



**CITY OF SOUTH PASADENA
PLANNING COMMISSION**

**AGENDA
SPECIAL MEETING
MONDAY, AUGUST 21, 2023 AT 6:30 P.M.**

**AMEDEE O. "DICK" RICHARDS JR. COUNCIL CHAMBERS
1424 MISSION STREET, SOUTH PASADENA, CA 91030**

South Pasadena Planning Commission Statement of Civility

As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

The South Pasadena Planning Commission Meeting will be conducted in-person from the Amedee O. "Dick" Richards, Jr. Council Chambers, located at 1424 Mission Street, South Pasadena, CA 91030.

The Meeting will be available:

- In Person – Council Chambers, 1424 Mission Street, South Pasadena
- Via Zoom: <https://us02web.zoom.us/j/83530439651> **Meeting ID: 8353 043 9651**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in the following methods below.

- Go to the Zoom website, <https://Zoom.us/join> and enter the Zoom meeting information; or
- Click on the following unique Zoom meeting link:
<https://us02web.zoom.us/j/83530439651>

CALL TO ORDER:	Chair	Laura Dahl
ROLL CALL:	Chair	Laura Dahl
	Vice-Chair	Lisa Padilla
	Commissioner	Amitabh Barthakur
	Commissioner	John Lesak
	Commissioner	Arnold Swanborn
COUNCIL LIAISON:	Mayor	Jon Primuth

APPROVAL OF AGENDA
Majority vote of the Commission to proceed with Commission business.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS
Disclosure by Commissioners of site visits and ex-parte contact for items on the agenda.

PUBLIC COMMENT GUIDELINES (Public Comments are limited to 3 minutes)

The Planning Commission welcomes public input. If you would like to comment on an agenda item, members of the public may participate by one of the following options:

Option 1:
Participate in-person at the Council Chambers, 1424 Mission Street, South Pasadena.

Option 2:
Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak for up to 3 minutes per item.

Option 3:
Email public comment(s) to PlanningComments@southpasadenaca.gov. Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on, and
- 3) Submit by no later than 12:00 p.m., on the day of the Planning Commission meeting.

NOTE: Pursuant to State law, the Planning Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Planning Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

PUBLIC COMMENT

1. **Public Comment**
Public comment will be limited to three minutes per speaker for the agenda items only.

CONSENT CALENDAR ITEM

2. **Minutes from the Regular Meeting of August 8, 2023**

PUBLIC HEARING – CONTINUED ITEM

3. **Proposed General Plan Update, Downtown Specific Plan, and Program Environmental Impact Report**

State laws requires cities to periodically update their General Plan and zoning code to ensure orderly land development and conform with State laws. The City of South Pasadena has prepared a Draft General Plan, Downtown Specific Plan (DTSP), and Program Environmental Impact Report (PEIR).

The General Plan Update will apply Citywide. The DTSP will apply to the Fair Oaks Corridor, bounded by SR110 to the north and Lyndon Street to the south, and Mission Street Corridor generally bounded to the north by Hope Street and to the south by El Centro Street, and to the east by Brent Avenue and Indiana Avenue to the west.

A PEIR has been prepared for this project to analyze any potential effect on the environment pursuant to the California Environmental Quality Act (CEQA). A Notice of Availability was released on July 24, 2023.

Recommendation

Recommend that the Planning Commission receive the staff presentation prepared for the project, open the public hearing and take testimony, and then:

1. Adopt a Resolution recommending that the City Council adopt and certify the Program Environmental Impact Report (PEIR) prepared for the project; and
2. Adopt a Resolution recommending that the City Council adopt the General Plan and the Downtown Specific Plan (DTSP) Update and rescind the Mission Street Specific Plan, inclusive of Planning Commission direction and errata revisions to both the General Plan and DTSP.

PUBLIC HEARING

4. Zoning Text and Map Amendments

Proposed Zoning Text Amendments to the South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) and Zoning Map Amendments related to increased density by rezoning the existing Focused Area Overlay zone to Mixed-Use Overlay zone and increase density in the certain residential zoning districts in compliance with the updated General Plan and the 2021-2029 (6th Cycle) Housing Element.

A Program Environmental Impact Report (PEIR) has been prepared for this project to analyze any potential effect on the environment pursuant to the California Environmental Quality Act (CEQA). A Notice of Availability was released on July 24, 2023.

Recommendation

Recommend that the Planning Commission receive the staff presentation prepared for the project, open the public hearing and take testimony, and then adopt a Resolution recommending that the City Council:

1. Amend certain South Pasadena Municipal Code (SPMC) Sections pertaining to rezoning of properties consistent with the General Plan Update and the 2021-2029 (6th Cycle) Housing Element which will do the following:
 - a. Add Section 36.230.050 (Mixed-Use Overlay Development Standards) for the newly established Mixed-Use Overlay District; and
 - b. Amend Section 36.250.340 (Focus Area Overlay District), to eliminate the Focus Overlay District and replace it with the newly established Mixed-Use Overlay; and
 - c. Increase density in the RM, RH, and Mixed-Use Overlay Districts in compliance with the Housing Element Programs; and
 - d. Amend other Code Sections relating to ancillary changes to the SPMC regarding reference to the new Downtown Specific Plan (DTSP) and minor

changes to the Residential and Commercial zoning district standards in relation to the rezoning.

2. Amend the Zoning Map to eliminate the Focus Area Overlay zone and the Mission Street Specific Plan boundary, and replace them with the Mixed-Use Overlay zone and the Downtown Specific Plan boundary, respectively.

5. Zoning Text Amendments – Housing Element 120-day Programs

Proposed Zoning Text Amendments to the South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) pertaining to applicable programs in the 2021-2029 Housing Element (120-Day Implementation Programs).

A Program Environmental Impact Report (PEIR) has been prepared for this project to analyze any potential effect on the environment pursuant to the California Environmental Quality Act (CEQA). A Notice of Availability was released on July 24, 2023.

Recommendation

Recommend that the Planning Commission receive the staff presentation prepared for the project, open the public hearing and take testimony, and then adopt a Resolution recommending that the City Council:

1. Adopt an Ordinance amending Division 36.370 (Affordable Housing Incentives) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena to revise regulations to conform to State Density Bonus law (California Government Code Section 65915); and
2. Adopt an Ordinance amending Chapter 36 (Zoning) of the City of South Pasadena Municipal Code including Division 36.220 (Residential Zoning Districts) of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards); Division 36.350 (Standards for Specific Land Uses) of Article 3 (Site Planning and General Development Standards); and Division 36.700 (Definitions of Specialized Terms and Phrases) of Article 7 (Definitions/Glossary), relating to Employee Housing; and
3. Adopt an Ordinance amending Division 36.375 (Inclusionary Housing Requirements) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) the City Code of the City of South Pasadena relating to Inclusionary Housing requirements.

ADJOURNMENT

6. Adjourn to the Regular Planning Commission meeting scheduled for September 12, 2023.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

Planning Commission meeting agenda packets are available online at the City website: <https://www.southpasadenaca.gov/government/boards-commissions/planning-commission/test-planning-commission-agendas-minutes-copy>

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing CityClerk@southpasadenaca.gov or calling the City Clerk's Division at (626) 403-7230.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.

8/17/2023

Date

Matt Chang

Matt Chang, Planning Manager



**CITY OF SOUTH PASADENA
Planning Commission
Meeting Minutes
Tuesday, August 8, 2023, 6:30 PM
Amedee O. "Dick" Richards Jr. Council Chambers
1424 Mission Street, South Pasadena, CA 91030**

CALL TO ORDER:

A regular meeting of the South Pasadena Planning Commission was called to order by Chair Dahl on Tuesday, August 8, 2023 at 6:31 p.m. The meeting was held at 1424 Mission Street, South Pasadena and via Zoom teleconference.

ROLL CALL:

Present: Chair: Laura Dahl
Vice-Chair: Lisa Padilla
Commissioners: Arnold Swanborn, Amitabh Barthakur and John Lesak

City Staff

Present: David Snow, Assistant City Attorney
Angelica Frausto-Lupo, Community Development Director
Alison Becker, Community Development Deputy Director
Matt Chang, Planning Manager
Ben Jarvis, Interim Senior Planner

Council

Present: Council Liaison: Jon Primuth, Mayor

APPROVAL OF AGENDA:

Approved, 5-0.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:

Commissioner Barthakur disclosed that his firm was involved in the economic development portion of an earlier version of the Downtown Specific Plan.

PUBLIC COMMENT:

1. Public Comment – General (Non-Agenda Items).

None.

Chair Dahl apologized to the public, Staff and consultants for a lack of quorum at the prior meeting.

PUBLIC HEARING:

2. Proposed General Plan Update, Downtown Specific Plan and Program Environmental Impact Report.

State laws require cities to periodically update their General Plan and Zoning Code to ensure orderly land development and conform with State laws. The City of South Pasadena has prepared a Draft General Plan, Downtown Specific Plan (DTSP), and Program Environmental Impact Report (PEIR). The Planning Commission will review and make a recommendation to the City Council.

The General Plan Update will apply Citywide. The DTSP will apply to the Fair Oaks Corridor, bounded by SR110 to the north and Bank Street to the south, and Mission Street Corridor generally bounded to the north by Hope Street and to the south by El Centro Street, and to the east by Brent Avenue and Indiana Avenue to the west.

A PEIR has been prepared for this project to analyze any potential effect on the environment pursuant to the California Environmental Quality Act (CEQA). A Notice of Availability was released on July 24, 2023.

Recommendation:

Recommend that the Planning Commission receive the Staff presentation prepared for the project, open the public hearing and take testimony, and then:

1. Direct Staff to return to the Planning Commission on August 21, 2023, with a Resolution recommending that the City Council adopt and certify the Program Environmental Impact Report (PEIR) prepared for the project;
2. Direct Staff to return to the Planning Commission on August 21, 2023, with a Resolution recommending that the City Council adopt the General Plan and the Downtown Specific Plan (DTSP) Update;
3. Direct Staff to return to the Planning Commission on August 21, 2023, with a Resolution recommending that the City Council update the South Pasadena Municipal Code by Ordinance to support the General Plan, the 2021-2029 (6th Cycle) Housing Element, and DTSP; and
4. Continue the public hearing to August 21, 2023.

Staff Presentation:

Deputy Director Becker shared that there would be two presentations. She introduced Kaizer Rangwala of Rangwala Associates who presented a general overview of the General Plan & Downtown Specific Plan.

Questions for Staff:

Vice-Chair Padilla asked if the setbacks and stepbacks mentioned in the presentation would be codified in the Zoning Code.

Mr. Rangwala explained that the Specific Plan has the Zoning Code embedded in it, including policies and implementation strategies. All of the development standards mentioned are part of the Code.

Commissioner Swanborn asked specifically about increasing the tax base and inquired how the General Plan addresses increasing the tax base given that a lot of the parcels that might be seen as tax base parcels are now dedicated as housing.

Mr. Rangwala responded that using a site more productively than the existing use is going to generate more tax revenues, for example, a single-story building replaced with a multi-story building.

Commissioner Swanborn expressed concern because some of the parcels that are being identified as high-density sites for housing are currently commercial sites and the development standards do not address mixed use specifically. He asked how does the General Plan create opportunity for commercial development, e.g., the Pavilions site, or the OSH site, which are currently commercial sites and in the Downtown Specific Plan are targeted as housing sites. He explained his concern that the development standards shared have established heights and specifics that may or may not allow for those commercial entities to exist as housing following the form-based code.

Mr. Rangwala concurred in that commercial use is allowed, but not required. He remarked that the market will dictate if there is a market for residential use, but the codes allow for it.

Commissioner Barthakur asked for an explanation of the context of the density bonus scenarios in the documents that show specific conditions as to how it may be applied to projects because it was not clear to him what the scenarios were trying to convey.

Mr. Rangwala explained there are specific requirements, objective standards, that are tied to projects seeking a density bonus, which are intended to protect and to enhance the contextual aspect of projects seeking a density bonus.

Assistant City Attorney Snow further elaborated that the vehicle for projects that end up with additional height would be through density bonus. Under Density Bonus Law, if facts are present to support it, waivers from standards could be obtained. Depending on the levels of affordability, they are also entitled to certain concessions.

Staff Presentation:

Deputy Director Becker introduced Jillian Neary of PSOMAS to present the second presentation, a summary of the Program Environmental Impact Report (PEIR).

Questions for Staff:

Commissioner Swanborn asked about mitigating measures and wanted to know if requiring all electric appliances in new buildings would be a greenhouse gas mitigation.

Consultant Neary responded that in that specific example they do not have a mitigation measure for that. Under the law, mitigation measures have to have a nexus – they have to be feasible – and they have to be proportional to the impact.

Assistant City Attorney Snow added that if the City did want to explore that, it would have to be through a separate effort rather than a mitigation effort.

Commissioner Lesak asked how the thresholds were evaluated for water, sewer and utilities and public services (e.g., schools), adding that many residents have had problems with the schools being at capacity.

Consultant Neary said they coordinate very closely with SPUSD. In addition, they may have to use additional facilities.

Public Comment:

Chair Dahl reported that they had received letters from South Pasadena Active Streets and South Pasadena Tenants Union, Lisa Pendleton, two (2) comments from Josh Albrektson and a comment from Joanne Nuckols.

Eric Dunlap, a Transportation Engineer, spoke about adopting a Roadway Safety Plan, which would unlock Federal money under the Bipartisan Infrastructure Law - *Safe Streets and Roads for All Initiative*. He also discussed Item 4.5(c) that includes removal of the bulb-out curb extensions on Fair Oaks Avenue. He strongly recommended removal of that item from the General Plan. In summary – expand Vision Zero, include a road safety plan and strike the bulb-out item.

Lisa Pendleton, a former Planning Commissioner, former member of the General Plan Advisory Committee, Mission Street Specific Plan Advisory Committee,

former Design Review Board Committee member and a more than 30-year resident, expressed concern about what has happened in the last two (2) months with the completion of the 6th Cycle of the Housing Element, 5th Draft. Her concerns are the extreme density increases, the loss of four (4) or more significant commercial sites to be given up for multi-family development (they could be mixed-use), and the loss of discretionary review.

Joanne Nuckols, a 50-year resident, addressed the Commission via Zoom. She made a correction to her written comments whereby she referred to the Mission Street Specific Plan mistakenly when she should have referred to the Downtown Specific Plan. She expressed support for the 45' height limit initiative and her understanding that it supersedes State law. She encouraged more public engagement about the future of the City, in particular, the proposed up-zoning. She remarked that once you up-zone you cannot go back.

Assistant City Attorney Snow elaborated on the State Density Bonus Law and explained that the development standards can be deviated from through density bonus, including the height initiative.

Chair Dahl asked the City Attorney about another public comment which suggested that the City could not require any pro forma analysis to prove that those waivers are necessary.

Assistant City Attorney Snow explained that in the statute there is some ability to ask for limited information. But after that, the burden would shift to the jurisdiction, the City, at which point the City would need to decide whether it wanted to develop evidence with respect to either the bases for denying or rejecting a concession incentive or a waiver.

Vice-Chair Padilla asked if Staff could clarify the review process and how it will change.

Deputy Director Becker explained that under State Housing Law and under commitments made in the Housing Element, with our Inclusionary Housing Ordinance (IHO) on the books, any project that comes in with ten (10) or more housing units which includes affordable units, must be approved ministerially, which is why the design standards are so important as a part of the document.

Vice-Chair Padilla asked if that determination would be made by the Planning Department Staff, with final approval by the Community Development Director.

Deputy Director Becker answered in the affirmative and explained that the procedure as currently drafted includes a design review component. The City would work with a design consultant who would help prepare cases for review with

the Design Review Board or perhaps a hybrid committee that could be composed of Planning Commissioners and Design Review Board members. She remarked that those are all options that can be explored in terms of details of administration. State law is very specific that the review is within the context of design only, so that it does not get kicked into a discretionary frame. The City can coach, encourage and facilitate better design, but it cannot deny a project.

Assistant City Attorney Snow further elaborated that when ministerial, there is a provision in State law that allows for very limited discretionary design review – it cannot be structured so that it is treated as a discretionary action for CEQA purposes. Also, the reference to the City’s limited ability to deny a project comes from the Housing Accountability Act where the basis for denying projects must be on objective standards.

Commissioner Barthakur asked that since objective standards in the Code requirements are now really critical in terms of how anyone interprets them (referring to the design standards presented by a different consultant at a previous meeting), are they going to be included in the General Plan or are they separate stand alone requirements in addition to the form-based code or the Specific Plan.

Deputy Director Becker replied that the Specific Plan being reviewed today is the Code for the Downtown District which is one of the key target areas for growth. There are some areas outside of the Specific Plan area – the Ostrich Farm area, the mixed-use corridor along Huntington – where there is no form-based Specific Plan to rely on, the City needs to be prepared for a ministerial review process, which is where the objective design standards come in. Those would be embedded into the zoning.

Commissioner Swanborn asked if there was a reason they could not use the form-based code on those parcels as well. He also asked if there could be a reference or an appendix to the Zoning Code where those are referenced or does there have to be a whole new set of design standards for those commercial zones that are not specifically within the Specific Plan.

Deputy Director Becker explained the City had to come up with a solution that would help meet the court-ordered deadline of September 27. That predisposed the Staff to ensure through pretty straightforward zoning that they could meet their deadline. That does not prevent the City from crafting form-based code for areas outside of the Downtown District.

Chair Dahl referenced the list of Errata staff provided and suggested several changes, including using stronger language to the item which references consideration of voter approval to raise the 45’ building height limit within the Downtown Specific Plan area. She also recommended including the ballot

measure date, and that the City shall advocate and support approval of that ballot measure.

