

MINUTES OF THE SPECIAL MEETING OF THE
**PLANNING COMMISSION & CULTURAL HERITAGE
COMMISSION**

CITY OF SOUTH PASADENA

Thursday, September 23, 2021 at 6:30 P.M.

AMEDEE O. "DICK" RICHARDS, JR. CITY COUNCIL CHAMBERS
1424 MISSION STREET

ROLL CALL

The meeting convened at: 6:30 pm

Planning Commissioners

Present: Chair John Lesak, Vice-Chair Lisa Padilla, Commissioner Janet Braun, and
Commissioner Laura Dahl

Cultural Heritage

Commissioners Present: Chair Rebecca Thompson, Vice-Chair Mark Gallatin, Commissioner William Cross,
and Commissioner Conrado Lopez

Staff Present:

Margaret Lin, Interim Planning and Community Development Director

Marina Khrustaleva, Assistant Planner

City Council Liaison:

Evelyn G. Zneimer

Deputy City Attorney:

Nikhil Damle

Please Note: These Minutes are a summary of the meetings and are not a fully transcribed record.

APPROVAL OF AGENDA

Motion made by Commissioner Braun to approve the Planning Commission Agenda. Motion seconded by
Commissioner Dahl.

Motion Carried 3-0 [Approved 3-0]

Motion made by Commissioner Lopez to approve the Cultural Heritage Commission Agenda. Motion seconded by
Chair Thompson.

Motion Carried 4-0 [Approved 4-0]

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS

None

PUBLIC COMMENTS AND SUGGESTIONS

None

1. Review of the Zoning Code Amendment to Chapter 36 (Zoning) of the South Pasadena Municipal Code Pertaining to Add Section 36.350.200.J (Design Standards for Historic Properties) and Design Guidelines for ADU Development on Historic Properties.

Recommendation:

It is recommended that the Planning Commission adopt a resolution recommending approval of an Ordinance to the City Council to amend Section 36.350.200 (Accessory Dwelling Units) to incorporate Design Standards for Historic Properties, and adoption of Design Guidelines for ADU Development on Historic Properties.

Presentation:

Assistant Planner Marina Khrustaleva presented the project.

Questions for Staff:

Planning Commission (PC) Vice-Chair Padilla asked staff for a clarification that there are two heights stipulated.

Assistant Planner Khrustaleva responded that for a one story ADU, the height limit would be 16ft and for a two story ADU, the height limit would be 22 ft.

PC Commissioner Dahl asked staff if there had been any update to the dialogue between Department of Housing and Community Development and the Historic Preservation Office at the state level.

Assistant Planner Khrustaleva responded that there was no continuation of the dialogue and upon the City Attorney's recommendation was to continue processing this draft and leading them to the City Council and addressing this at that level.

The City Attorney Office added that state law still says State Register, but the conversations with the HCD are continuous. There may be a change, but there is a very narrow definition. The recommendation is to continue.

PC Commissioner Dahl wanted to know that since the language of what is an historical property has been clarified, does that change the number of properties to which this ordinance now applies.

Assistant Planner Marina Khrustaleva responded that as currently written, this ordinance would apply to all properties that are shown on the City's inventory of historic resources.

Cultural Heritage Commission (CHC), Commissioner Cross pointed out that as an ordinance gets passed, and if there is a provision found, the ordinance does not get revisited.

Assistant Planner Marina Khrustaleva responded that as the ordinance is put into practice, feedback from the residents indicates that the ordinance requires further interpretation.

Deputy City Attorney provided input.

CHC Commissioner Cross asked staff to take this recommendation to City Council and have them determine the appropriate length of time.

[PC Chair Lesak joined the meeting.]

CHC Vice Chair Gallatin and Assistant Planner Khrustaleva discussed the definition of ‘historic property’ and resources utilized for the definition. In addition to the demolition of accessory structures.

Deputy City Attorney clarified that definition language gives flexibility to staff to better understand if it is indeed located on historic property. It basically gives staff discretionary power.

CHC Vice Chair Gallatin pointed out a language, grammar and spelling changes needed – including Section 6.B. Standards for J-ADUs.

