambra, and San Gabriel South Pasadena would be able to claim somewhere in the range of 150 ADUs.

South Pasadena can also submit a plan that reviews every single family lot.

Here is the example used in the HCD guidelines YouTube video for a RHNA estimation:

In the example from the YouTube video this mythical city claimed 60 total ADUs of their 1130 RHNA number. South Pasadena is trying to claim an ADU production that is 9 times that of the example HCD provides.

Placeworks stated at the July 21st meeting that they were doing this estimate based on Eureka, California. It is not stated anywhere in any document that it is ok a city of 25,000 in a metropolitan jurisdiction can compare itself to a rural beach city of 26,000 on the northern coast of California 645 miles away that is closer to Eugene Oregon than San Francisco. That is not very regional.

But I found this interesting so I wanted to look up the ADU data from Eureka to see this amazing ADU production that is cited. That amazing ADU production in Eureka actually doesn't exist.

Eureka is like South Pasadena in one way. Eureka has 6,000 single family homes, compared to South Pasadenas 5,000 single family homes.

Prior to 2018, Eureka had produced 2-5 ADUs per year. In the 6th Cycle Eureka California HCD approved Housing Element, they estimated that they would produce 20 ADUs per year for a total of 160 ADUs over the 8 years.

So South Pasadena is estimating that they would produce ADUs at a rate that is 6 times that of their example said they would do in the Eureka 6th RHNA cycle Housing Element.

In 2020, Eureka has permitted 10 ADUs as of July 27th. So they are on pace for 17 this year,

meaning South Pasadena hopes to produce ADUs at a rate that is 7 times that of what their example city is doing.

The law clearly states the Housing Element is supposed to plan for housing that would be realistically produced. If you think HCD will accept the 1,000 ADUs, even as a "Negotiating point" I would strongly suggest you look into their recent actions.

Luckily the effort to produce a ballot measure to raise the height limit on 6 properties based on this "Negotiation point" didn't make it on the ballot because it would have been a complete waste of money.

The good news is that within a month or two SCAG/HCD will have Parcel Data for Site Inventory & Analysis and included is a calculator that will determine the jurisdictions total physical ADU capacity. I would also recommend listening to minute 49:30 of the YouTube video above where it talks about how HCD will use that analysis of each jurisdiction where they will calculate the data for you so that you can be sure that they will not reject the Housing Element.

HCD and SCAG is also hosting two housing workshops on August 20th and August 27th from 1 PM to 3:30 PM. I encourage you to attend them. You can register here:

<https://scag.wufoo.com/forms/m1fso5f0mjhw1n/>

I am in part writing to you guys so you don't waste anymore time planning as if you will be allowed to use 1,000 ADUs instead of the 290 that is allowed by the rules. You are paying the consultant good money for faulty information. It would have been a horrible mistake if we had paid for the November height limit ballot measure, campaigned for it, had it pass, and then find out in March that you had to do another ballot measure since it wasn't enough. Or if you put a measure for the March election in January, pay \$150k to do so, and then find out in April that you are vastly short of what is needed.

My back of the envelope math says that the actual amount of housing South Pasadena is short is 1068 lower income units, 144 moderate, and 204 above moderate using the 290 ADU units.

And that is to get the bare minimum. The second a building is approved due to the no net loss law South Pasadena would have to immediately rezone again if we only plan for the minimum today. It is very important that if a ballot measure is done, you do not do a "surgical" ballot measure because that means every year we would have to do another ballot measure to fix the numbers from the projects approved.

Unless South Pasadena plans to do a yearly rezones at the ballot box it should really plan for about 500 of each of the Extra Low, Very Low, and Low categories.

If you have any questions, feel free to e-mail me. I'm happy to meet with any of you. I'm not sure if you recall Councilmember Mahmud, I was the person who told you South Pas had the 2,062 number.