Deputy Director Becker explained that information included in the Errata Tables represents the reconciliation between the two teams working on concurrent projects – including the rezonings occurring outside of the DTSP being handled by a different consultant firm. One of the key obligations now is making sure the new General Plan and the new DTSP are consistent. In addition, they worked with the Chamber of Commerce regarding land uses in the downtown district and have made some adjustments with the land use tables. Lastly, minor changes were made to wording where policies were no longer relevant.

Chair Dahl referred to the General Plan and suggested changes to the description of the Ostrich Farm District to matches its current vision of being a housing area. In addition, she recommended the wording regarding parking and creative parking requirements be changed to include the phrase *as consistent with State law* or something similar because parking is not required under some circumstances now.

Chair Dahl agreed with the commenter regarding bulb-outs and increasing enforcement on pedestrians and bicycles that that is not where the City should be focusing their efforts. She recommended to either strike that provision or make it open to infractions by cars as well as pedestrians and bikes.

For the longer term, she hoped the City Council and the City Manager would look at the creative community for economic development.

Chair Dahl also commented that she noticed David Watkins, the former Director of Planning and Building for 18 years, in a lot of the photos. She recommended including him in the acknowledgements.

Vice-Chair Padilla asked Staff to clarify some of the good public comments expressing concerns with some of the percentage changes. She remarked that the biggest percentage, the growth for the residential units, is driven by the RHNA allocation the City was required to make by the State, including an extra buffer.

Deputy Director Becker explained that the plan was ready to go through the process for 500 units. In the intervening two years, the number quadrupled over a very short period of time. She further explained that their approach to the numbers used an algorithm to anticipate what would be likely over a pretty short period of time. She agreed Ms. Pendleton was right that when looking at it from the max buildout and the very base capacity, the numbers go up considerably.

Deputy Director Becker remarked that the City's obligation is to plan for housing. The City spent quite a bit of time looking to concentrate new development in the

downtown core to add capacity. They simply were not able to accommodate all the growth there.

Chair Dahl asked if adopting the DTSP superseded adopting the Mission Street Specific Plan.

Assistant City Attorney Snow explained they would build in the Resolution that part of the action would be superseded upon the DTSP adoption taking effect.

Commissioner Discussion:

Commissioner Lesak expressed concern that the text and the diagrams were extremely hard to read and might present an accessibility issue for the community. In addition, he suggested formation of an ad hoc committee to test the usability of the documents. He also commented that in the DTSP, the organization of information goes from the smallest to the biggest components, starting with single-family homes and suggested it should be reversed, with the most intense land uses first and ending with the single-family homes.

Vice-Chair Padilla commented that the question is what can we do, what to prioritize. She remarked that there are a number of things that have come up tonight through public comment and a very engaged design community. It is essential to reflect a number of voices that are diverse, experienced and knowledgeable with a combination of people that understand planning and architecture.

Commissioner Swanborn expressed concerns about the materiality of buildings and encouraged discussion about the materials of the things we actually touch and engage and have a tactile relationship with, including windows, openings, proportions – things that tend to create rhythm and scale that we need to address as density significantly increases. In addition, he would like to hear more from the Safety and Transportation Commission. And lastly, he supported Commissioner Lesak's suggestion that an ad hoc committee or working committee be formed to create a list of priorities that need to be addressed quickly.

Vice-Chair Padilla requested clarity on the Commission's road map ahead.

Deputy Director Becker explained the intention to continue to evolve the objective design standards that were presented through AECOM and suggested perhaps a joint meeting of the Planning Commission and Design Review Board could happen to take their prototypes to the next level, customized for South Pasadena, that will support areas outside of the DTSP. They do not envision overlaying on top of the Specific Plan form-based code.

Commissioner Barthakur was not entirely clear about the scope of the form-based code versus the scope of the objective design guidelines because at the end of the day they all need to be objective design guidelines. He supported the Commissioners getting together or a committee of the Commission to get together to spend some time in identifying any fatal flaws and prioritizing next steps.

Assistant City Attorney Snow confirmed that if there was an ad hoc committee with two members just to look at this issue and report back either to the Commission or to the Council, it would not be subject to the Brown Act.

Chair Dahl asked for volunteers for the ad hoc committee. Commissioner Swanborn and Commissioner Lesak volunteered to be a part of an ad hoc committee to identify fatal flaws before adopting the documents.

Vice-Chair Padilla highlighted the public comment regarding community outreach efforts. She acknowledged the challenges of the timelines the City has been given and knows that Staff has worked truly very hard to try and have those outreach activities happen as often as possible, as early as possible, and engage everybody, including local organizations to try and host forums. She added that the comments that were submitted are thoughtful, researched, detailed and specific – exactly the type of productive public comments she would want to see as a consultant working for cities. She encouraged everyone listening tonight or watching the recording in the next few days to definitely take a look at the documents that are posted and submit comments prior to the deadlines that are provided.

Commissioner Swanborn remarked that the consultants have done an amazing job in a collaborative fashion preparing what has been presented to date. He added that there has not been a lot of community participation, but there have been workshops and they have been advertised. He expressed his appreciation for all the work that has been done, especially considering the timeframe they have been given. The Commissioners all concurred.

Chair Dahl asked for the correction to the fax number inaccurately listed in the presentation.

Director Frausto-Lupo shared the correct fax number for anyone interested in submitting public comments by fax (626) 403-7221. She reminded everyone that public comments are being received via email, in person and fax.

Vice-Chair Padilla raised the important topic of housing versus commercial. She noted the big emphasis on mixed use, but remarked that projects that come in will be market-driven. She commented that sites are going to change and evolve.

Commissioner Swanborn remarked that his comments were more toward building adaptability and flexibility as use changes to make sure that in these economic viable corridors, the City has building stock that does not need to be torn down and rebuilt which would have a huge carbon footprint as a result.

Decision:

Vice-Chair Padilla moved, seconded by Commissioner Barthakur, to continue tonight's Planning Commission Public Hearing on the General Plan Update and Downtown Specific Plan and the Program Environmental Impact Report to the next Planning Commission meeting scheduled for August 21, 2023 and include the creation of an Ad Hoc Committee, consisting of Commissioner Lesak and Commissioner Swanborn, to review the Downtown Specific Plan, specifically, to consider potential testing and to eliminate fatal flaws so the Plan is successful going forward.

Staff is directed to return to the Planning Commission August 21, 2023 meeting with a Resolution recommending that the City Council adopt and certify the Program Environmental Impact Report prepared for the project.

Staff is directed to return to the Planning Commission August 21, 2023 meeting with a Resolution recommending that the City Council adopt the General Plan and the Downtown Specific Plan Update.

Staff is directed to return to the Planning Commission August 21, 2023 meeting with a Resolution recommending that the City Council update the South Pasadena Municipal Code by Ordinance to support the General Plan, the 2021-2029 (6th Cycle) Housing Element and the Downtown Specific Plan.

Chair Dahl asked staff to take Roll Call:

Commissioner Swanborn	Aye
Commissioner Barthakur	Aye
Commissioner Lesak	Aye
Vice-Chair Padilla	Aye
Chair Dahl	Aye

Motion carried, 5-0.

ADMINISTRATION

3. Comments from City Council Liaison:

Mayor Primuth reminded everyone that there is a City Council meeting next week. He shared his takeaways from tonight's meeting: (i) thank you for the collaborative way the Planning Commission has worked with Staff, especially considering the

tremendous number of highly volatile emotional issues that are embedded in these documents and understanding that staying on track is important; (ii) the importance by the Commission of amplifying and evaluating some of the Public Comments. The City Council wants to hear from the public and for the Commission to help them evaluate as Council members, how important those comments are – so thank you for doing that, and (iii) some of the Commissioners will have couple long meetings in August. He thanked the Commissioners for their sacrifice. For the City Council, this is the big item on their plate and he wanted to tell the Commission how appreciative they are.

4. Comments from Planning Commissioners:

Commissioner Barthakur applauded Staff and the consultants for marching ahead on what he thought was an untenable timeline.

Vice-Chair Padilla thanked everyone who came to the Chamber tonight and those that commented by Zoom. She remarked that it makes the process more valuable and enriches it.

Chair Dahl echoed all of those comments and thanked the Staff, the consultants and the community for showing up.

5. Comments from Staff:

Director Frausto-Lupo thanked the Commission for their time and effort. She reported that Senior Planner Dean Flores has joined the Department team and will be introduced to the Commission at a later meeting. In addition, a new Counter Technician will be joining the staff on Monday.

ADJOURNMENT:

6. Adjournment to the Special Planning Commission meeting scheduled on August 21, 2023:

There being no further matters, Chair Dahl adjourned the meeting at 8:47 p.m.

Laura Dahl, Chair



Planning Commission Agenda Report

ITEM NO. 3

DATE: August 21, 2023

FROM: Angelica Frausto-Lupo, Community Development Director

PREPARED BY: Alison Becker, AICP, Deputy Community Development Director
Ben Jarvis, AICP, Interim Senior Planner

SUBJECT: **Consideration of a new General Plan, Associated Downtown Specific Plan, and Programmatic Environmental Impact Report (PEIR) Prepared for the Project, and Recommendations to City Council regarding the Plans and PEIR.**

Recommendation

It is recommended the Planning Commission receive the staff presentation prepared for the project, open the public hearing and take testimony, and then:

1. Adopt a Resolution recommending that the City Council adopt and certify the Program Environmental Impact Report (PEIR) prepared for the project; and
2. Adopt a Resolution recommending that the City Council adopt the General Plan and the Downtown Specific Plan (DTSP) Update and rescind the Mission Street Specific Plan, inclusive of Planning Commission direction and errata revisions to both the General Plan and DTSP.

Background

Sections 65300 et. seq. of the *California Government Code* requires each city and county adopt a comprehensive, long-term general plan for the physical development of land within its jurisdiction and sphere of influence. The City of South Pasadena (City) last updated its General Plan in 1998, with the Housing Element updated in 2014, and recent adoption of an updated Housing Element in May 2023. The existing Mission Street Specific Plan (MSSP) was adopted in 1996 as a companion document to the 1998 General Plan, and was tailored to the particular needs of a specific area of the City (Mission Street). The area covered by the MSSP is now proposed to be expanded to include a segment of Fair Oaks Avenue. To better reflect the larger downtown area covered by the specific plan, the MSSP is proposed to be renamed the Downtown Specific Plan (DTSP). The General Plan and DTSP Adoption (Project) presents an opportunity to re-evaluate the City's values and community vision, address broader issues, and respond to the changing economic, environmental, legal, and social settings. The Project would also implement the housing programs included in the recently adopted Housing Element.

The recently adopted 2021–2029 (6th Cycle) Housing Element is one of the State-mandated elements required in a General Plan. The Housing Element identifies the City's housing conditions, needs, and opportunities; and establishes policies and actions (programs) that are the foundation of the City's housing strategy. Unlike other General Plan elements, State law requires each municipality to update its Housing Element on a prescribed schedule, most commonly, every eight years. The 6th Cycle Housing Element process commenced in the middle of the General Plan/DTSP Update process, which began in 2014, substantially impacting the timeline and focus of the project. The COVID-19 pandemic also complicated the update process, particularly in terms of public meetings and outreach.

The comprehensive General Plan/DTSP Update is being undertaken by the City to strengthen its commitment to protecting the characteristics that make South Pasadena a desirable place to live, in the context of the constraints associated with significant changes in state law, particularly with respect to housing. The proposed General Plan and DTSP reflect an understanding of the community's current goals, address continued growth pressures in the San Gabriel Valley and the demand for more diverse mobility and housing choices, and respond to evolving regional and environmental issues. The General Plan/DTSP Updates serve as the City's guiding documents, providing the basis and policy framework for decision-makers. These documents provide direction regarding the physical development, resource conservation, and character of the City, and establish a realistic, non-residential (commercial) development capacity for the City. The 2021–2029 Housing Element serves as the policy guide for decision-making regarding residential development, and demonstrates how the City intends to comply with State housing legislation and regional requirements. As noted above, the Housing Element was adopted on May 30, 2023, in conjunction with an Environmental Assessment (EA) prepared pursuant to Government Code Section 65759. The proposed General Plan Update and DTSP are consistent with the adopted Housing Element.

Initial General Plan Update: 2014-2018

The existing General Plan was adopted in 1998, and the Mission Street Specific Plan was adopted two years prior, in 1996. Given the time that had passed, and that major elements such as the Metro A line (formerly the Metro Gold/Metro L line) and various residential developments had been completed, the documents needed to be refreshed. During strategic planning sessions in 2014 and 2015, the City Council identified the need to update the General Plan and the Mission Street Specific Plan, and directed staff to commence the update process.

On November 16, 2016, the City Council approved a contract with Rangwala Associates to update the City's General Plan and Mission Street Specific Plan. The Council directed staff to work with Rangwala Associates to prepare a Public Engagement Program as well as an Environmental Impact Report for the project. The public engagement process began on January 25, 2017, with a Joint City Council/Planning Commission meeting. During that meeting, staff was directed to expand the Mission Street Specific Plan boundaries to include Fair Oaks Avenue. Focus group meetings were held from February

2017 through April 2017, culminating in a charrette that was held during the last week of April. Focus groups reconvened after the charrette, and met through October 2017, developing policies and actions that would implement the community vision that was identified in the charrette and earlier focus group meetings. On November 8, 2017, the City Council directed staff to proceed with the Environmental Impact Report phase of the project, with the intent to release the draft EIR in summer 2018 and to formally adopt the EIR and updated General Plan and DTSP later that year. Based on the preliminary analysis, the proposed General Plan contemplated 500 additional residential units and 430,000 square-foot (SF) of new non-residential (commercial) space. Eventually, the General Plan would propose 589 additional units, and that number was used for the original environmental analysis and project assumptions in 2018/2019.

The majority of the work and community outreach that crafted the Draft General Plan and Downtown Specific Plan (DTSP) was completed in the 2017-2018 timeframe. The documents reflect the community's vision and goals that were identified at that time. The project's consultant, Rangwala Associates, conducted extensive public outreach, including stakeholder interviews, lectures, community surveys, and a charrette. This outreach was necessary to ensure the General Plan and DTSP reflected the community's vision and priorities. The community's comments were incorporated into the both the General Plan and DTSP documents, with the consensus being that future growth should be focused in walkable areas near public transportation thereby minimizing impacts on the City's established, single-family neighborhoods. Due to circumstances beyond the control of the consultant (the 2021-2029 Housing Element adoption process), Rangwala Associates transitioned off the project in 2019 and PlaceWorks, the new project consultant, assumed responsibility to finalize the General Plan and DTSP documents. Since PlaceWorks had been selected to complete the Housing Element, it made sense for a single consultant to coordinate final touches on the General Plan and DTSP documents to ensure they were internally consistent and complied with applicable state law. PlaceWorks remained the primary consultant until fall 2022. In spring 2023, Rangwala Associates again took over as the main project consultant for the proposed General Plan Update and DTSP project.

2021-2029 (6th Cycle) Housing Element

As the General Plan work effort progressed, the City commenced the 2021-2029 (6th Cycle) Housing Element adoption process. The initial General Plan contemplated 589 housing units; however, when the Regional Housing Needs Allocation (RHNA) numbers were released in 2019, the City was required to plan for 2,067 units, a substantial increase. The Housing Element is the only element in the General Plan that requires approval by the California Department of Housing and Community Development (HCD). Given the increased number of units the City was required to plan for under its RHNA obligation, the City paused the General Plan Update/DTSP project. Given the difference in the number of planned units (589 for the initial General Plan versus the 2,067 units required under RHNA, it was prudent to pause the General Plan/DTSP Update until the Housing Element was approved and adopted.

After much work, and partly in response to housing element litigation, on May 17, 2023, the Planning Commission considered the Housing Element, the Initial Study and Environmental Assessment (EA) prepared for the project pursuant to Government Code Section 65759, public testimony, and other documentation, and adopted a resolution recommending the City Council adopt the EA prepared for the Housing Element, and approve the Housing Element. On May 16, 2023, the City received a letter from HCD stating the revised 2021-2029 Housing Element dated May 5, 2023, was found to meet the statutory requirements of State Housing Element law. With the recommendation of the Planning Commission and the determination by HCD that the Housing Element could be approved, on May 30, 2023, in a unanimous vote, the City Council adopted the Housing Element. The Housing Element and its associated programs would accommodate a maximum potential of 2,775 units and 430,000 SF of non-residential (commercial) space. The additional number of units reflects a buffer of 708 units above the City's RHNA obligation. This buffer was required by HCD and provides additional housing capacity in the event some of the housing sites or programs do not produce the anticipated number of units. Full buildout of the Housing Element inventory would generate 6,882 potential additional residents in South Pasadena through 2040, along with 1,978 potential jobs; however, the actual number will likely be less than predicted as these numbers represent the upper limit to the City's growth potential. The General Plan, of which the Housing Element is one component, must be internally consistent, thus other elements of the General Plan must be revised to reflect the revised population and housing goals listed in the 2021-2029 Housing Element. Without large tracts of undeveloped land to work with, the City had to find a way to absorb the projected growth within its current built environment. Some growth could be accommodated in established neighborhoods through Accessory Dwelling Units (ADUs) or other State legislation that allows for additional by-right units on single-family lots (such as Senate Bill 9 and Senate Bill 10), but even so, the City had to find ways to increase density in developed areas, preferably in commercial corridors located near high quality public transportation.

Litigation and Accelerated Timelines

In April 2022, the City was the subject of a lawsuit filed by Californians for Home Ownership, Inc. The lawsuit alleged the City was in violation of State law because the City had not adopted its 2021-2029 Housing Element by the State's statutory deadline of October 15, 2021. In August 2022, a Court Order, also known as a Stipulated Judgement, was issued requiring the City to take certain actions within certain timeframes in order to bring the Housing Element into compliance per Section 65754 of the Government Code. The Court Order, among other things, required the City to remove certain parcels from the Suitable Sites list.