CHC Vice Chair Gallatin asked if word ‘shall’ can be utilized in reference to the Design Guidelines, since they are not mandatory?

Assistant Planner Khrustaleva stated that the language was discussed with the City Attorney and the Design Guidelines serve as a menu.

CHC Vice Chair Gallatin clarified that if they chose not to choose any of the design elements, then that subjects their project to discretionary review by the Cultural Heritage Commission.

Assistant Planner Khrustaleva confirmed that this is correct.

CHC Vice Chair Gallatin, Assistant Planner Khrustaleva and the Deputy City Attorney discussed Staff Level HRE Report.

CHC Vice Chair Gallatin then asked a question regarding Required Design Elements.

Assistant Planner Khrustaleva stated that this section could be modified to add the suggestions brought up.

CHC Vice Chair Gallatin stated he pointed it out more for consistency with Guidelines.

PC Chair Lesak stated that he had believed the questions asked were questions regarding the Staff Report and not the Ordinance. And that there would be a presentation regarding the Ordinance to follow.

Presentation:

Evanne St. Charles, Senior Associate, Architectural Resources Group, representing the Applicant, presented the City of South Pasadena Accessory Dwelling Units Ordinance Amendment / Design Standards and Guidelines for ADUs on Historic Properties. These were revisions to the Guidelines that had been previously presented.

Questions:

CHC Chair Thompson had a question regarding the side yard setbacks.

CHC Commissioner Lopez had a question regarding visibility of the ADUs issue.

Presenter St. Charles deferred to staff, in which Assistant Planner Khrustaleva stated that the state prevents the City from placing extra burdens on applicants while reviewing the ADU applications.

CHC Commissioner Lopez expressed the level of oversight the City is giving up, which he does not agree with.

With no further questions for staff, CHC Vice-Chair Gallatin opened it up for public comment.

Public Comments:

Mr. Mike Fazzioli provided public comment regarding the language utilized in the Municipal Code.

Questions regarding Ordinance:

PC Chair Lesak about the ministerial and discretionary review process defined in the Zoning Code.

Deputy City Attorney clarified that there are some things that are approved by staff and some things that must go to Commission for review and provided a recommendation for adding the definitions.

PC Commissioner Dahl requested a clarification of the language used with regard to what is permitted and not permitted regarding existing ADUs – Section J.1.C.

Assistant Planner Khrustaleva gave a short history of the development of the language in this section in the paragraph regarding ADUs.

Deputy City Attorney clarified as to why it was changed to be more positive, this is an example of more Permissive zoning. All things not allowed by the Code are expressly prohibited. And the case law is in that direction, too.

PC Chair Lesak and PC Commissioner Dahl both stated that the language in this section is confusing and proposed that it be revisited and simplified. PC Commissioner Braun stated the language needs to be cleaned up at Section J-1, in particular.

CHC Commissioner Cross stated that he understood the need for clarity in the language, but it is important to get something in place now. It can be later amended with any changes.

Questions regarding Guidelines:

PC Chair Lesak and PC Vice-Chair Padilla pointed out the language needs to be more simplistic.

CHC Chair Thompson mentioned that the list of allowable materials seems very narrow. She also took exception with some of the styles shown in the guidelines given as examples.

CHC Vice-Chair Gallatin commented on the Preface section, and a question regarding the number of residential districts, lack of a legend on the map.

CHC Vice-Chair Gallatin closed public comment and opened Commissioner discussion.

Commissioner Discussion:

PC Chair Lesak appreciated the changes that have been made, but is struggling with the 10 ft for the view corridor issue. He is concerned with going to a staff level process where the Commissioners will not see everything come by them.

PC Vice-Chair Padilla commented that in the Ordinance on page 1-14 in the packet, Section 3, Item B – there should be consistency with the Guidelines. The review checks mentioned by Commissioner Lopez are important.

PC Commissioner Dahl commented that the changes have really improved the document and a few more changes and clarifying wording and some of the diagrams will make it even more clear. However, she expressed her concern about the context of the Historic District.

Assistant Planner Khrustaleva provided some overview and stated that none of the South Pasadena Historic Resources were ever designated on the California State Register.