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Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: Josh Albrektson <[REDACTED]>
Sent: Monday, August 10, 2020 6:26 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Subject: Item 3 August 11th Public Comment

ADU Comments:

I have attached the ADU ordinance from Eureka, CA, the city 645 miles away that we are basing our ADU estimate on. This has allowed Eureka to produce 10 ADUs through the first 7 months of 2020

I hope you guys consider instituting the following parts of their ordinance:

1. ADUs above garages should be allowed.
2. ADUs should not count in FAR or Area coverage (this might be the state law)
3. I believe that if the ADU is far enough from the street, it shouldn't matter if the entrance can be seen. Besides, the vast majority of the time an ADU at the back of the lot would be obstructed from the street by 1-2 cars.

I believe that the new ADU ordinance should include in it a ban on short term rentals that includes a significant fine (\$1,000 or so). Without a monetary penalty a lot of the ADUs that could be used for rental housing will instead be used as hotel rooms.

Inclusionary Housing Ordinance

I strongly support the inclusionary housing ordinance, but I have a question with part of it.

For 5-10 units, 10% of the units must be lower income. How does a 7 unit condo create a 0.7 unit lower income unit?? Was this meant to be that units from 5 to 10 must have one low income unit? If not, I suggest that for buildings 5-9 either there should just be a higher fee than 10+ buildings that would help administer an affordable housing program, or maybe require one unit of moderate income housing for those projects.

I would also add the following:

- Require all inclusionary housing units have access to the same amenities as the normal units with no restrictions
- Parking should be unbundled from units and lower parking requirements or elimination of the requirements should be put in place for the inclusionary housing units. This would make it more likely that the building would get built with more inclusionary housing units.

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Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

Section 155.316 – ACCESSORY DWELLING UNITS

Subsections:

155.316.010 – Purpose

155.316.020 – Permits Required

155.316.030 – Where Allowed

155.316.040 - Number of Accessory Dwelling Units.

155.316.050 - Accessory Dwelling Units as Vacation Rental.

155.316.060 – Site and Design Standards

155.316.010 – Purpose

This section establishes standards for accessory dwelling units in conformance with Government Code Section 65852.2 and Junior Accessory Dwelling Units in conformance with Government Code Section 65852.22. These standards are intended to allow for accessory dwelling units as an important form of affordable housing, while preserving the character and integrity of Eureka’s residential uses and neighborhoods.

155.316.020 – Permits Required

A. Zoning Clearance. Accessory dwelling units consistent with the requirements of this section are allowed by-right with a Zoning Clearance.

B. Time Limit to Act. The City shall complete its review of an accessory dwelling unit application requiring a Zoning Clearance and approve or deny the application within 60 days after receiving the application.

155.316.030 – Where Allowed

An accessory dwelling unit is permitted on any lot where single- or multi-family dwellings are a permitted use.

155.316.040 - Number of Accessory Dwelling Units.

A. Single Family Dwelling.

1. On a lot with an existing or proposed single-family dwelling, the following maximum number of accessory dwelling units are allowed:

- a. One attached or detached accessory dwelling unit; and
- b. One junior accessory dwelling unit pursuant to Government Code 65852.22.

B. Multi-family Dwelling.

1. On a lot with an existing multi-family dwelling, the following maximum number of dwelling units are allowed:

- a. Not more than two detached accessory dwelling units; and
- b. One or more accessory dwelling units, within a portion of the existing structure that is not used as habitable space. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas that are not used as habitable space may be converted to an accessory dwelling unit.

155.316.050 Accessory Dwelling Units as Vacation Rental.

An accessory dwelling unit or junior accessory dwelling unit in a residential or mixed-use zoning district may not be converted to, or utilized as, a short-term, transient, vacation rental or lodging if the accessory dwelling unit or junior accessory dwelling unit was granted a certificate of occupancy after January 1, 2020.

155.316.060 – Site and Design Standards

A. General Standards.

- 1. Accessory dwelling units are not included in density calculations, are considered residential uses, and may count as a dwelling unit for purposes of identifying adequate sites for housing.
- 2. Accessory dwelling units may be rented, but not sold, except as provided by California Government Code 65852.26.
- 3. Accessory dwelling units must comply with the state building standards for dwellings as determined by the Building Official.
- 4. The floor area of an accessory dwelling unit (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit.