As part of the Court Order and the Housing Element adoption process, environmental documentation pursuant to Government Code Section 65759(a) et. Seq. (which is separate from the CEQA process), was required. In keeping with Government Code Section 65759(a), an Initial Study and Environmental Assessment (EA) were prepared. The City was compelled to comply with the Court Order, requiring the City to approve the Housing Element by May 31, 2023. The City Council's adoption of the 2012-2029 Housing Element on May 30, 2023, was consistent with this legal deadline.

The City now has an approved Housing Element, but must still adopt an updated General Plan and DTSP, along with a zoning code update, that implement several programs identified in the Housing Element. The Court Order and applicable State law provide 120 days from approval of the Housing Element to adopt those documents and zoning amendments. The City is working to meet this mandated deadline, and intends to adopt the new General Plan, DTSP, and Zoning Ordinance no later than September 27, 2023. Upon adoption of the new General Plan, DTSP, and Zoning Ordinance, the City would be in compliance with State law and the Court Order.

August 8, 2023 Planning Commission Meeting

On August 8, 2023, the Planning Commission opened the Public Hearing on this item, received a presentation from the consultant on the project, Rangwala & Associates, along with a CEQA presentation from Psomas, the project's environmental consultant. The Commission also received public testimony from members of the public both in person at the meeting and also remotely via Zoom. Three people spoke on the item during the Public Hearing, and the Planning Commission received written comment letters from seven individuals. Those comment letters are attached to this staff report.

After receiving the public testimony and presentations from staff and the consultants, the Planning Commission discussed the matter, asked questions, and created an Ad Hoc Committee consisting of Commissioners Lesak and Swanborn. The Planning Commission then continued the Public Hearing to August 21, 2023, with direction for staff to prepare resolutions recommending the City Council certify the Draft Program Environmental Impact Report prepared for the project, approving the project and adopting the new General Plan and Downtown Specific Plan, and also adopting revisions to the Zoning Ordinance in support of the General Plan and Housing Element.

Ad Hoc Committee Meeting

On Sunday, August 13, 2023, the Ad Hoc committee met to discuss the Project and to gain a better understanding of the General Plan, and specifically, the DTSP.

Discussion/Project Description

The General Plan serves as the City's guiding document and constitution. No land use or policy decisions can be adopted that are not consistent with the General Plan. The proposed General Plan has nine chapters that seek to implement the community's vision for South Pasadena: 1) Our Natural Community; 2) Our Prosperous Community; 3) Our Well Planned Community; 4) Our Accessible Community; 5) Our Resilient Community; 6) Our Healthy Community; 7) Our Safe Community; 8) Our Active Community; and 9) Our Creative Community. These nine chapters contain goals, policies, and actions that provide guidance for the City's on-going operations and decision making. The General Plan, DTSP, and the Housing Element all work together to achieve the following objectives:

1. Provide sufficient capacity for housing development in compliance with State policy mandates. Address the shortage of housing for lower-income households and

- promote an inclusive residential environment that welcomes all people into the community.
2. Preserve natural areas, enhance parks and open spaces to provide enriching recreational opportunities and ensure access to those spaces for people of all ages and abilities.
 3. Attract and retain high value, high-wage jobs within the creative sector, diversify the local economy, promote and support local businesses, increase local tax base to help fund vital public services.
 4. Direct new growth to the downtown area along Mission Street and Fair Oaks Avenue, as well as opportunity sites such as the Ostrich Farm District, while ensuring the continued character of existing residential areas.
 5. Develop clear and precise standards that offer predictable outcomes and processes.
 6. Encourage pedestrian-oriented mixed-use development, while providing new and enhancing existing public spaces and gathering places, creating vibrant cultural hubs that weave creative expression into everyday life.
 7. Provide safe access for all street users—pedestrians, cyclists, public transit users, and motorists—of all ages and abilities. Support an integrated multi-modal network and efficiently manage parking to support wider community goals.
 8. Increase individual, institutional, and business capacity to survive and adapt to any chronic stress or acute shocks and be able to recover and thrive.
 9. Create environments that encourage safe and healthy lifestyles and maximize the opportunities for physical activity. Design the public and semi-public realm to foster social interaction and develop good programming to draw people out of their homes and into the community.
 10. Create a vibrant cultural center by weaving creative expressions into everyday life.

The General Plan Update seeks to preserve the City's existing, distinctive neighborhoods, directing growth to focus areas, while providing enhanced housing opportunities citywide. The City currently has a population of 25,580, with 11,156 dwelling units (California Department of Finance, 2022). Under the proposed General Plan, along with the DTSP and Housing Element programs, the City would potentially add up to 6,882 new residents (32,462 total residents, 27% more than the existing population) and would add up to 2,775 new dwelling units for a total of 13,931 units, an increase of 25%. Commercial (retail) space would increase from 866,000 SF to 996,000 SF (a gain of 130,000 SF or 15%), and office space would increase by 300,000 SF (a 77% increase) from 390,000 SF to 690,000 SF. Table 1 provides an overview of the development capacity for the focus areas:

Table 1 City of South Pasadena Development Capacity (2040)

	Size (acres)	Residential (DUs)	Non-Residential (SF) Commercial Office	
Focus Areas				
Corridors (within the Downtown Specific Plan Area)				
Fair Oaks Avenue	80	880	75,000	100,000
Mission Street		350	25,000	25,000
Districts				
Ostrich Farm	13.4	490	5,000	100,000
Neighborhood Centers				
Huntington Drive & Garfield Avenue	4.5	140	10,000	50,000
Huntington Drive & Fletcher Avenue	1.6	0	5,000	0
Huntington Drive & Fremont Avenue	7.4	60	10,000	25,000
Neighborhoods (Throughout Remainder of the City)				
High Density		455	0	0
Medium Density		350	0	0
Low Density		40	0	0
Very Low Density		10	0	0
			130,000	300,000
	Totals:	2,775	430,000	

Source: Table 2-3 from the PEIR (page 2-23)

General Plan Land Use Summary

The City’s RHNA requirement was 2,067 units; however, as part of the Housing Element approval process, HCD required an additional buffer to ensure the required number of RHNA housing units could be accommodated. Therefore, the City is required to find capacity for 2,775 additional housing units. The proposed General Plan/DTSP Update would accommodate these units, directing development into urban corridors along major arterials, including the Downtown Specific Plan. Established single-family neighborhoods would be preserved to the greatest extent possible. The updated General Plan and DTSP both promote walkable, livable communities, where residents would not need to rely on automobile use for their daily transportation needs.

Adoption of the General Plan/DTSP is an important step in bringing the City into compliance with State law. Approval would also satisfy the Court Order which mandates adoption of these documents by September 27, 2023. Other aspects of the General Plan would be addressed at a later date, such as the provision to place a ballot initiative before South Pasadena voters in 2024 to consider removing the voter-approved height limit in certain areas and/or for certain projects. The goals, policies, and actions contained in the General Plan/DTSP support the kind of development identified by the community during the outreach phase of the project.

Land Use Designations Overview

The following paragraphs describe the land use designations that are proposed in the General Plan update:

Mixed Use Core

This land use designation encourages a wide range of building types depending on neighborhood characteristics. This designation applies to the vicinity of Mission Street in the DTSP, the Ostrich Farm area, as well as Neighborhood Centers on Huntington Drive. The development intensity would allow up to 70 dwelling units per acre with allowable building height up to five stories (assuming State Density Bonus provisions). Table 1 provides the estimated number of dwelling units and non-commercial space that could feasibly be situated within Mixed Use Core areas.

Very Low Intensity

This land use designation permits detached single-family homes and is characterized by lots over 10,000 SF. Development intensity is limited to three (3) units per acre, with a target height of one to two stories. Over the life of the General Plan, an additional 10 units are anticipated for Very Low Intensity-designated land. No non-residential uses (commercial) are anticipated.

Low Intensity

This land use designation permits detached single-family homes and is characterized by lots of 5,000 to 10,000 SF. Development intensity allows for up to five (5) units per acre, with a target building height of one to two stories. Over the life of the General Plan, an additional 40 units are anticipated for Low Intensity-designated land. No non-residential uses (commercial) are anticipated.

Medium Intensity

This land use designation permits attached housing types such as courtyard housing, townhomes, bungalow courts, and multiplexes. This designation also contemplates single-family homes on small lots. Development intensity allows for up to 30 units per acre with target building heights in the one to three story range. Over the life of the General Plan, an additional 350 units are anticipated for Medium Intensity-designated land. No non-residential uses (commercial) are anticipated.

High Intensity

This land use designation permits multifamily residential development, including multi-story apartments and condominiums. Development intensity allows up to 45 units per acre, with target building heights of one to four stories. Over the life of the General Plan, an additional 455 units are anticipated for High Intensity-designated land. No non-residential uses (commercial) are anticipated.

Civic

This land use designation pertains to those parcels that have public or quasi-public uses, such as government, arts, culture, education, recreation, transit, security, health, safety, and other institutional activities. Due to the nature and unique purposes of civic, public, and quasi-public buildings, development intensity is not defined in the General Plan. This makes sense given that Civic-designated land could contain uses such as religious facilities, schools, libraries, or public facilities like reservoirs and infrastructure.

Parks & Open Space

This designation applies to land that provides public recreation, leisure, and visual resources. Parcels range in size from small “tot lots” and pocket parks that serve a specific community, to urban squares, public plazas, playgrounds, and large regional parks that serve the entire City. Given the unique characteristics and purpose of buildings in recreational areas, development intensity is not defined.

Preserves

This designation applies to areas within the hills adjacent to existing established single-family residences. Preserve-designated land contains natural areas for the preservation of flora, fauna, geological, natural, historical, or similar features.

Table 2 provides an overview of the proposed land use designations. While the General Plan provides a broad description of the various land use designations, specific development standards are provided in the DTSP for properties within the DTSP area. The Zoning Ordinance will be updated to reflect development standards for parcels outside the DTSP area.

Table 2: General Plan Land Use Designations

Land Use Designation	Intensity		Vicinity/Notes
	Maximum Dwelling Units per Acre	Target Building Height (in stories)	
Very Low Intensity	3	1-2	Hillside areas and lower density, established neighborhoods
Low Intensity	5	1-2	Western and southern portions of the City, with some areas north of SR-110 and in the areas adjacent to the DTSP.
Medium Intensity	30	1-3	Various areas, including portions of Monterey Road, Huntington Drive, and neighborhoods near the DTSP area.
High Intensity	45	1-4	Various areas, including Raymond Hill, portions of Huntington Drive, Fair Oaks Avenue, Monterey Road, and Pasadena Avenue.
Mixed Use Core	70	1-5 ¹	Mission Street, Ostrich Farm, NW corner of Fair Oaks Avenue and State Street, and designated neighborhood centers on Huntington Drive.
Fair Oaks Corridor	110	1-7 ¹	Fair Oaks Avenue between SR-110 and Lyndon Street in the DTSP boundaries.
Civic	N/A	NA	Various areas.
Parks & Open Space	N/A	N/A	Various areas.
Preserves	N/A	N/A	Various areas.

Table source: PEIR Exhibit 2-4

¹Any building height in excess of 45’ would be pursuant to State Density Bonus concessions or waivers. Any increase to the base building height of 45’ would require a ballot measure and approval by South Pasadena residents.

Downtown Specific Plan (DTSP): Mission Street and Fair Oaks Avenue Corridors

Mission Street is the City’s historic main street and contains some of its most important buildings, including the City’s civic center. Fair Oaks Avenue is a major north/south arterial through the City. While Fair Oaks Avenue has remained economically viable, it has seen a decline in the quality of its urban environment due to the sprawl of buildings

and lack of landscaping. By contrast, Mission Street has retained its historic character, particularly around the Metro A Line station. New infill development, along with successful retail businesses, have made Mission Street one of the most important destinations in the City.

The DTSP Update is a companion document to the General Plan and 2021-2019 Housing Element. The former Mission Street Specific Plan has been expanded to include Fair Oaks Avenue, and will be renamed the Downtown Specific Plan. The intention of the DTSP is to build upon the success of the previous Mission Street Specific Plan. The new DTSP includes policies and strategies to preserve historic assets, encourage contextual infill development of vacant and underutilized parcels, create jobs, maintain/support existing compatible businesses, and accommodate housing for a variety of income levels. The DTSP fulfills and supports the goals, policies, and actions of the South Pasadena General Plan by promoting orderly growth and by utilizing existing infrastructure and services.

The DTSP is generally located along the Fair Oaks Avenue and Mission Street corridors. On Fair Oaks Avenue, the DTSP boundary extends from SR-110 on the north to Lyndon Street on the south, including most properties between Mound Street and Fair Oaks Avenue. The eastern boundary is defined mainly by the alley immediately east of Fair Oaks Avenue, as well as Brent Avenue in the vicinity of El Centro and Mission Streets. The Mission Street Corridor generally extends from Brent Avenue on the east to Indiana Avenue on the west, including properties on the south side of El Centro Street (roughly between the A Line tracks on the west and Brent Avenue on the east). The northern boundary follows Hope Street between Fair Oaks Avenue and Meridian Avenue, Magnolia Street between Meridian and Orange Grove Avenues, and the parcels on the north side of Mission Street between Orange Grove Avenue west to the vicinity of Indiana Avenue.

The DTSP contains two primary zoning designations: Mixed Use Core and Fair Oaks Corridor. The Mixed Use Core encompasses the vicinity of Mission Street and contemplates a development intensity of 70 dwelling units per acre with a height range of 1-5 stories (building height above 45 feet could be achieved pursuant to State Density Bonus concessions and waivers). The Fair Oaks Corridor allows for more intensive development with a maximum density of 110 dwelling units per acre. While the General Plan outlines development envelope standards such as allowable density and height, including provisions for taller building height in keeping with State Density Bonus concessions and waivers, the DTSP contains specific development standards under what is known as a “form-based code.” A form-based code provides objective development standards that aim to create an active streetscape and a walkable community. These standards would apply to both Mission Street and Fair Oaks Avenue. The new DTSP contemplates a maximum of 1,230 additional units—880 units for Fair Oaks Avenue and 350 units for Mission Street—over the life of the plan (2040). The DTSP would also allow for up to 225,000 SF of new non-residential uses (commercial and office) with 175,000 SF anticipated for Fair Oaks Avenue and 50,000 SF for Mission Street.

As part of the Zoning Ordinance update, all references to the Mission Street Specific Plan will be replaced with the Downtown Specific Plan. Changes will be made to the applicable sections of the South Pasadena Municipal Code. Approval of the DTSP will supersede the existing Mission Street Specific Plan.

General Plan/DTSP Outreach

Public input played a key role in formulating the proposed General Plan and DTSP. The City's team for the General Plan Update consisted of an Executive Team, an Advisory Committee, and six Focus Groups. The Executive Team included key City staff members with a primary responsibility to keep the update process on schedule and within budget. The Advisory Committee included City Council members, Planning Commissioners, and department heads that provided on-going direction. Focus Groups supported the public outreach process in developing policy options and actions to implement the public's vision. The public outreach process included development of a project website, social media engagement, e-mail notifications, public surveys, pop-up workshops, stakeholder interviews, a lecture series, and a five-day visioning charrette. After a pause in preparation of the General Plan Update and DTSP documents, additional public meetings were held to provide the community with the current status of the Project and its path forward. The process was put on hold as the City awaited clarification of an anticipated significant housing allocation through the State RHNA process, which would likely be different than the housing capacity being considered at that time. When the RHNA was finalized at 2,067 housing units (actually, 2,775 units including the required buffer), necessary adjustments were proposed for the General Plan Update and DTS, to increase capacity and to revise the principles to reflect housing as a greater priority. More than 1,000 people participated in the General Plan/DTSP update meetings.

Errata Tables

The City is working against a tight deadline to adopt the General Plan and DTSP. Under normal circumstances, the City would have ample time to integrate public comments and text clean-ups into a draft document prior to the Public Hearing; however, given the deadlines associated with the Court Order, staff was not able to do that. Errata Tables are attached that show some of the changes that are proposed for the General Plan and DTSP prior to the documents being adopted by the City Council. The Tables summarize the changes that will be made to both documents. In the General Plan Errata Table, changes include clean-ups to maps and exhibits, and text revisions to make the document internally consistent to ensure the policies and actions listed in the body of the General Plan correspond to the comprehensive list of policies and actions found at the end of the document. Another change involves updating the Land Use Designation of certain parcels to be consistent with the Housing Element. The DTSP Errata Table contains minor text revisions for clarity, including updates to certain land use categories, mapping revisions, and affirming various parcels are, in fact, located within the DTSP area.

The errata revisions are considered minor and will not substantially alter or change the scope of the Project.

Associated Zoning Text Amendments

Although not a part of this agenda item, the Court Order requires the City to update its Zoning Code to support certain Housing Element programs within 120 days of adoption of the Housing Element. These programs include, but are not limited to, rezoning of parcels to accommodate higher densities, the clean-up of the City's Density Bonus and Employee Housing language to be consistent with State law, along with reducing the City's inclusionary housing requirement from 20% to 15%. These changes are being made concurrently with the General Plan/DTSP adoption process, but the ordinance changes would require second readings. The City is on-track to conduct a first reading of the Ordinances for the Zoning Text and Zoning Map Amendments on September 27, 2023, with second readings calendared for October 4, 2023.

2024 Ballot Initiative

In addition to the items currently being considered by the Planning Commission, the Housing Element requires the City to place a ballot measure before the voters to consider raising the City's existing height limit. *Housing Element Program 2.n—Citywide Height Limit Ballot Initiative* requires the City:

“...to seek, through voter approval in a local election, the repeal of the current height limit of 45 feet as to at least any residential or mixed-use (including residential) project on which the housing element anticipates a base density in excess of 50 units/acre. Such measure will be brought to the City Council for consideration prior to being placed on the ballot. The measure may either eliminate the height limit for these parcels entirely, or be replaced by a new height limit localized in the areas of increased density to stated density goals. If the height limit is replaced, the new limit would be no less than 84 feet to achieve the densities identified in the DTSP.”