PC Commissioner Braun stated that she believes that fixing the Ordinance is very important because the Ordinance is actually law.

CHC Chair Thompson asked if the contributors in historical districts are included in this and it does not cause a conflict, which staff confirmed that they are included.

CHC Commissioner Lopez appreciated the sophistication of the document and the hard work and effort. His concern is the lack of design oversight that they have in this process and stated reasons why.

Assistant Planner Khrustaleva explained the reason why the previous Planning Manager applied for a state grant and received this grant to be able to hire consultants and to create a document based on the State law introduced in 2017 and updated in 2019.

Deputy City Attorney clarified that as a point of clarification, unfortunately, the bill that came out in 2017 took the ADU approval process away from the cities as discretionary to ministerial. Explained the issues for not approving the ADU guidelines.

CHC Vice-Chair Gallatin asked if it was correct that those other discretionary entitlements would have to be granted first, before the ADU could be approved.

Commissioner Lopez stated that he understands that, but you understand also that one of the rules that we have about affecting the front of an historical property.

Assistant Planner Khrustaleva explained that they explored all the options.

Commissioner Lopez expressed his concerns with allowing ADU's in the front.

CHC Vice-Chair Gallatin, as a former planner, commiserated with Commissioner Lopez, commented that we are operating in a different environment nowadays where this is just one of several examples of the State's usurpation of our right to determine what our communities look like in their headlong rush to provide housing units.

Deputy City Attorney mentioned that there were a lot of word changes and non-substantive changes recommended at the meeting and explained each change type.

CHC Vice-Chair Gallatin stated that as preface to a possible motion, one of the items that we are being asked to recommend on is a resolution. And that is a Planning Commission resolution, so that will only involve votes by the Planning Commission members, not those of us on the CHC.

Vice-Chair Padilla asked a question stemming from the public comment heard tonight and the issue kind of like amnesty.

Assistant Planner Khrustaleva explained that on the same web page where we are explaining this there is a separate flyer for the ADU amnesty program.

Decisions:

Seeing no further discussion items, PC Chair Lesak mentioned he would entertain a motion.

Commissioner Braun made a motion to adopt the resolution recommending approval of an ordinance to the City Council to amend Section 36.350.200 Accessory Dwelling Units to incorporate design standards for historic properties and adoption of ADU design guidelines for historic properties as presented to the meeting tonight subject to some non-substantive changes that have been discussed and recommended by this Joint Committee Commission meeting of the Cultural Heritage Commission and Planning Commission. Specifically, on the Ordinance J1 – to clarify that new sentence; 5b and 5bi, where it talks about 'subordinate to,' making that 'lower than' and also J6. There were some changes. And then the other changes that were discussed tonight to the guidelines. In addition, the Chair or Chair designee from the Planning Commission will review the language with staff before the resolution and guidelines are submitted to Council.

Vice-Chair Padilla seconded the motion.

Motion carried 4-0

Planning Commission Chair Lesak made a motion to make a recommendation to Council that the document be reviewed after one year following adoption with presentations to both the Cultural Heritage Commission and the Planning Commission or a joint meeting in similar format to review how the Ordinance is working, look at some case numbers.

Commissioner Braun seconded the motion.

Motion carried 4-0 – Planning Commission

Motion carried 5-0 – Cultural Heritage Commission

ADMINISTRATION

1. Comments From Consent Calendar:

None.

2. Comments From Council Liaison:

None.

3. Comments From Commission:

PC Chair Lesak commented that this has been a very good exercise. He always enjoys getting together with both commissions but this kind of dual purpose.

2. Comments From Staff:

Assistant Planner, Marina Khrustaleva said the comments from the Commission from the last meeting really aided staff with the ordinance and they will gladly incorporate the comments from tonight's meeting. She thanked the commissions for their support. We hope it will be appreciated by the community as well.

ADJOURNMENT

- 3. The meeting adjourned at 8:36 pm. The next regular meeting of the Planning Commission will be on October 12, 2021 at 6:30 pm.

APPROVED,



John Lesak
Chair, Planning Commission



Date



Mark Gallatin
Chair, Cultural Heritage Commission

7/22/2022

Date