B. Height, FAR, and Site Coverage.

1. Accessory dwelling units are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
2. Provided an accessory dwelling unit complies with the height and accessory dwelling unit setback standards for the zoning district in which it is located, FAR and site coverage standards do not apply to the accessory dwelling unit.

C. Relationship to Residential Structures.

1. An accessory dwelling unit may be within, attached to, or detached from a single- or multi-family residential structure.
2. An accessory dwelling unit or junior accessory dwelling unit must have kitchen and bathroom facilities that are separate from the primary dwelling, except as allowed by Paragraph (3) of this division.
3. A junior accessory dwelling unit may have an efficiency kitchen as defined in Government Code Section 65852.22 (a) (6). Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling.

D. Maximum Unit Size.

1. **Junior Accessory Dwelling Unit.** The floor area of a junior accessory dwelling unit may not exceed 500 square feet.
2. **Accessory Dwelling Unit.** The floor area of an accessory dwelling unit (either attached or detached) may not exceed 1,200 square feet. Maximum allowed unit size on a specific property may be less than 1,200 square feet due to floor area ratio, setbacks, and other site constraints.

E. Existing Home Designated as Accessory Unit. If a lot contains an existing single-family home less than 1,200 square feet, the existing home may be designated as an accessory dwelling unit as part of a project to construct a new single-family home on the lot.

F. Setbacks.

1. **Residential Zones.** Accessory dwelling units are subject to setbacks as provided in 155.204 Table 204-2 and Table 204-3.
2. **Mixed Use Zones.** .Accessory dwelling units are subject to the setbacks as provided in 155.208 Table 208-2.
3. **Second Floor or Conversion.** No additional setbacks are required for an existing structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit constructed above an existing structure.

G. Parking.

1. On-site parking is not required for accessory dwelling units.
2. When an existing covered parking space is eliminated in conjunction with the creation of an accessory dwelling unit, replacement parking is not required for the eliminated parking space.

H. Historic Review.

New construction of an accessory dwelling unit, or exterior alterations or additions to add an accessory dwelling unit to an existing structure on a property listed on the Local Register of Historic Places shall comply with Eureka Municipal Code Chapter 157.

I. Nonconformities.

New construction, exterior alterations or additions for an accessory dwelling unit are not subject to the provisions required by 155.424 (Nonconformities).

August 8, 2020

Via Email:

Planning Commissioners
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030
626-403-7200

PlanningComments@southpasadenaca.gov

Re: 2021 Housing Element Update - Public Comment

Esteemed Planning Commissioners,

I write you on behalf of Panoptic Development, a small private real estate development company who has recently developed 191 Monterey Road as for-sale condominium units.

We are currently in escrow on 181-187 Monterey and recently met with Kanika Kith, Planning Manager, to discuss and better understand the Zoning regulations that apply to the properties. We were excited to learn that the City is undergoing a Housing Element update and evaluating many sites throughout the City as candidates for additional density and to comply with State housing laws and the new RHNA targets.

Kindly accept this letter as our display of support and recommendation that these properties be designated for additional density (30 du/ac) and the associated development standards (45' in height).

Please let me know if you have any questions or concerns.

Best regards,

Oscar Uranga, PMP

Principal

IMG Construction Management



CC:

Jason Wang

Jason Lee

Kanika Kith

From: Matthew Gelfand [REDACTED]
Sent: Sunday, August 9, 2020 2:53 PM
To: Margaret Lin <mlin@southpasadenaca.gov>; Joanna Hankamer <jhankamer@southpasadenaca.gov>
Cc: 'Nickless, Greg' [REDACTED]
Subject: ADUs within the Mission Street Specific Plan

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Lin and Ms. Hankamer,

Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. I am writing as part of our work monitoring local compliance with California's revised laws regarding accessory dwelling units (ADUs).