This Housing Element program is not part of the project being considered by the Planning Commission this evening. Even so, the upcoming ballot initiative is included in the discussion to remind the Planning Commissioners and members of the public that the question of repealing the City's voter-approved height limit will be presented to South Pasadena residents in November 2024 to implement Housing Element Program 2.n. It is also important to understand that while the City has a 45-foot building height limit that was approved by voters in 1983, buildings can be taller than 45 feet if a project qualifies for concessions and waivers provided through State Density Bonus law.

General Plan/Downtown Specific Plan Findings

SPMC Section 36.620.070(A) stipulates that a General Plan Amendment may be approved only if certain findings are met. The new General Plan follows the same process as a General Plan Amendment, meaning the following findings apply:

1. *The proposed amendment is internally consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed General Plan update is internally consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The current General Plan that was adopted in 1998 is not internally consistent with the recently adopted Housing Element. The Housing Element is one of the elements required by State law. Therefore, adopting an updated General Plan that implements the policies and programs of the 2021-2029 Housing Element would make the documents internally consistent. Therefore, the Planning Commission can make this finding in support of the Project.

- 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or general welfare of the City;*

The General Plan Update would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would achieve internal consistency, including with the adopted 2021-2029 Housing Element. The General Plan Update also reflects substantial public comment, supporting a vision that was created by South Pasadena residents and community stakeholders. The General Plan will guide future growth of the City, and its goals, policies, and actions will support the health and safety of residents. Two chapters of the General Plan, Our Safe Community and Our Healthy Community, specifically address the safety and health of City residents. The General Plan goals, policies, and actions further support the convenience and general welfare of the City by preserving existing single-family neighborhoods and focusing growth into specific areas where residents will have access to services and public transportation. The General Plan supports mixed-use, walkable neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the Planning Commission can make this finding.

- 3. If applicable, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.*

The General Plan applies to the entire City of South Pasadena and would implement the policies and programs of the 2021-2029 Housing Element. Substantial work went into identifying the City's options in meeting its state-mandated housing allocations. As the proposed General Plan supports the adopted Housing Element, a document that applies citywide, the Planning Commission can make this finding.

As stated above, the Planning Commission can make all of the necessary findings listed in SPMC Chapter 36.620.070(A) to recommend the City Council adopt the new General Plan.

SPMC Chapter 36.440.050 (Processing and Review) states the City can adopt a Specific Plan in the same manner as required by State law for General Plans. Pursuant to SPMC Section 36.440.060, the City Council may adopt a specific plan only if it makes the following finding:

1. The proposed plan is in conformance with the actions, goals, objectives, policies, and programs of the General Plan and other adopted goals and policies of the City;

The proposed DTSP is consistent with the actions, goals, objectives, policies, and programs of both the proposed General plan and adopted Housing Element. The DTSP envisions additional housing units and non-residential development potential within the City's urban core, and supports growth in commercial corridors and higher-density residential areas near the Metro A Line station and bus routes. Specifically, the DTSP would implement the following Housing Element programs: Program 2.a Provide Technical Assistance for Projects with Affordable Housing; Program 3.a Rezone and Re-designate Sites to Meet RHNA; Program 3.b Mixed-Use Developments and Adaptive Re-Use; Program 3.n Zoning Changes; and Program 4.e Universal Design. Given the DTSP is internally consistent with the proposed General Plan and adopted 2021-2029 Housing Element, therefore, the Planning Commission can make this finding.

The DTSP also satisfies the requirements listed in SPMC Chapter 36.440.050(A-C), that requires environmental review, a staff report, and public hearings before both the Planning Commission and City Council. The Planning Commission can make all of the applicable findings to recommend the City Council approve the project.

Environmental Analysis

The General Plan/ DTSP Update constitutes a project under the California Environmental Quality Act (CEQA). As such, a Program Environmental Impact Report (PEIR) was prepared and was submitted to the California State Clearing House (document SCH No. 2018011050). The PEIR addresses issues raised in January 2018 when the first Notice of Preparation (NOP) was circulated, as well as issues identified when the Recirculated Notice of Preparation (RNOP) was distributed in April 2021. Public comments were also received in a scoping meeting that was held on February 5, 2018, and again from a virtual scoping meeting that was conducted on May 3, 2021. While two NOPs were distributed for the PEIR, the baseline for environmental analysis was assumed to be April 2021. Based on the scoping meetings, the following environmental areas of controversy were identified: traffic, parking, water supply, and waste water infrastructure.

Based on the analysis presented in the PEIR, implementation of the proposed General Plan Update and DTSP, along with the implementation programs contained in the 2021-2029 Housing Element, would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures:

1. Aesthetics (Visual Character at a program and cumulative level);

2. Air Quality (Air Quality Management Plan Consistency, Regional Construction and Operational Emissions Standards Violation, and Cumulative Emissions at a program and cumulative level; Local Construction Emissions Standards Violation at a program level);
3. Cultural Resources (Historic Resources at a program and cumulative level);
4. Greenhouse Gas Emissions (GHG Emissions at a cumulative level);
5. Noise (Construction and Exterior Traffic Noise Standards Violation at a program and cumulative level); and
6. Population and Housing (Population Growth at a program and cumulative level).

A Statement of Overriding Considerations is required documenting that the physical, social, and economic benefits of the General Plan and DTSP would outweigh the adverse impacts associated with the updated community vision and guiding documents.

Tribal Consultation

The General Plan/DTSP Update are both subject to tribal consultation under Assembly Bill (AB) 52 and Senate Bill (SB) 18. On March 13, 2018, the City initiated the offer of consultation by sending letters to applicable tribal representatives. Four tribes were contacted: the Gabrieleño/Tongva Tribe; Gabrieleño/Tongva San Gabriel Band of Mission Indians; Gabrieleño Band of Mission Indians, Kizh Nation; and the Soboba Band of Luiseño Indians. The tribal governments were also included in the original Notice of Preparation (NOP) that was dated January 18, 2018. The City received no response to its initial offer of consultation or the NOP in 2018.

On April 21, 2021, the City again initiated consultation under SB18 and AB52, due to the change in the General Plan/DTSP project and its associated Recirculated Notice of Preparation (RNOP). Consultation letters were sent to the Gabrieleño/Tongva San Gabriel Band of Mission Indians; Gabrieleño Band of Mission Indians, Kizh Nation; Gabrieleño/Tongva Tribe; Gabrieleño/Tongva Indians of California Tribal Council; and the Soboba Band of Luiseño Indians. One tribe, the Gabrieleño/Tongva San Gabriel Band of Mission Indians (Gabrieleño/Tongva Tribe), responded to the consultation request.

On June 10, 2021, the City met with the Gabrieleño/Tongva Tribe. The Gabrieleño/Tongva Tribe has ancestral ties to the South Pasadena area and is aware that Tribal Cultural Resources may be encountered as part of future development. Consultation concluded with the Tribe desiring to have the opportunity to participate in Native American monitoring if mitigation measures or conditions of approval require such monitoring in the future. There are no known Gabrieleño/Tongva tribal cultural resources within the Project area (South Pasadena City limits) beyond those that were listed on the Native American Heritage Commission (NAHC) Sacred Lands File search that was completed on July 15, 2020. The search was positive, meaning there are sites within the project area that are known to be significant/sacred to local Tribes. Results from the NAHC Sacred Lands File search are kept confidential to protect and preserve known sacred sites.

The Draft Program EIR is currently in the public review period, and comments on the environmental document can be submitted in writing through September 6, 2023. Thereafter, responses to comments will be prepared and a Final PEIR will be presented to the City Council for consideration and certification.

Pursuant to CEQA Guidelines Section 15025 (c), when an advisory body, like the Planning Commission in this situation, is required to make a recommendation on a project to the decision-making body, the advisory body must also review and consider the EIR in draft or final form. Given the time constraints, the Planning Commission is asked to review the PEIR in draft form and provide a recommendation for adoption and certification by the City Council.

Conclusion

Based on the evidence presented in this staff report, the Draft PEIR, and the adopted 2021-2029 Housing Element, the Planning Commission can make the findings to recommend the City Council approve the Project. As such, two draft Resolutions have been prepared: A Resolution recommending adoption and certification of the PEIR, and a Resolution recommending approval of the project and adopting the new General Plan and Downtown Specific Plan, including an ordinance to rescind the Mission Street Specific Plan upon the Downtown Specific Plan taking effect.

Next Steps

In order to comply with State law and the Court Order, the General Plan, DTSP, and associated Zoning Text and Zoning Map Amendment, (including updates to inclusionary housing requirements, density bonus, employee housing, etc.) must be adopted by the City Council no later than September 27, 2023. Should the Planning Commission concur with the staff recommendation and give the direction as set forth in the recommendations at the beginning of this report, staff would proceed with the following:

September 18, 2023: City Council conducts a Public Hearing, receives a staff presentation and public testimony on the project, and continues the Public Hearing to September 27, 2023.

September 27, 2023: City Council continues the Public Hearing, and once the Public Hearing is closed, considers certifying/adopting the PEIR, and approving the project with a first reading of an Ordinance(s) for a Zoning Text Amendment(s) and Zoning Map Amendment(s).

October 4, 2023: Assuming the project is approved on September 27, 2023, with the first reading of an Ordinance(s) for a Zoning Text Amendment(s) and Zoning Map Amendment(s), conduct a second reading of said Ordinance(s).

Upon Second Reading of the Zoning Ordinance, and the adoption of General Plan, Downtown Specific Plan, the City would be in compliance with State law as well as satisfying its legal obligations set forth in the Court Order.

Legal Review

The City Attorney has reviewed this item.

Public Notification of Agenda Item

A public notice for this Public Hearing was published in the South Pasadena Review on July 28, 2023. The public was also made aware of the Public Hearing through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

As of the writing of the staff report, the City has received no additional comment letters. Staff received comment letters from six individuals for the August 8, 2023, Planning Commission meeting, and those letters are attached.

Attachments

- Resolution P.C. 23-05 (CEQA)
- Resolution P.C. 23-06 (General Plan/DTSP, with Errata Tables)
- Draft Program Environmental Impact Report
- Exhibit A: Draft General Plan
- Exhibit B: Draft General Plan Errata Table
- Exhibit C: Draft Downtown Specific Plan
- Exhibit D: Draft Downtown Specific Plan Errata Table
- Draft Downtown Specific Plan Section C10 Administration
- Public Comments (including the August 8, 2023 Planning Commission meeting)

RESOLUTION P.C 23-05 (CEQA)

P.C. RESOLUTION NO. 23-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, CERTIFY THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) (SCH NO. 2018011050) FOR THE 2023 GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN, AND HOUSING ELEMENT IMPLEMENTATION ACTIONS, ADOPT REQUIRED FINDINGS OF FACT, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, Sections 65300 *et. seq.* of the California Government Code requires each city and county to adopt a comprehensive, long-term, General Plan for the physical development of land within its jurisdiction and Sphere of Influence; and

WHEREAS, in strategic planning sessions in 2014 and 2015 the City Council identified the need to update the General Plan and the Mission Street Specific Plan (Project); and

WHEREAS, on November 8, 2017, the City Council directed staff to proceed with a Program Environmental Impact Report (PEIR) for the General Plan Update and an expanded and updated Mission Street Specific Plan (now known as the Downtown Specific Plan (DTSP)) project; and

WHEREAS, the environmental impacts of the proposed project were reviewed under the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et. seq.*,) and the regulations promulgated thereunder (14 California Code of Regulations §§ 1500, *et. seq.*, the “CEQA Guidelines”); and

WHEREAS, in accordance with CEQA, the City of South Pasadena is the lead agency and the City Council is the decision-making body for the Project (as defined herein), with the Planning Commission being a recommending body for the Project; and

WHEREAS, A Notice of Preparation (NOP) was circulated to required agencies and interested parties on January 18, 2018, and a Scoping Meeting was conducted on February 5, 2018; and

WHEREAS, Substantial changes to project assumptions were necessary based on the City’s Regional Housing Needs Allocation (RHNA) obligation, and that such changes required a Recirculated Notice of Preparation (RNOP) to be issued on April 20, 2021, and a subsequent Scoping Meeting was conducted on May 3, 2021; and

WHEREAS, Consultation with local Native American Tribes was offered in letters sent on April 21, 2021, where one Tribe, The Gabrieleño/Tongva Tribe requested consultation which was concluded on June 10, 2021; and

WHEREAS, on May 30, 2023, the City Council held a duly noticed Public Hearing to consider the Housing Element for the period of 2021 through 2029, wherein the Housing Element was adopted, providing the City with 120 days to rezone necessary properties in support of the Housing Element; and

WHEREAS, the project studied in the Draft PEIR was revised to also include various Housing Element program implementation actions including, but not limited to, rezoning actions and amendment of the City's inclusionary housing and density bonus ordinances (collectively the General Plan Update, the DTSP adoption, and the Housing Element implementation actions as fully described in the PEIR constitute the "Project" for CEQA purposes); and

WHEREAS, on July 24, 2023, the Draft PEIR was released for public comment; and

WHEREAS, based on the analysis presented in the Program Environmental Impact Report prepared for the Project, and as more thoroughly described therein, implementation of the proposed Project would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures: Aesthetics, Air Quality, Cultural Resources, Greenhouse Gas Emissions, Noise, and Population and Housing; and Table ES-1 therein presents a summary of significant environmental impacts identified in the PEIR; Mitigation Measures (MMs) that reduce any significant impacts; and the level of significance of each impact after mitigation. Significant irreversible environmental changes and growth-inducing impacts are addressed in Section 5.0, Other CEQA Considerations of the PEIR; and

WHEREAS, the Project was the subject of a duly-noticed Public Hearing before the Planning Commission on August 8, 2023, and said Public Hearing was continued to August 21, 2023, wherein the Planning Commission received a presentation from staff, considered the staff report, public testimony, the Draft PEIR, and Commission discussion on the Project; and

WHEREAS, the location of the documents and other materials that constitute the record of proceedings upon which the decision of the Planning Commission is based is in the custody of the Department of Community Development, 1424 Mission Street, South Pasadena, California, 91030; and

WHEREAS, pursuant to CEQA Guidelines Section 15025(c), the Planning Commission has reviewed the PEIR in draft form; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The Planning Commission hereby recommends the City Council find, in its independent judgment, that the PEIR for the Project identifies and discloses Project-specific impacts and cumulative Project impacts.

SECTION 2: The Planning Commission, based on its review of the Draft PEIR, hereby recommends that the City Council review and consider, in its independent judgment, the Final PEIR (SCH 2018011050), and , certify a Final PEIR for the Project, adopt required findings of fact, and adopt a Mitigation Monitoring and Reporting Program.

PASSED, APPROVED, AND ADOPTED on this 21st day of August, 2023.

Laura Dahl, Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

David Snow, Assistant City Attorney

I HEREBY CERTIFY the foregoing Resolution No. 23-05 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 21st day of August, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mark Perez, Deputy City Clerk

**RESOLUTION P.C 23-06
(GENERAL PLAN/DTSP)**

P.C. RESOLUTION NO. 23-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE THE 2023 GENERAL PLAN AND THE DOWNTOWN SPECIFIC PLAN AS SHOWN IN EXHIBIT A, EXHIBIT B, EXHIBIT C, AND EXHIBIT D, AND RESCIND THE MISSION STREET SPECIFIC PLAN.

WHEREAS, Sections 65300 *et. seq.* of the California Government Code requires each city and county to adopt a comprehensive, long-term, General Plan for the physical development of land within its jurisdiction and Sphere of Influence; and

WHEREAS, in strategic planning sessions in 2014 and 2015, the City Council identified the need to update the General Plan and the Mission Street Specific Plan (Project); and

WHEREAS, The City Council directed staff to expand the Mission Street Specific Plan to include the Fair Oaks Avenue Corridor, and the proposed Downtown Specific Plan (DTSP) will apply to the Fair Oaks Corridor, generally bounded by SR110 to the north and Lyndon Street to the south, and Mission Street Corridor generally bounded to the north by Hope Street and to the south by El Centro Street, and to the east to Brent Avenue and Indiana Avenue to the west.

WHEREAS, Sections 65580 *et. seq.* of the California Government Code requires each city and county to periodically prepare and update its Housing Element in its General Plan. City of South Pasadena received the Regional Housing Needs Allocation (RHNA) numbers from the Southern California Association of Government in 2019 and started to updating the 2021-2029 (6th Cycle) Housing Element; and

WHEREAS, on April 12, 2022, the City of South Pasadena was sued by Californians for Homeownership for non-compliance with State housing Law for failing to have adopted a compliant Housing Element by October 15, 2021 (*Californians for Homeownership v. City of South Pasadena*), LASC Case Nos. 22STCP01388 & 22STCP01161); and

WHEREAS, on August 15, 2022, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit, and that the Settlement Agreement committed the City to a number of actions, including but not limited to: completing the necessary rezoning to support the Housing Element within 120 days of the adoption of the Housing Element; and addition of a program to seek, through voter approval, the removal of the City's existing 45-foot height limit for at least any parcel identified in the Housing Element for which the base density is anticipated to exceed 50 dwelling units per acre; and

WHEREAS, on August 19, 2022, the Settlement Agreement was adopted as the Court Order and committed the City to adopting a housing element certified by or eligible for certification by HCD no later than May 31, 2023; and

WHEREAS, on May 30, 2023, the City Council held a duly noticed Public Hearing to consider the Draft Housing Element. After hearing public testimony on the project, considering the staff report, staff presentation, and Council discussion, in keeping with the stipulations of the Court Order, the City Council adopted the Housing Element, thereby commencing the 120-day period in which the City must adopt changes to the Zoning Ordinance to support the Housing Element and its programs; and

WHEREAS, on June 3, 2023, and June 17, 2023, public workshops on the General Plan and DTSP were held wherein the community received a presentation and provided input on the Project; and

WHEREAS, on July 24, the Draft General Plan and DTSP were released for public comments; and

WHEREAS, on August 8, 2023, the Planning Commission held a duly noticed Public Hearing and continued to the Public Hearing to August 21, 2023, wherein the Planning Commission received a staff presentation, considered the staff report, public testimony, Planning Commission discussion, and all other materials and evidence, whether written or oral; and

WHEREAS, a Program Environmental Impact Report (PEIR) was prepared for the Project, including related Housing Element implementation actions, and the Planning Commission considered the Draft PEIR and at a duly noticed Public Hearing that commenced on August 8, 2023 and continued on August 21, 2023, through Resolution No. P.C. 23-05, recommended the City Council of the City of South Pasadena certify the final PEIR, adopt required findings of fact, and adopt a Mitigation Monitoring and Reporting Program; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: The above recitals are hereby declared to be true and correct and are incorporated herein as findings of the South Pasadena Planning Commission.