In reviewing the staff report for the upcoming meeting of the Planning Commission, we were disturbed to see the implication that the City is not currently allowing ADUs within the Mission Street Specific Plan area. Unless we are missing something, this policy is unlawful.

ADUs permitted under subdivision (a) of Government Code Section 65852.2 are permitted in areas "areas zoned to allow single-family or multifamily dwelling residential use." Gov. Code § 65852.2(a)(1). ADUs permitted under subdivision (e) of Government Code Section 65852.2 are permitted "within a residential or mixed-use zone." Gov. Code § 65852.2(e)(1).

We have reviewed the regulations applicable to the Districts in the Mission Street Specific Plan. Some of these Districts allow residential use. Others qualify as residential or mixed-use zones. So the City is required by state law to allow ADUs within those Districts.

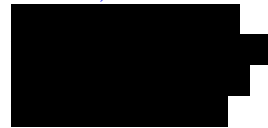
Please confirm by close of business on Friday, August 14, that the City will discontinue applying any policy that prohibits ADUs in the Mission Street Specific Plan area, where the relevant Specific Plan District allows residential use or qualifies as a residential or mixed-use zone.

All the best,

Matt Gelfand

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Matthew Gelfand
Counsel, Californians for Homeownership



Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools. To learn more or make a tax-deductible contribution today, visit: <http://caforhomes.org>

From: Rob Joyner [REDACTED]
Sent: Tuesday, August 11, 2020 2:03 PM
To: PlanningComments <PlanningComments@southpasadenaca.gov>
Cc: Kanika Kith <kkith@southpasadenaca.gov>
Subject: Traffic along Glendon Way

Please see attached comments for tonite's planning meeting- I have already left a VM of this particular concern.

Sincerely,
Robert C. Joyner
[REDACTED]

Robert C. Joyner
[REDACTED], South Pasadena
August 11th, 2020

Good evening commissioners, my name is Robert Joyner and I'm a resident of Glendon Way here in South Pasadena; Glendon way dead ends at the southern end of the Metro gold line platforms at the intersection with El Centro. I recognize that the Southern California council of governments is requesting that South Pasadena authorize and plan for up to 2000 additional residential units within our borders over the next 10 years. That is a huge goal and as an existing resident I am concerned about city's character through smart development.

Truth be told my primary concern and those shared with many my neighbors, both homeowners and tenants of Glendon way and Glendon court, is that of traffic on our street. Currently Glendon Way is part of the Mission Meridien parking district that allows residents within that district to receive up to three red hangtag permits to park during the daytime and avoid the three-hour parking limits. I understand this was originally designed and implemented to discourage Metro commuters from parking on city streets near the station.

However with the current proposed development projects along El Centro , namely seven patios, school district headquarters, mission Bell, and the existing Public Storage facility next door to the station, I am concerned with the number of resident passes that will be distributed to the residents of these future developments.

On Thursday nights our city hosts the wonderful farmers market along El Centro an Meridian, however event shuts down that major intersection and forces local traffic to be re-routed onto Glendon Way. Glendon way is a 30 foot right of way and not considered a major arterial. When cars are parked on both sides of the street that right of way is reduced to 15 feet. Try having two cars pass by each on a 15-foot-wide street.

Adeline Street (30' wide), next to Trader Joes' faced a similar traffic calming issue. Diamond Street (30' wide), between Monterrey and Oxley allows parking only on the west side of the street. We are requesting that the City of South Pasadena perform a similar traffic engineering/mitigation study specifically to address the Farmer's Market traffic impact on Glendon Way (30' wide), and the potential addition of more Mission District parking permits through these project's development. My neighbors and I hope to create a dialogue with the City and its Public Works Department to address these impacts on Glendon Way.

I can be reached [REDACTED]. Thank you for your time.

Sincerely,

Robert C. Joyner
[REDACTED]

Voicemail message is available here: <https://www.dropbox.com/s/usc6bzbmj3gewba/VM1.WAV?dl=0>