SECTION 2: Based upon substantial evidence presented to the Planning Commission during the Public Hearing, including public testimony and written and

oral staff reports, and the environmental documentation, the Planning Commission finds:

- A. All necessary Public Hearings and opportunities for public testimony and comment have been conducted in compliance with applicable law;
- B. That the environmental impacts of the Project have been adequately analyzed and addressed, and that the Planning Commission, through Resolution P.C. 23-05, has recommended that the City Council certify and adopt the PEIR prepared for the Project.

SECTION 3: GENERAL PLAN FINDINGS. South Pasadena Municipal Code (SPMC) Section 36.620.070(A) stipulates that a General Plan Amendment may be approved only if certain findings are met. The new General Plan follows the same process as a General Plan Amendment, meaning the following findings apply:

1. *The proposed amendment is internally consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed General Plan update is internally consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The current General Plan that was adopted in 1998 is not internally consistent with the recently adopted Housing Element. The Housing Element is one of the elements required by State law. Therefore, adopting an updated General Plan that implements the policies and programs of the 2021-2029 Housing Element would make the documents internally consistent. Therefore, the Planning Commission can make this finding in support of the Project.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or general welfare of the City;*

The General Plan Update would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would achieve internal consistency, including with the adopted 2021-2029 Housing Element. The General Plan Update also reflects substantial public comment, supporting a vision that was created by South Pasadena residents and community stakeholders. The General Plan will guide future growth of the City, and its goals, policies, and actions will support the health and safety of residents. Two chapters of the General Plan, *Our Safe Community* and *Our Healthy Community*, specifically address the safety and health of City residents. The General Plan goals, policies, and actions further support the convenience and general welfare of the City by preserving existing single-family neighborhoods and focusing growth into specific areas where residents will have access to services and public transportation. The General Plan supports mixed-use, walkable

neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the Planning Commission can make this finding.

- 3. If applicable, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.*

The General Plan applies to the entire City of South Pasadena and would implement the policies and programs of the 2021-2029 Housing Element. Substantial work went into identifying the City's options in meeting its state-mandated housing allocation. As the proposed General Plan supports the adopted Housing Element, a document that applies citywide, the Planning Commission can make this finding.

As stated above, the Planning Commission can make all of the necessary findings listed in SPMC Chapter 36.620.070(A) to recommend the City Council adopt the new General Plan.

SECTION 4: SPECIFIC PLAN FINDINGS. Pursuant to SPMC Section 36.440.060, the City Council may adopt a specific plan only if it finds that:

- 1. The proposed plan is in conformance with the actions, goals, objectives, policies, and programs of the General Plan and other adopted goals and policies of the City.*

The proposed DTSP is consistent with the actions, goals, objectives, policies, and programs of both the proposed General plan and adopted Housing Element. The DTSP envisions additional housing units and non-residential development potential within the City's urban core, and supports growth in commercial corridors and higher-density residential areas near the Metro A Line station and bus routes. Specifically, the DTSP would implement the following Housing Element programs: Program 2.a Provide Technical Assistance for Projects with Affordable Housing; Program 3.a Rezone and Re-designate Sites to Meet RHNA; Program 3.b Mixed-Use Developments and Adaptive Re-Use; Program 3.n Zoning Changes; and Program 4.e Universal Design. Given the DTSP is internally consistent with the proposed General Plan and adopted 2021-2029 Housing Element, therefore, the Planning Commission can make this finding.

The DTSP also satisfies the requirements listed in SPMC Chapter 36.440.050(A-C), that requires environmental review, a staff report, and public hearings before both the Planning Commission and City Council. As such, the Planning Commission can

make all of the applicable findings to recommend the City Council approve the Project, and rescind the MSSP upon the DTSP taking effect.

SECTION 5: Based upon the foregoing, the Planning Commission recommends:

- A. That the City Council approve the Project and adopt the General Plan update, thereby making the General Plan internally consistent with the adopted 2021-2029 Housing Element. The dwelling units and non-residential development contemplated by the General Plan would be accommodated in the proposed Downtown Specific Plan and other areas of City that will be rezoned consistent with programs identified in the Housing Element. The General Plan will serve as one of the City's guiding documents, and its goals, policies, and actions will direct the City's growth and operations through 2040, the estimated lifespan of the General Plan (Exhibit A with modifications as set forth in Exhibit B).
- B. That the City Council approve and adopt the Downtown Specific Plan and rescind the Mission Street Specific Plan (MSSP), which is consistent with the proposed General Plan and adopted 2021-2029 Housing Element, and that once adopted, the Downtown Specific Plan will supersede and replace the Mission Street Specific Plan (MSSP) and that all references to the MSSP in the applicable South Pasadena Municipal Code (SPMC) sections shall be interpreted as references to the DTSP (Exhibit C with modifications as set forth in Exhibit D).
- C. That upon approval and adoption, the existing General Plan that was initially adopted in 1998 and the Mission Street Specific Plan that initially adopted in 1996, shall be rendered moot and shall be superseded by the 2023 General Plan and the 2023 DTSP.

SECTION 6: This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this 21st day of August, 2023.

Laura Dahl, Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

David Snow, Assistant City Attorney

I HEREBY CERTIFY the foregoing Resolution No. 23-06 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 21st day of August, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mark Perez, Deputy City Clerk

ATTACHMENT

Draft Program Environmental Impact Report ([Link](#))

EXHIBIT A

DRAFT GENERAL PLAN
DATED JULY 17, 2023

EXHIBIT B

**DRAFT GENERAL PLAN
ERRATA TABLE**

GENERAL PLAN ERRATA TABLE

page	subject
ToC	B 54 font size "preserve stable neighborhoods ..."
iv	On the Acknowledgements page, add David Walker, former Planning Director
P 25	Figure A2.1 replace with revised Figure B3.2
P 48	Revise A2.3b to read: Establish an economic development office . . .
P 56	Figure B3.2 revise Fair Oaks Corridor boundary to be consistent with B3.4
P 56	Figure B3.2 resolve mapping inconsistencies @ Pasadena Ave and bridge
P 56	Figure B3.2 resolve mapping inconsistencies @ Garfield north of alley
P 56	Figure B3.2 resolve mapping inconsistencies @ Mission between Forest and Grand
P 57	Revise language in Section 1.B (Ostrich Farm) to reflect Housing Element programs and opportunities.
P 61	<p>Various Revision to draft Land Use Map</p> <p>APN 5311-012-040 to Medium Density</p> <p>APN 5311-012-041 to Medium Density</p> <p>APN 5311-012-037 to Medium Density</p> <p>APN 5320-009-025 to Mixed Use Core</p> <p>APN 5311-001-020 to Medium Density</p> <p>APN 5311-001-008 to Medium Density</p> <p>APN 5319-003-032 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5319-003-029 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-001 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-003 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-005 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-006 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-007 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5319-004-020 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-023 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-904 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-903 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-905 to from Fair Oaks Corridor to Mixed Use Core</p> <p>Revise Action A4.5c to read "Implement measures to protect pedestrians and bicyclists in the Fair Oaks Avenue Corridor, including bulb-outs, enhanced crosswalks, and leading pedestrian intervals at traffic signals."</p>
P 77	
P 115	Figure B6.4 replace with updated map

P 115	Figure B6.5 replace with updated map
P 152	Delete action A9.2b
P 172	Revise table (A2.3b) to reflect revision to document text
P 177	Revise table to include policies and actions related to P4.5, P4.6, P4.7, P4.8
P 182	Revise table to include action A6.6c
P 183	Revise table to include action A6.7g
P 188	Delete action A9.2b
P 191	Revise P9.9 to read "Enhance the Public Arts Program"

EXHIBIT C

DRAFT DOWNTOWN SPECIFIC PLAN
DATED JULY 17, 2023

EXHIBIT D

DRAFT DOWNTOWN SPECIFIC PLAN ERRATA TABLE

DTSP ERRATA TABLE	
page	subject
4	figure ground map - correct DTSP boundaries
8	Figure A1.2 - correct DTSP boundaries
9	Figure A1.3 - correct Fair Oaks Corridor boundary
28	Figure A2.1 - correct Fair Oaks Corridor boundary
34	Figure A2.5 - add "public" before "parking" in first sentence.
35	3.2 - add "with active ground floors" after "base" in first sentence.
35	make street names more visible in infill diagram
50	A2.1a - strike "senior planner or other"
57	A3.2b - revise to read "Consider seeking voter approval to raise the 45 foot height limit within the Downtown Specific Plan area."
82	Figure B.6 - correct Fair Oaks Corridor boundary
85	Delete action A9.1B
88	Figure C.1 - correct Fair Oaks Corridor boundary
88	Figure C.1 resolve mapping inconsistencies @ Pasadena Ave and bridge
88	Figure C.1 resolve mapping inconsistencies @ Garfield north of alley
93	Figure C1.1 - correct Fair Oaks Corridor boundary
99	Figure C2.1 - add within DTSP boundaries 5313-004-026 5313-004-054 5313-004-055 5315-002-061 5315-002-062 5315-002-063 5315-002-064 5315-002-065
101	Replace "Planning Commission" with "Director" (for consistency with 36.210.030 A.2)

101	Strike C3.1 A.5.
102	Table C3.1 section 2, revise to use land use definitions, starting pg. 163
103	Table C3.1 section 4, revise health fitness category to P/AUP in both zones. P for facilities 3,000 sq/ft or smaller, AUP for greater than 3,000 sq/ft
103	Table C3.1 Section 4, revise health fitness category to include "tutoring" to the end of the description. The process is the same (P/AUP)
103	Table C#.1 Section 7 (Other Uses): add "Telecommunications facilities" with a requirement for a CUP in all zones.
106	In Section C3.3, add language stating that the Mixed Use Core zone has an allowed density of 70 dwelling units/acre.
106	Update the building floor exhibits to show a minimum 2nd storey ceiling height of 8 feet.
106	Revise the exhibits to show a minimum step-back of 8 feet.
107	Remove C4.3 G. text and related illustration and replace with the following: G. Minimum Unit Size Residential units shall be no less than 450 square feet.
107	Under Section F, revise the text to read "Standards for Buildings Exceeding 45 feet in Height" with a footnote that reads "Building heights in excess of 45 feet are subject to State Density Bonus concessions and waivers. See SPMC § 36.370.030"
107	Under Section D, update the table language and building floor exhibits to show a minimum 2nd storey ceiling height of 8 feet.
108	In Section C4.4, add language stating that the Fair Oaks Avenue zone has an allowed density of 110 dwelling units/acre.
108	Update the building floor exhibits to show a minimum 2nd storey ceiling height of 8 feet.
109	Remove C4.4 G. text and related illustration and replace with the following: G. Minimum Unit Size Residential units shall be no less than 450 square feet.
109	Under Section F, revise the text to read "Standards for Buildings Exceeding 45 feet in Height" with a footnote that reads "Building heights in excess of 45 feet are subject to State Density Bonus concessions and waivers. See SPMC § 36.370.030."

109	Under Section D, update the table language and building floor exhibits to show a minimum 2nd storey ceiling height of 8 feet.
112-123	Reverse order of the Typologies from large to small.
123	I.3. Strike second and third sentence.
138	Figure C6.1 - correct Fair Oaks Corridor boundary
148	Figure C8.1 - correct Fair Oaks Corridor boundary
159	Add text to complete 10.1 Administration
159	Correct muni code citation at C10.1 C to read Section 36.410.070
174	A2.1a - strike "senior planner or other"
176	A3.2b - revise to read "Consider seeking voter approval to raise the 45 foot height limit within the Downtown Specific Plan area."
186	Delete action A9.1B
186	missing photo?

**DRAFT DOWNTOWN SPECIFIC PLAN
SECTION C10 ADMINISTRATION**

10.1 ADMINISTRATION

A Review Authority

This Section of the Downtown Code identifies the responsible body or individual that has the responsibility and authority to review and act upon applications submitted to the City within the Specific Plan boundaries.

B Applications

1. **Non-Residential Projects.** Projects that do not include residential uses shall be subject to the applicable application requirements and approval processes as set forth in Division 36.400 of the Municipal Code unless otherwise established in the Specific Plan.

2. Residential and Mixed-Use Projects.

i. Ministerial Approvals.

(a) Projects meeting the following criteria shall be subject to ministerial approval by the Community Development Director:

(1) Any residential or mixed-use project with ten or more residential units that provides affordable housing in compliance with the City's Inclusionary Housing Requirements (Division 36.375 of the Municipal code.

(2) Any residential or mixed-use project with nine or fewer residential units in which at least twenty percent (20%) of the units are affordable to lower income households.

(b) The Community Development Director shall develop an application for ministerial approvals pursuant to this paragraph, and procedures for processing applications for the ministerial approvals. The procedures may include a limited design review process and applicable standards; however, any limited design review process shall not constitute a "project" for purposes of the California Environmental Quality Act.

(c) If a project qualifies for ministerial processing pursuant to this Section (i), review of any density bonus application, including any requests for incentives or concessions, waivers, reduced parking requirements, shall be reviewed ministerially.

(d) If a project qualifies for ministerial processing pursuant to this Section (i), the project shall be exempt from any requirement for a Certificate of Appropriateness pursuant to the Municipal Code, unless the project site is in a designated and adopted historic district or is a designated historic resource on the National Register, State Register, or South Pasadena Register of Landmarks and Historic Districts.

ii. Discretionary Applications: Any residential or mixed-use project that is not subject to a ministerial approval pursuant to the foregoing Section (i) shall be subject to the applicable application requirements and approval processes as set forth in Division 36.400 of the Municipal Code

3. Project applications shall be reviewed within 30 days of submittal and either deemed complete if all application information and materials have been provided, or deemed incomplete if missing information and/or materials have been identified. Once complete, project applications shall be reviewed in compliance with the Permit Streamlining Act.

C Special Exception Process

The purpose of a special exception is to allow projects that provide special amenities, design details, and/or aesthetic benefits to the community. If a special exception is requested, it will be processed pursuant to the procedures for Administrative Modifications found in Municipal Code Section 36.410.060. The application shall include a full description and explanation of the proposed project component that is the subject of the request, and shall provide justification based on the findings below.

Required Findings for Special Exceptions

Before a Special Exception may be granted the following findings must be made:

- i. The proposed project, while not consistent with a specific provision of this code, is justified by its intent to pursue a comparable or better designed development;
- ii. The proposed project would result in development compatible with the scale and character of existing development in the vicinity; and
- iii. The proposed project would result in development that is not detrimental to and would not adversely impact adjacent properties.

Limitations: Applications for Special Exceptions shall be limited to exceptions to building placement, lot size, building types and frontage types.

D Preliminary Review Process

The purpose of the preliminary review process is to allow an applicant to submit a preliminary plan and receive comments from the City prior to formal submittal. Applicants proposing new construction are highly encouraged to request Preliminary Review early in their planning process. There is a "pre-application meeting fee" associated with this consultation.

PUBLIC COMMENTS

(INCLUDING COMMENTS FROM AUGUST 8, 2023)



July 29, 2023

To: Community Development Department, City of South Pasadena
Planning Commission, City of South Pasadena

From: South Pasadena Tenants Union

Re: 2023 Draft General Plan

Dear Community Development Staff and Planning Commissioners:

I am writing in response to the most recent draft of the General Plan. Due to a lack of member availability, SPTU was unable to attend the community forums.

At the request of CDD, I met with Mr. Rangwalla on behalf of South Pasadena Tenants Union, on June 1. In this meeting I reviewed past concerns and updated our input. Of the items discussed were parking, economic development and adherence to the Housing Element and RHNA. I said that after six years, the General Plan would need more than a few updates if not a complete revision, being incredibly out of date.

I reiterated our support of the Housing Element that includes a ballot measure to repeal restrictive building heights, the removal of the current parking requirements, and the inclusion of measures to protect and preserve existing affordable housing. I was surprised to hear Mr. Rangwalla start off our conversation by saying that the city will never build all the housing that it is proposing in the Housing Element. I responded by saying our expectation is that City makes compliance with the State a priority and does everything in their power to assure that those units of affordable housing are delivered.

I also stated that there is no lack of parking in South Pasadena. It is rare that one is not able to find a parking place anywhere in South Pasadena that is not convenient to where it is that they are going. This might happen once or twice a year during special events like the 4th of July parade or The Eclectic Music Festival. If we claim to promote ourselves as a walkable city committed to green policies and practices, it is illogical to be obsessed with having to have an over-abundance of parking. Additionally, I restated our lack of support for the overwhelming investment in creative placemaking as the singular focus of economic development.

In review of the current draft, we find that this General Plan lacks a viable strategic vision for the future of our city. It fails to incorporate modern concepts and trends in all areas except for climate action. That being said, the progressive climate action plan is negated by restraints on economic development and housing development.

Our Creative Community

In SPTU's public comments on the previous Draft of the General Plan, we questioned the viability of an economic development strategy based solely on investment into the formation of a creative placemaking centered economy. In my meeting with Mr. Rangwalla, I stated that it would be more prudent to attract information technology or bio engineering companies. We also question the wisdom of segregating large employers to the Ostrich Farm district given the distance to the Metro station.

Mr. Rangwalla used Bullseye Glass as an example of a thriving local creative based business located in the Ostrich Farm district. Bullseye Glass Company is headquartered in Portland, Oregon where it was originally founded. While they do employ over one hundred staff companywide, the figure is not large enough to indicate that their presence in South Pasadena justifies bustling creative based economy is feasible. According to Zippia.com, employer statistics and demographics for Bullseye Glass Company lists their employees as being primarily white at 71% and male, at 78%. Bullseye Glass, while a lovely company, does not represent an ideal model of a 21st century California industry and an arts-based economy is not the basket in which we should put all our eggs.

In a cursory search of industry clusters providing the most revenue growth for LA county are healthcare and health services, construction, information technology, clean energy and transportation, digital media technology (Artificial Intelligence), manufacturing, fashion, trade and logistics. The General Plan has many pages dedicated specifically to investment in "Our Creative Community" and nothing else. No one would ever advise an investor to put all their 401k in one stock, so why would our city do that with our future economy?

It is my understanding from participation in the both the charettes and community forums in 2019, that this arts-centric direction is in response to input collected from what is now a shrinking demographic of South Pasadena residents that is primarily white and affluent. Local, regional, state and national demographics, economics, urban planning and housing production and arts funding priorities have changed dramatically since the charettes took place thus rendering this paradigm outdated. Nationwide, the businesses that did not survive the pandemic within the top five are arts and live entertainment. This suggests that implementing "Our Creative Community" as an economic driver is reckless. When there are world class art centers eight miles away in Downtown LA such as The Broad, The Music Center, Grand Park, MoCA, LA County Library, the museums at Exposition Park and a vibrant gallery, music, entertainment and restaurant scene, would South Pasadena realistically be able to compete for those art grants and tourism dollars? If so, how much time and investment of tax dollars would it take to compete?

The General Plan assumes that industry and arts tourism will be drawn to South Pasadena despite there being limited retail, restaurants, lodging, housing opportunities at all levels or an urgent care center to accommodate an influx of workers and visitors. Dynamic companies like those that South Pasadena should be striving to attract will require convenient housing options for their workforce. Cities, like Culver City and Santa Monica appeal to burgeoning industries including digital media and online entertainment, because workers can live car free. Housing, retail, food services, healthcare services and tenant protections were developed to meet the needs of younger, racially and culturally diverse workers. Housing and services are all within walking distance of workplaces and are easily accessed by bike, e-

scooters or ride share. South Pasadena offers none of these benefits and the zoning proposed in this draft General Plan is prohibitive of such development and policy creation.

We would like to see the following information included in the General Plan:

- Data that demonstrates the benefit and sustainability of creative placemaking as an economic development strategy. This should include an analysis of art funding from the Federal government and state for which South Pasadena would qualify.
- Zoning ordinances that support the transition of a small affluent city as a destination for diverse employers, workers, commerce and visitors.
- Budget projections demonstrating that the City's general fund will be able to support creative based economic development over the next decade.
- Sampling of costs to taxpayers over the course of the GP to sustain the proposed creative community economic model. This would include the staff to research and prepare grants, manage and track results of grants and oversee outcomes of contracts provided to SPARC, the Chamber of Commerce and other community-based organizations.

This next points are of considerable importance to South Pasadena Tenants Union:

- P.9.2 Page 188 - Develop and market spaces for artists including studios, affordable housing, and live/work studios.
 - Please explain how the city proposes to a) define "artists", b) how the City proposes to earmark the creation of affordable housing to "artists" and c) how this proposal aligns with HUD guidelines for affordable housing and Fair Housing.
- Building heights for the Mission/Fair Oaks corridors correspond with those stated in the Housing Element. It is our understanding that the City is obligated to conduct a ballot measure on the repeal of the existing building height restrictions but where does it explain this in the draft General Plan? The draft leads the public to believe that building heights will forever remain at three stories and four stories on Fair Oaks. It is this type of inconsistency in our public documents that angers residents on both sides of the issue. Given that SPTU, wrote a good faith letter of support to HCD for the 5th Draft Housing Element, we are afraid that the incongruities on building heights, the size of required courtyards and parking requirements, and the statement by Mr. Rangwalla that South Pasadena will not meet the RHNA numbers, will jeopardize the certification. With the General Plan draft contradicting the Housing Element in these areas, SPTU is rightfully concerned that the city may also attempt to skirt tenant protections.

We thank you for your consideration of our comments and look forward to seeing a revised General Plan that better addresses our ongoing concerns, aligns with the Housing Element and upholds HUD and Fair Housing guidelines. We will be closely monitoring the progress of the General Plan going forward.

In solidarity with workers and tenants everywhere,



Anne Bagasao

For South Pasadena Tenants Union

From: South Pas Active Streets <info@southpasactive.org>
Sent: Tuesday, August 1, 2023 2:08 PM
To: CDD <CDD@southpasadenaca.gov>
Subject: Comment on draft General 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.

To the City of South Pasadena,

South Pas Active Streets (SPAS) is a community organization working to strengthen our city by improving walkability and bikeability. We believe that every part of the city should be safe and accessible to people of all ages and abilities, and we aim to achieve that goal through community programs and advocacy.

The recent draft General Plan of South Pasadena includes numerous goals, policies, and actions that are relevant to the SPAS mission. Here, we include comments on specific items posted at <https://www.southpasadenaca.gov/government/departments/planning-and-building/general-plan-downtown-specific-plan-update> (July 17 version).

We support the Plan goals of improving safety for walkers and cyclists in our city. Policies 4.1, 4.2, 4.4, 4.6, 4.7, 4.10, and 6.2 (and accompanying actions) are all positive developments for walkers and bikers. This, in turn, supports our goals for sustainability and improved quality of life for South Pasadenans. We thank the city for the inclusion of these Policies.

We oppose the following items:

-
-
- P4.3 includes language about increasing
- enforcement of traffic laws and is identified with the Social Equity lens. We feel that enforcement should focus on reducing harm in our community, which is disproportionately done by motor vehicles and disproportionately harm on people of color. The language
- in this item implies that pedestrians and cyclists are causing equal harm, which is demonstrably false. Supporting a more inclusive and sustainable community will require reducing harms caused by motor vehicles and this item should state that explicitly.
-
-
-
- A4.5c refers to modifications to
- the “bulb-out” curb extensions on Fair Oaks Avenue and is identified with the “Aging in Place”, “Social Equity” and “Vision Zero” lenses. First, we find inclusion of a specific, ongoing project in the Plan odd. For example, what does “proceed” mean in this
- context, given that this planning document does not discuss the status of this project? Second, bulb-outs are street design elements that slow automotive traffic and improve pedestrian safety, which are explicit goals of other parts of the Plan. Their purpose
- is to make it easier and more comfortable to cross the street, which makes the
- **inclusion of bulb outs**
- well aligned through the lens of “Aging in Place” for seniors or those with disabilities, who have difficulty crossing streets. “Social equity” is advanced, as people of color are disproportionately impacted by traffic violence. “Vision Zero” goals explicitly
- add elements such as bulb-outs to busy intersections. Advocating for **removing**
- bulb-outs with the lens of “Aging in place”, “Social equity”, and “Vision zero” is offensive and undermines confidence in this planning process. Those labels should all be removed. Given the misalignment of this item with these perspectives, as well as other
- policies in Section 4 of the Plan, we ask for this action item to be removed.
-

-
-
- P4.9 refers to “reducing traffic
- congestion” and associated actions are identified with a “Vision Zero” lens. This Policy is primarily concerned with increasing investment in the convenience of motor vehicles. This transportation mode already draws a disproportionate amount of our city's
- money and resources, despite great cost to our environment through carbon emissions and other air pollution, in addition to traffic violence. This item should be removed entirely, as it directly undermines the central goals of safe and sustainable living.
- The
- items A4.9a and A4.9b, as described, do not promote “vision zero” goals and those labels should be removed.
-

We thank the city for creating an open process for defining the goals and actions for our community. Please let us know if we can provide any more information to support our comments here.

Sincerely,
South Pas Active Streets
info@southpasactive.org

August 6, 2023

To: South Pasadena Community Development Department
Re: 2023 South Pasadena "Draft" General Plan and Downtown Specific Plan Comments
from Lisa Pendleton

Historically South Pasadena's planners, residents and stakeholders have worked diligently to produce progressive planning opportunities while maintaining our small town qualities. Our current General Plan and Mission Street Specific Plan (adopted in the 90s) included moving the Metro Station to our downtown where we planned for mixed-use residential projects along with the adaptive re-use of our historic buildings. At the same time, we made sure to preserve and enhance our downtown and residential neighborhoods with reasonable density, conditional use requirements and design review to assure projects were compatible with their neighbors. In addition, the plans supported a variety of commercial opportunities from large convenience stores to small retail, offices, and live-work options. These plans also removed the long-standing freeway threat that would have divided our city. At the end of the day our city has more to show in multi-family and affordable housing along with diverse commercial uses, than most of our comparable neighboring cities. This history and where we are today is important because as we embark on new plans that will provide our share of much needed housing, we need to also understand how we have done so in the past while still preserving our city's unique character.

I believe the new Draft General Plan and Specific Plan are going too far down an unnecessary path of extreme density which impacts are not fully vetted nor understood by the public. It is not too late to assess the full impact of these proposed plans and consider alternatives that still achieve the state housing mandates and inclusionary goals while providing plans that understand the importance of controlled growth and maintaining our neighborhood identities. To that end, I have the following comments that I would like considered and addressed:

1. Provide a Build-Out Analysis of the Proposed Plans – A build-out analysis is a common planning tool used to create a projection of all development that would occur in a proposed plan's framework. It is important to give the total number of units and population calculated on all proposed density increases for the entire city if the plan was fully built out. This number should also include ADUs as allowed throughout the city and any bonus density or inclusionary housing provisions. The projected increased density and population numbers currently given in the Draft General Plan and PEIR are not true "build-out" numbers. The public should understand the total density and population increase that these plans would be committing the city to going forward and if the total build-out numbers are more than what is the absolute minimum required they should be reduced. This is especially important given the state may impose more housing mandates in the future and we do not want to have to add on top of already inflated density.
2. Address the Disparity between the Proposed Plan's Density and Existing Single Family Neighborhoods – The proposed plan's increase in density with increased units per acre, smaller lot sizes, along with current allowed multi-story ADUs with reduced setbacks and lack of required parking, needs to be addressed. The impact of these new developments to our existing single family neighborhoods is very significant and is not being truly reflected in the plans. The plans need to better convey the physical differences between the proposed (including ADUs) and the existing and show ways these differences can be mitigated. If the proposed increase in density along with ADUs is too extreme then ways to reduce the density and scale in our predominantly single family neighborhoods needs to be considered.
3. Explain Where and How Projected Commercial Growth Will Occur – There needs to be an explanation of how the plans propose to add 100s of thousands of commercial (office and retail) square feet when most of the key sites shown for multi-family development are significant existing commercial uses that would be removed with the proposed multi-family developments. Where is the commercial growth expected under these circumstances? The proposed retail component of a mixed-use residential project would not come close to replacing the commercial that would be removed, let alone grow it, and the proposed plans make no provision for future "exclusive" substantial commercial development. The proposed plans need to show specifically how and where this expanded commercial growth will occur.

August 6, 2023

2023 South Pasadena "Draft" General Plan and Specific Plan Comments
from Lisa Pendleton (continued)

4. Provide True Data on the Loss of Key Commercial Sites Proposed to be Redeveloped with Multi-Family Residential – With most of the large retail sites in our city targeted for redevelopment to multi-family there needs to be an analysis that shows the impact of the loss of these shopping opportunities and the loss of sales tax revenue generated by those larger retail uses. Typically, the type of mixed-use projects proposed to replace these existing commercial uses would only have small retail spaces which would not come close to generating the same type of shopping opportunity or sales tax revenue, even with a gain in property tax from the proposed mixed-use residential project, the loss of sales tax revenue would still be significant. The plans need to address the loss of convenience to the residents and loss of sales tax to the city if these commercial uses are to be demolished.
5. Clarify Public Input and the Role of Council Appointed Commissions and Committees in Reviewing Proposed Projects - It is not clear what mixed-use or multi-family projects will still be publicly reviewed under the proposed plans. Only relying on city planners to review projects, even with form-based massing and design guidelines in place, cannot replace the role of public input. History has shown when public eyes are removed from the process the results often do not enhance the neighborhood and in some cases, as experienced in other cities, can lead to corruption. The proposed plans should make a specific case for continued public input at all stages of the project design and specifically show how the public and city council appointed committee/commissions will play a role in reviewing projects going forward.

In conclusion, I believe it is important that South Pasadena control its own destiny. It is not too late to make changes, including reducing density and adding other planning measures as necessary to assure South Pasadena remains the city we all can be proud of for the foreseeable future.

Respectfully submitted by,

Lisa Pendleton, Architect
Former South Pasadena Planning Commissioner
Former member of South Pasadena's 1990s General Plan and Mission Street Specific Plan Advisory Committees

cc: Mayor Pro Tem Evelyn Zneimer

From: [Josh Albrektson](#)
To: [PlanningComments](#)
Subject: 8/8 Planning commission meeting.
Date: Thursday, August 3, 2023 11:58:04 PM

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.

I will yet again quote the bottom of page 14 of the June 10, 2020 HCD memo on Housing Elements. I have quoted this paragraph many times and it has been directly stated to the South Pasadena staff by HCD, and yet they still have no idea what this paragraph means. I have highlighted the most important part.

https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf

"The analysis of "appropriate zoning" **should not include** residential buildout **projections** resulting from the implementation of a jurisdiction's inclusionary program or **potential increase in density due to a density bonus**, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households."

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Josh Albrektson](#)
To: [PlanningComments](#)
Subject: 8/8 Planning Commission item 2.
Date: Tuesday, August 8, 2023 4:57:31 AM

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.

1. The zoning in these plans \neq the zoning you guys have in the Housing Element.

You guys worked so hard to get a Housing Element that HCD found acceptable. In that Housing Element it had commitments to the zoning that you guys were going to enact. I wrote a letter of support for the Housing Element based on that zoning.

The Downtown Specific Plan and General plan presented today does not have the same zoning as what was in the Housing Element. I don't know what the staff is thinking, but that is pretty amazing considering they have to turn it into HCD for approval.

Apparently Staff Doesn't think the Housing Element is binding.....

2. Whoever wrote the downtown specific plan has no fucking idea how the state density program works or what the requirements is. And I am getting very sick and tired of the South Pasadena staff REPEATEDLY proposing illegal NIMBY things.

It shows a stunning lack of competence that the people in charge of evaluating a density bonus project in South Pasadena don't understand the basics of how the density bonus is supposed to be implemented. So I am going to explain it.

A city CANNOT apply restrictions to what properties can use the state density bonus. The ENTIRE point of the density bonus is to overrule the local community. If a property is zoned for 4 units, they can add a low income unit and they can waive EVERY standard that they need in order to make their project viable.

What is listed on pages 107 and 109 of the Downtown Specific plan on "F. Standards for any buildings with a density bonus" is blatantly illegal. You ABSOLUTELY CANNOT require a minimum lot size, a minimum courtyard, setbacks, of space between adjacent buildings.

And it is amazing that the people South Pasadena has hired to evaluate housing projects thinks this is true. And the fact our city attorney reviewed this and it is still in the document is amazing.

This is why South Pasadena has been sued and this is why South Pasadena will be sued again.

There was an article on the density bonus on the front page of this past Sundays LA Times

<https://www.latimes.com/homeless-housing/story/2023-08-01/developer-akhilesh-jha-california-housing-apartments>

I will pull the Quote from Ben Metcalf, the previous head of HCD.

"You can basically choose anything you don't like in the zoning rules and you get free passes to throw it out the window," Metcalf said. "It's kind of an amazing law."

So just so our staff is clear, for all density bonus projects the applicant can waive whatever zoning they would like and you cannot apply restrictions like minimum lot sizes.

You also CANNOT require a Pro-Forma like you guys did for 815 Fremont. Page 5 of the following Density Bonus primer which you guys should read:

“A 2021 appellate court case, Schreiber v. City of Los Angeles, held that a local government may not require an applicant to submit a pro forma or other documentation to prove that a requested incentive or concession is required in order to make the housing development economically feasible”

https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2023.pdf

3. Mixed Use Core on page 7 of your agenda packet- “The development intensity would allow up to 70 dwelling units per acre with allowable buildings height up to five stories (assuming State Density Bonus provisions).”

The Housing Element requires this to be 84 ft. Hcd has told your staff this many many many times. This is literally in the HCD letter to South Pasadena on January 27th.

<https://www.southpasadenaca.gov/home/showpublisheddocument/31366/638106825930930000>

Program 2.n (Citywide Height Limit Ballot Initiative): While the program now commits to height limits no less than 60 feet or six stories, it should also consider appropriate height limits for 70 units per acre. The Program could either commit to (a) remove height limits all together and replace all height limits as appropriate to encourage maximum densities, (b) specifically commit to accommodate 70 units per acre (e.g., seven stories and 84 feet) in addition to accommodating 50 units per acre or (c) replace the minimum height to be established with seven stories and 84 feet

This is supposed to be 7 stories, but regardless, the parts of the staff report where they limit heights with the density bonus like saying it would be 5 stories is illegal.

4. I will yet again pull the quote from the bottom of page 14 of the HCD Housing Element guidelines. I have read this multiple times and I am SHOCKED that city staff still has a problem understanding what it means.

“The analysis of “appropriate zoning” **should not include** residential buildout projections resulting from the implementation of a jurisdiction’s inclusionary program or **potential increase in density due to a density bonus**, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households”

Your staff repeatedly does this and thinks HCD will find it acceptable and they are so shocked claiming they had no idea it wasn’t ok.

This paragraph from the staff report literally outlines what they are not supposed to do.

“The DTSP contains two primary zoning designations: Mixed Use Core and Fair Oaks Corridor. The Mixed Use Core encompasses the vicinity of Mission Street and contemplates a development intensity of 70 dwelling units per acre with a height range of **1-5 stories (building height above 45 feet is subject to State Density Bonus concessions and waivers)**. The Fair

Oaks Corridor allows for more intensive development with a maximum density of 110 dwelling units per acre. While the General Plan outlines **development envelope standards such as allowable density and height, including provisions for taller building height in keeping with State Density Bonus concessions and waivers**, the DTSP contains specific development standards under what is known as a “form-based code.” A form-based code provides objective development standards that aim to create an active streetscape and a walkable community, and these standards would apply to both Mission Street and Fair Oaks Avenue. The new DTSP contemplates a maximum of 1,230 additional units—880 units for Fair Oaks Avenue and 350 units for Mission Street—over the life of the plan (2040). “

It is the base zoning that must accommodate the units and that is what the Housing Element committed to do and these plans intentionally don't

I would be there in person, but I care more about the LAFC game. Staff is just going to lie to you guys again and say I don't know what I am talking about, and then yet again HCD is going to say no, and staff will say no one could have seen this coming. I already reported the density bonus restrictions to HCD.

At some point of time city council and you guys will realize staff is costing you hundreds of thousands of dollars and causing HCD to crack down on your and other organizations to sue you because they keep trying to legally and illegally stop housing from being built in South Pasadena.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Joanne Nuckols](#)
To: [PlanningComments](#)
Subject: 45" Height limit via citizens initiative, 1983, not mentioned in GP or MSSP
Date: Tuesday, August 8, 2023 8:59:49 AM
Attachments: [height limit.pages](#)

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.

Planning Commissioners, I am writing to you, because of concern over the lack of mention of the South Pasadena (SP) voter initiative which passed in 1983 instituting a 45' height limit as well as a prohibition on parking variances over 5% in the General Plan (GP) and Mission Street Specific Plan (MSSP). In fact, there is a graphic and wording in the MSSP which literally states that with a state density bonus, you could build over 45,' which is not true. This is an absolute violation of the voter initiative imposed 45' and SP Zoning Code and should be changed in the MSSP.

See statement below in response to my question to City Attorney in city meeting August of 2022 and response in writing to my comment to draft Housing Element (HE) in 2023:

"City staff responded that a voter approved initiative supersedes both the General Plan and Zoning Ordinance of the city, and that if they conflict the voter approved initiative prevails. However, if the voter approved initiative is in conflict with State law, then the state Law superseded the voter approved initiative. Since South Pasadena's height limit does not directly contradict State law, and because there are alternative ways for the City to meet it's requirement under State law that do not require the repeal of the height limit, it's the opinion of the City that State law cannot supersede the City's height limit."

I brought this up in writing to city staff in an email of June 21, 2023 (bottom of comment) with no response and verbally several times at the city meeting June 17th about the GP and MSSP. My concern, which is now amplified with factually incorrect information in the MSSP and no mention whatsoever in the GP, is that this information is being ignored in hopes that it will go away. It will not go away!

I'm asking that the Planning Commission, as SP citizens representatives, ask the staff to revise the MSSP and GP to reflect the fact of the citizens of SP imposed height limit until that time it is repealed.

I have skimmed both documents and may have missed something and if that's the case please direct me to the information about the 45' height limit? But, the graphic and wording about building over 45' with a density bonus validates my statements and concern that the document is factually incorrect and illegal per the voters of SP 40 years ago.

A friend, a former Deputy City Attorney for City of Los Angeles, and I have been doing research on this issue for the last year, and we know that our information is rock solid

as validated by the former City Attorney for South Pasadena and city staff above in bolded HE statement. Additionally, I brought up the issue to the new City Attorneys in June who said they were starting to do research as well. It's been about 2 months now and no responses or information from City Hall causes a lot of concern for the citizens of SP let alone incorrect information in the documents that are a promise to the community for the development future of our city.

Additionally, if the 45' height limit was not absolute law in SP and superseded state law, why did the YIMBY, group that sued the city, negotiate as part of their settlement that the issue be put on the ballot for repeal by December, 2024? That group knows that the city's position defending the voter initiative is law. There is no getting round it, 45' is the height limit for SP as well as no parking variances over 5% and must be reflected in these new planning documents. It's not far to developers nor, most of all, the citizens of SP to not be crystal clear on the city position.

Thank you in advance of your clarity, consideration and action for the citizens of SP. We are counting on you to be our voices.

Joanne Nuckols

Former Member of the General Plan and Mission Street Specific Plan Committee, 1996

----- Forwarded Message -----

From: Joanne Nuckols

To: afraustolupo@southpasadenaca.gov <afraustolupo@southpasadenaca.gov>; abecker@southpasadenaca.gov <abecker@southpasadenaca.gov>; mchang@southpasadenaca.gov <mchang@southpasadenaca.gov>

Cc: dmegerdichian@southpasadenaca.gov <dmegerdichian@southpasadenaca.gov>; achaparyan@southpasadenaca.gov <achaparyan@southpasadenaca.gov>

Sent: Wednesday, June 21, 2023 at 11:00:34 AM PDT

Subject: Height limit via citizens initiative

Angelica, Alison and Matt, attached is a summary of the height limit from my perspective after doing research for the last year which I sent to some South Pasadenan's a few months ago that were asking about the height limit and does or doesn't it apply? The second attachment is a picture of the twin towers that were approved by the city council to be built at 625 and 711 Fair Oaks and which prompted the citizens initiative which imposed the height limit and parking variance prohibition. I think the quote from one of the HE drafts, which I assume was written by Andrew Jared and echoed his comment last August at the Sat morning meeting at city hall, are sufficient to establish the city's position. Andrew Jared and CHW's position is absolutely right on this particular issue.

I have been in discussion with a local former city attorney who's been doing legal

research, and will continue to, which confirms the statement and city's position stated here that the voter imposed height limits AND the accompanying parking variance restriction supersede state law. There are very few cities in California that have voter imposed height limits and only the voters can overturn it.

I assume the council or staff will have the new city attorneys do their due diligence to confirm this statement and even strengthen it and most of all use it to possibly chart a different path for the General Plan before it's too late. As I stated Saturday, it makes no sense to spend time and city resources allowing for higher building in the General Plan, which distracts from the day to day work, without first having the vote of the people to repeal the height limit and doing due diligence as to consequences of not looking before you leap.

We have had this height limit in place for 40 years, which has shaped the development of the city, and some feel it has saved South Pasadena from going the way of over development like some areas of Pasadena. Our strength is in our small town character and we need to fight to protect it from State overreach like the freeway fighters did decades ago.

Thank you for your consideration.

Joanne Nuckols

From: Chris Bray

Sent: Tuesday, August 8, 2023 12:49 PM

To: CDD <CDD@southpasadenaca.gov>

Subject: one comment on the draft general plan

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Pg. 44: "As such, the City's market can support 185,000 to 370,000 square feet of new office floor area over the next two decades, the majority of which is likely to be in the 'creative office' format, which generally offers large, open and flexible spaces."

The commercial real estate market is in decline, office vacancies are increasing sharply, and the post-pandemic transition to "laptop class" remote work seems likely to persist to some degree. Substantial growth in new office space seems unlikely.

<https://www.fdiintelligence.com/content/data-trends/out-of-office-us-vacancy-rates-hit-record-high-82348>

Chris Bray

From: Douglas Yokomizo

Sent: Tuesday, August 8, 2023 3:49 PM

To: Angelica Frausto-Lupo <afraustolupo@southpasadenaca.gov>; Alison Becker <abecker@southpasadenaca.gov>; Matt Chang <mchang@southpasadenaca.gov>

Cc: David Snow (dsnow@rwglaw.com) <dsnow@rwglaw.com>

Subject: Comments on the Downtown Specific Plan/PEIR

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.

Dear Commissioners and City Staff:

I have a number of questions and observations about the Downtown Code (“DC”) contained in Part C of the Downtown Specific Plan (“DSP”):

- C1.1.C specifies that the DC will be added as Article 36.240.020c of the South Pasadena Municipal Code (erroneously abbreviated as “SDMC”) and that “except as specifically referenced within the DC, the SPMC requirements in place prior to adoption of the DC are hereby replaced by Article 36.240.020c.” C1.2.B.2, however, provides “Where a requirement exists for the same topic, in both the DC and other sections of the SPMC, the requirement of the DC shall prevail unless otherwise specified..”
 - Does C1.2.B.2 only apply to a conflict between a provision of the DC and a provision of the SPMC specifically referenced in the DC?
 - Or does it apply to all conflicts between the DC and the SPMC covering the “same topic”?
- The development standards set forth in C4.3.D and C4.4.D impose minimum and maximum dimensions and lot sizes within the DSP depending on the type of “Building Type” selected, with the lot size ranging from a minimum of 2,500 sf to a maximum of 40,000 sf. The minimum lot size is unlikely to be an issue, but, there are approximately 15 sites in the Fair Oaks Corridor which exceed the maximum. The maximum lot sizes are unchanged since the November 2019 DSP draft, which was based on a significantly lower RHNA number and a maximum density of 30 du/acre.
 - Is the intent that no development project be allowed on a lot larger than 40,000 sf?
 - Or on a lot which doesn’t conform with the specified maximum width or depth (even if the total lot is less than 40,000 sf)?
- Under C1.2.B.4.b, before a non-conforming lot could be improved it would have to comply with C1.2.C.a which specifies that “Lots which are non-conforming as to width may be adjusted or subdivided provided by the resulting re-configuration brings the non-conforming lot into, or closer to conformity with the requirements of this plan.” The width is specified in C4.3.D/C4.4.D as “Building site width along primary frontage.”
 - What does “primary frontage” mean on a corner lot—is it the longest street frontage for the lot? Or is it the frontage on busiest street?
 - Does this mean any lot with more than 200’ of primary frontage would have to be subdivided?
 - So long as the primary frontage is 200’ or less, does C1.2.C.a allow a lot non-conforming on account of the depth or total square footage to remain non-conforming?

- C1.2.B.5 further requires that a modification or subdivision of a parcel must comply with Section 7.0 Streets and Block Standards. This contemplates the creation of new blocks with a “face length” of no more than 400’ in the Mixed-Use Core and 600’ in the Fair Oaks Corridor.
 - Is the intent that any block exceeding these “face lengths” will be broken up by the addition of a street? The Sequence of Applying Block Standards in C7.2.D seems to envision this result. Step 1 specifies that “Sites that are 4 acres or larger in size or existing blocks with 700 feet of frontage on any side shall be subdivided further to create additional blocks per the requirements of Table C7.1.” By Step 5, the “block” is broken up into a number of smaller lots, each containing “no more than one main building,” divided up by the addition of streets and alleys.
 - So what triggers the need to comply with the Block Standards?
 - How is this intended to work when, I believe, with the exception of the former School District and Pavilions lots, the other blocks within the DSP have multiple owners?
 - Is the expectation that the property owner(s) dedicate the land for the street(s) to the City? And to fund the construction of the new street(s) and appurtenant improvements?
 - Who will be responsible for the ongoing maintenance of the street(s)?
- The development standards set forth in C4.3.D/C4.4D impose minimum and maximums on the number of stories and the building height within the DSP depending on the type of “Building Type” selected, with the building height ranging from a minimum of 18’ to a maximum of 45’. The maximum heights are unchanged (taking into account the “community benefits” bonus contemplated at that time) from the November 2019 DSP draft. These height limits will not accommodate the increased densities within the DSP.
- The Building Standards in C5.1 and C5.2 allow for only ten “Building Types” within the DSP. The idea that these 10 Building Types include the entire range of possible buildings is presumptuous and will impose these architectural styles on all properties in the DSP (which over time could result in a very homogenous appearance). For a proposed project meeting the spirit and intent of a Building Type, the DC should allow the Planning staff to permit variations from a Building Type without having to go through the Special Exception Process. Also, there should be a process to approve a proposed project not falling within one of the specified Building Types that doesn’t require that it “provide special amenities, design details, and/or aesthetic benefits to the community” (which is required to qualify for a Special Exception).
- The DC defines the permitted uses within the DSP in Table C3.1, Land Use Table and the corresponding definitions set forth in C11. There are several issues which should be examined:
 - Some of the uses described in the Table don’t match the definition. An example of this is “Personal Services.” The Table lists “Personal Services” and then lists a number of uses falling within this category, including “adult and child day care centers.” The definition for “Personal Services” in C11 similarly includes a list of typical uses, but it doesn’t include “adult and child day care centers.” The Table should only list the primary use (in this example, “Personal Services”) and leave the fleshing out for the definition in order to avoid such inconsistencies.
 - Some of the uses described in the Table don’t match the definition exactly. An example of this is “Professional Services,” which is listed in the Table but for which there is no definition. C11 does include a definition for “Offices—Professional” which is close but not identical to the description in the Table. The description in the Table includes “real estate and insurance office” but this isn’t included in the definition of “Offices-Professional.” Again, the uses in the Table and the definitions should have the same names and should be consistent with each other.

- There are also gaps in the permitted uses. One that was glaring to me was the definitions of “Supermarket” and “Neighborhood Market,” both of which are listed as permitted uses with the FOC zone. A “Supermarket” is defined as occupying at least 15,000 sf while a “Neighborhood Market” is defined as occupying 5,000 sf or less. The end result—a Trader Joe’s would not be allowed within the DSP.
- The SPMC, as it currently exists, includes a significant list of land uses in Section 36.220.030, Table 2-2 and Section 36.230.030, Table 2-4, and an extensive list of corresponding definitions in Section 36.700.020, (the “Code”). Upon adoption of the DC, the SPMC will now include two sets of definitions—one for the DSP and one for the rest of the City. Attached is a spreadsheet I cobbled together to compare the DC and the existing code provisions.
 - In some instances, the Code and DC have almost identical use names but which have very different definitions. For example, the Code includes the use “Health and fitness facilities” which is defined as “Fitness centers, gymnasiums, health and athletic clubs including any of the following: sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities. Does not include adult entertainment businesses.” The DC includes the use “Health/fitness facility” which is defined as “Establishments offering participant sports within an enclosed building. Typical uses include bowling alley, billiards parlors, pool halls, indoor ice or roller skating rinks, indoor racquetball courts, indoor batting cages, and health or fitness clubs.” Almost identical names but very different definitions.
 - The SPMC doesn’t include a use for “Supermarket” or “Neighborhood Market;” instead it includes “Grocery Stores” and the definition isn’t tied to any minimum or maximum sf (so, a Trader Joe’s would be permitted).

There is no reason for having the same or similar uses to be given different names or to have different definitions.

- C3.1A provides that if a land use is not provided in Table 4.3.1 then it is not permitted. The Planning Commission may determine whether the use is not permitted, permitted, or conditionally permitted under §36.210.030 but with the additional required finding that “5. The land use is not listed as allowed in another zoning district.”
 - The process set forth in §36.210.030 is a Director’s decision, not one for the Planning Commission (except on appeal). This process should remain a Director’s decision. This issue, typically, is brought up by a prospective tenant or purchaser of property and, unless they can get a quick answer whether their use will be permitted or not, will move on to another site and/or jurisdiction.
 - Finding No. 5 is not one of the findings required under §36.210.030, and it should be eliminated. Otherwise, any use permitted under the Code that’s not listed in the DC (e.g. a community garden, retail coffee shop with onsite roasting, ATMs) would not be permitted in the DSP without a code change.
 - Continuing with the example involving the definitions of “Supermarket” and “Neighborhood Market” under the DC and “Grocery Store” under the Code: Since a Trader Joe’s does not fall within any of the uses listed in Table 4.3.1 and it is a permitted use outside of the DSP under the Code, it would not be a permitted use within the DSP and the Director (or Planning Commission) would not be able to permit it under §36.210.030.

I haven’t done a detailed review of the PEIR but Mitigation Measure MM-AQ-1 should be modified to delete the language “If the HRA cannot demonstrate that the acceptable risk level can be achieved, then no residential land uses may be developed within 500 feet of the TAC source.” The “TAC source” in this

instance is the freeway; as such, this language risks creating a “no residential” build corridor through the City extending 500 feet on both sides of the freeway. As noted in the PEIR, this is not even a proper subject under CEQA, but, rather, is a recommendation by CARB. CARB itself notes that a city should balance CARB’s recommendations against the community’s need for housing and other economic development priorities

Thank you for your consideration,

Doug Yokomizo
419 Hermosa Place
South Pasadena, CA 91030

LAND USE COMPARISON TABLE

EXISTING MUNICIPAL CODE

DOWNTOWN SPECIFIC PLAN

LAND USE	DEFINITION	LAND USE	DEFINITION
<u>MANUFACTURING & PROCESSING USES</u>			
Electronics, equipment, and appliance manufacturing	Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including: appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines; aviation instruments; computers, computer components, and peripherals; electrical transmission and distribution equipment; electronic components and accessories, and semiconductors, integrated circuits, related devices; electronic instruments, components and equipment such as calculators and computers; electrical welding apparatus; lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting; industrial apparatus; industrial controls; instruments for measurement, testing, analysis and control, associated sensors and accessories; miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines; motors and generators; optical instruments and lenses; photographic equipment and supplies; pre recorded magnetic tape; radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies; surveying and drafting instruments; telephone and telegraph apparatus; transformers, switch gear and switchboards; watches and clocks.		

Food and beverage products manufacturing	Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes: bakeries; bottling plants; breweries; candy, sugar and confectionery products manufacturing; catering services separate from stores or restaurants; coffee roasting; dairy products manufacturing; fats and oil product manufacturing; fruit and vegetable canning, preserving, related processing; grain mill products and by products; meat, poultry, and seafood canning, curing, byproduct processing; soft drink production; miscellaneous food item preparation from raw products. [¶]May include tasting and accessory retail sales of food and beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Night Clubs and Bars" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic. [¶]Does not include: bakeries which sell all products on-site, which are included in the definition of "General Retail;" or beer brewing as part of a brew pub, bar or restaurant (see "Night Clubs and Bars").	Commercial Kitchen	Not defined.
Furniture/fixtures manufacturing, cabinet shops	Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products."		
Handcraft industries, small-scale manufacturing, less than 3,500 sf	Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.	Artisan/craft manufacturing	"Handcraft Small Scale Manufacturing": Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.
			Production, Artisan": Establishments primarily engaged in on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale equipment
Handcraft industries, small-scale manufacturing, 3,500 sf or more	Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.		
Laundries and dry cleaning plants, less than 3,500 sf	Service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin operated laundries or dry cleaning pick up stores without dry cleaning equipment; see "Personal Services."	Included in Personal Services	Not defined
Laundries and dry cleaning plants, 3,500 sf or more			

Media post production facilities	Support facilities engaged in completing work on film, video, and sound recording productions. These include facilities for film, video, and sound editing and recording studios, Foley stages, etc., optical, computer graphics, and other special effects units, film processing laboratories, etc.	Included in Professional Services	Not defined
Metal products fabrication, machine/welding shops	Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products: blacksmith and welding shops; sheet metal shops; machine shops and boiler shops.		
Photographic processing plants, less than 3,500 sf	Facilities for the bulk processing of exposed photographic film sent to the plant primarily by retail camera and photo shops, and other photographic outlets, producing prints and transparencies. Does not include photo processing machines located in retail stores as accessory uses, or storefront "one-hour processing" services, which are considered "General Retail."		
Photographic processing plants, 3,500 sf or more			
Plumbing and heating shops, less than 3,500 sf	A business engaged in selling plumbing and/or heating equipment and supplies, primarily to contractors on a wholesale basis, but may also include retail sales to the general public.		
Plumbing and heating shops, 3,500 sf or more			
Printing and publishing, less than 3,500 sf	Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."	Printing and Publishing	
Printing and publishing, 3,500 sf or more			
Recycling facilities	See Section 36.350.160.		
Recycling facilities—Reverse vending machines			
Warehouses, wholesaling and distribution	These facilities include: 1. Warehouses. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage or mini storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or vehicle and freight terminals. 2. Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.		

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Adult entertainment businesses	Definitions of terms related to adult businesses are in Section 36.350.030.		
		Civic Building	A building that is operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.
Clubs, lodges, fraternal organizations	Permanent, headquarters type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.	Included in Meeting Facility	
		Cultural Institutions (performing arts centers for theater, dance and events, museums, art galleries, and libraries)	A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, art galleries, and libraries.
Health and fitness facilities	Fitness centers, gymnasiums, health and athletic clubs including any of the following: sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities. Does not include adult entertainment businesses.	Health/fitness facility	Establishments offering participant sports within an enclosed building. Typical uses include bowling alley, billiards parlors, pool halls, indoor ice or roller skating rinks, indoor racquetball courts, indoor batting cages, and health or fitness clubs
Indoor amusement/entertainment facilities	Establishments providing indoor amusement and entertainment services for a fee or admission charge, including: bowling alleys; coin-operated amusement arcades; dance halls, clubs and ballrooms; electronic game arcades; ice skating and roller skating; pool and billiard rooms as primary uses. [¶]This use does not include adult entertainment businesses. Four or more electronic games or coin operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site		
Libraries, museums, galleries	Public or quasi-public facilities including aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, with no retail sales activities other than an accessory gift/book shop. Does not include retail art galleries where artworks on display may be purchased by patrons, which are instead included under the definition of "General Retail."		
Outdoor recreation facilities	Facilities for various outdoor participant sports and types of recreation, including: amphitheaters; amusement and theme parks; batting cages; go-cart tracks; golf driving ranges; health and athletic club outdoor facilities; miniature golf courses; skateboard parks; stadiums and coliseums; swim and tennis clubs; tennis courts; water slides; zoos. [¶]May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include parks and playgrounds, which are separately defined.		

		Public Assembly, meeting facility, place of worship	Meeting Facility: Consisting of group gatherings conducted indoors. Typical uses include churches, synagogues, mosques, temples, bingo halls, private clubs, fraternal, philanthropic and charitable organizations, and lodges. Does not include Theaters
Schools—Private	Public and private educational institutions, including: boarding schools; community colleges, colleges and universities; elementary, middle, and junior high schools; high schools; and military academies. Does not include pre-schools and child day care facilities (see "Child Day Care Facilities").	School, public or private (includes business, trade schools, colleges)	School: Elementary, Middle, Secondary. A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May include any of these schools that also provide room and board
			"School--Business, Trade Schools, Colleges": A school that provides education and/or training, including tutoring, or vocational training, in limited subjects. Examples of these schools include art school, ballet and other dance school, business, secretarial, and vocational school, computers and electronics school, drama school, driver education school, establishments providing courses by mail, language school, martial arts, music school, professional school (law, medicine, etc.), seminaries/religious ministry training facility
Schools—Specialized education and training	Public and private educational institutions offering instruction in the following: art; ballet and other dance; computers and electronics; drama; driver education; language; music; and other similar activities. Includes business, secretarial, and vocational schools; establishments providing courses by mail; professional schools (law, medicine, etc.); seminaries/religious ministry training facilities. Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. See also the definition of "Studios—Art, Dance, Music, Photography, etc." for smaller-scale facilities offering specialized instruction; and "Special Needs Educational and Training Facilities" for facilities offering specialized education to students with disabilities.		
Special needs educational and training facilities	Private educational institutions offering specialized education, rehabilitation, training and similar services exclusively for persons who have a physical and/or mental impairment(s) that, among other limitations, prevents them from obtaining driver's licenses.		

Studios—Dance, martial arts, music, photography, etc.	Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools—Specialized education and training." These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.	Studios for arts, dance, music, martial arts	Small scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities are individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Larger facilities are included under the definition of "Schools. Business, Trade Schools, Colleges."
Theaters and auditoriums	Indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts; exhibition and convention halls; motion picture theaters; public and semi public auditoriums; similar public assembly uses.	Theater, cinema, or performing arts	Not defined
Community gardens	A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.		
RESIDENTIAL			
Emergency shelter	A residential facility, other than a residential care facility, operated by a provider that provides temporary accommodations to persons or families for a time period not to exceed six months per calendar year and which offers accommodations on a first-come first-served basis where the resident(s) must vacate each morning and have no guaranteed bed for the next night. For purposes of this definition, a "provider" shall mean a government agency or private non-profit organization that provides or contracts with recognized community organizations to provide emergency or temporary shelter, and which may also provide meals, counseling and other services, as well as common areas for residents of the facility.		
Home occupation	The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.	Home occupation	Residential premises used for the transaction of business or the supply of professional services. Home occupation shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Director. No external employees are allowed
Live/work units	An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: 1. Complete kitchen space and sanitary facilities in compliance with the City building code; and 2. Working space reserved for and regularly used by one or more occupants of the unit.		
		Medical Services-extended care	This is treated as a Service Use in other Districts
Mixed-use projects	A project that combines both commercial (retail and/or office) and residential uses, where the residential component is typically located above the commercial.		

Multi-family dwellings	A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); and senior citizen multi-family housing; see also "Common Interest Developments."	Multi-family dwelling(s)	Not defined
Organizational house (sorority, convent, etc.)	Residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.		
Residential care facility for the elderly (RCFE)	A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from Government Code Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space. [¶]RCFE projects include Assisted Living Facilities (Board and Care Homes), Congregate Housing, Independent Living Centers/Senior Apartments, and Life Care Facilities as defined below. 1. Assisted living facility. A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services. 2. Independent living center/senior apartment. Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities. 3. Life care facility. Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.	Assisted Living/residential care home	A residential building or buildings that provides housing and personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
Residential care facility, 6 persons or less		Assisted Living/residential care home	
Residential care facility, 7 persons or more		Assisted Living/residential care home	
Second dwelling unit	A second permanent dwelling that is accessory to a primary dwelling on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking.		

Single room occupancy	A residential facility for homeless persons, other than a residential care facility, operated by a provider that offers housing consisting of single-room dwelling units that is the primary residence of its occupant or occupants for a period not to exceed six months per calendar year. For purposes of this definition, a "provider" shall mean a government agency or private non-profit organization that provides or contracts with recognized community organizations to provide SRO housing. SRO residential units must contain either food preparation or sanitary facilities or may contain both.		
Single-family dwelling	A building designed for and/or occupied exclusively by one household. Also includes factory built housing units, constructed in compliance with the Uniform Building Code (UBC), and manufactured housing on permanent foundations.	Single-family dwellings, duplex, multiplex	Not defined
Transitional and supportive housing	Housing configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (Health and Safety Code Section 50675.2(h)).	Group Home	A dwelling in which persons reside in a group occupancy setting, but not including a hotel, motel, fraternity, sorority, rooming and/or boarding house. Residents of a facility may also receive medical treatment in addition to any non-medical supportive services in a residential or congregate care setting, as opposed to a hospital
RETAIL TRADE			
Alcoholic beverage sales	The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.	Alcohol business, off sale and on sale, including onsite brewing	Not defined
Auto parts sales	Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Auto Repair and Maintenance"). Does not include tire recapping establishments, which are found under "Auto Repair and Maintenance" or businesses dealing exclusively in used parts.		
Auto sales and rental	Retail establishments selling and/or renting automobiles, trucks and vans. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail"); mobile home sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Auto Repair"); businesses dealing exclusively in used parts, (see "Recycling—Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.		
Building material stores	Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehousing, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail," even if they sell some building materials.		
Coffee roasting and packaging, retail	Retail stores selling coffee in roasted bean and ground form, with the roasting of raw beans occurring on the premises.		

Construction/heavy equipment sales and rental	A retail establishment selling or renting heavy construction equipment, including earth moving equipment, heavy trucks, and/or similar equipment.		
Convenience stores	A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs.		
Department stores	A retail store carrying a wide range of merchandise, typically including clothing, household goods, appliances, etc. See also "Warehouse Retail."		
		Drive-through (any retail use)	Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo stores, pharmacies, bank teller windows and ATMs, dry cleaners, etc., but do not include gas station or other vehicle services.
Equipment sales and rental	Retail and service establishments which may offer a wide variety of materials and equipment for sale and/or rental. Construction equipment rental is separately defined.		
Extended hour businesses (11:00 p.m. to 6:00 a.m.)	Any business that is open to the public between the hours of 11 p.m., and 6 a.m.		
Furniture, furnishings and appliance stores	Stores engaged primarily in selling the following products and related services, including incidental repair services: computers and computer equipment; draperies; floor coverings; furniture; glass and chinaware; home appliances; home furnishings; home sound systems; interior decorating materials and services; large musical instruments; lawn furniture; movable spas and hot tubs; office furniture; other household electrical and gas appliances; outdoor furniture; refrigerators; stoves; televisions.		
Gas stations	A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.		
General retail	Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: art galleries (retail); artists' supplies; bakeries (all production in support of on-site sales); bicycles; books; cameras and photographic supplies; clothing and accessories; collectibles (cards, coins, comics, stamps, etc.); department stores; drug and discount stores (not including medical marijuana dispensaries); dry goods; fabrics and sewing supplies; florists and houseplant stores (indoor sales only—outdoor sales are "plant nurseries"); furniture, home furnishings and equipment; general stores; gift and souvenir shops; hardware; hobby materials; jewelry; luggage and leather goods; musical instruments, parts and accessories; newsstands; orthopedic supplies; pet stores; religious goods; small wares; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores.	General Retail	"Retail": Stores and shops engaged in the sale of goods and merchandise such as antiques or collectibles, art galleries, art supplies, including framing services, bicycles, books, magazines, and newspapers, cameras and photographic supplies, clothing, shoes, and accessories, department stores, drug stores and pharmacies, dry goods, fabrics and sewing supplies, florists and houseplant stores, hobby materials, jewelry, luggage and leather goods, musical instruments, parts and accessories, orthopedic supplies, small wares, specialty shops, sporting goods and equipment, stationery, thrift shop (second hand store), toys and games, variety stores, videos, DVDs, records, CDs, including rental stores
		Retail businesses	Not defined

Grocery stores	A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.	Supermarket	A grocery market having 15,000 or more square feet of floor area devoted principally to the sale of food
		Neighborhood Market	Neighborhood market/convenience store: A neighborhood serving retail store of 5,000 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs.
Hardware stores	Not defined	Home Improvement Center	Not defined
Liquor stores	A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages, which may specialize in a particular type of alcoholic beverage (e.g., wine shops).		
Multitenant retail	Not defined		
Outdoor display and retail activities	Permanent outdoor sales and rental establishments including lumber and other material sales yards, newsstands, merchandise display, dining and seating areas, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.		
		Pharmacy	NOTE: drug stores and pharmacies are in the definition of "Retail"
Plant nurseries and garden supply stores	. Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail Stores." Home greenhouses are included under "Accessory Residential Uses and Structures."	Nursery	Not defined
Restaurants	A retail business selling ready-to-eat food for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.	Restaurants	A commercial establishment where food is prepared for and served to the customer, for consumption on or off the premises. It shall be operated as a bona fide eating place that maintains approved and permitted suitable kitchen facilities within the establishment, thereby making actual and substantial sales of meals. A restaurant may provide entertainment for the customer by performers of the arts (music, dance, comedy, readings, etc.), and differs from a Night Club in that it does not provide floor space for customer dancing and dancing is prohibited. A restaurant differs from a Tavern because it must prepare and serve food at all times during business hours and the sale of alcoholic beverages is secondary to the sale of food. As allowed by the Downtown Code, a restaurant may operate on the sidewalk or open space adjacent to the main building in which the restaurant is located
Restaurants, multitenant retail	Not defined		
Restaurants, take-out and with accessory retail food	Not defined		
Restaurants, with catering	Not defined		
Restaurants, with catering and accessory retail food	Not defined		
Restaurants, with outdoor dining	Not defined	Restaurants outdoor dining	

Second hand stores	Retail establishments that buy and sell used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools motors, machines, instruments, firearms, or any similar secondhand articles or objects; includes indoor flea markets. Does not include: pawnshops; bookstores that sell used books exclusively ("Retail Stores"); secondhand farm and construction equipment ("Construction and Heavy Equipment Sales"); junk dealers, or scrap/dismantling yards (Recycling Facilities—Scrap and Dismantling Yards"); the sale of antiques and collectibles ("Retail Stores").		
Tobacco retailer—Primary use	As defined in SPMC 18.101(h) or its successor, and subject to SPMC Chapter 18, Part 6 ("Tobacco Retailer Permit") or its successor. For the purposes of establishing the allowable zone(s) a tobacco retailer may be located in, and required parking levels, a tobacco retailer as a primary use is included in the land use designation "General retail" and a tobacco retailer as an accessory use is included in the land use designation for the primary use for which it is an accessory.		
Tobacco retailer—Accessory use	As defined in SPMC 18.101(h) or its successor, and subject to SPMC Chapter 18, Part 6 ("Tobacco Retailer Permit") or its successor. For the purposes of establishing the allowable zone(s) a tobacco retailer may be located in, and required parking levels, a tobacco retailer as a primary use is included in the land use designation "General retail" and a tobacco retailer as an accessory use is included in the land use designation for the primary use for which it is an accessory.		
Warehouse retail	A retail store emphasizing product lines other than groceries, with a one-level sales floor of 40,000 square feet or larger, that typically package and sell products in large quantities or volumes, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.		
SERVICES--BUSINESS & PROFESSIONAL			
Automated teller machines (ATMs)	Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations.		
Banks and financial services	Financial institutions including: banks and trust companies; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies.		

Business support services	Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes: blueprinting; business equipment repair services (except vehicle repair, see "Vehicle Services"); commercial art and design (production); computer-related services (rental, repair); copying and quick printing services; equipment rental businesses within buildings (rental yards are under "Outdoor Retail Sales and activities"); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); outdoor advertising services; photofinishing; protective services (other than office related); soils and materials testing laboratories; window cleaning.		
Offices—Production, research and development	. Production, Research & Development. Office-type facilities occupied by businesses engaged in the production of intellectual property, including: advertising agencies; architectural, engineering, planning and surveying services; computer software production and programming services; educational, scientific and research organizations; media postproduction services; photography and commercial art studios; writers and artists offices.		
Offices—Professional and administrative	Offices. This Zoning Code distinguishes between the following types of office facilities. These do not include: medical offices (see "Medical Services—Offices"); or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use. 1. Administrative/Business. Establishments providing direct services to consumers, such as insurance agencies, real estate offices, utility company offices, etc. . . 4. Professional. Professional offices including: accounting, auditing and bookkeeping services; attorneys; counseling services; court reporting services; data processing services; detective agencies and similar services; employment, stenographic, secretarial and word processing services; literary and talent agencies; management and public relations services.	Professional Services: Accounting, advertising agencies, attorneys, bank, commercial art and design services, counseling services, scientific and research organizations, financial management and investment counseling, real estate and insurance office, management and public relations services, photo studio, veterinary clinics, urgent care clinic, and medical services/clinic (doctor, dentist).	"Offices-Professional": Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include: accounting, advertising agencies, attorneys, commercial art and design services, counseling services, urgent care clinic, and medical clinic, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, and photography studios
			Medical Services, Clinic: A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional.
SERVICE USES—OTHER			

Ambulance service	Base/dispatch facilities where ambulance vehicles and crews stand by for emergency calls.		
Bed & breakfast inn (B&B)	A residential structure with up to nine bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A Bed and Breakfast Inn with more than nine guest rooms is considered a hotel or motel, and is included under the definition of "Hotels and Motels." Does not include room rental, which is separately defined (see "Rooming and Boarding Houses).	Included as "Lodging"	Not defined
Child day care center	Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services. 1. Child Day Care Center. A commercial or non-profit child day care facility designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or religious facility, or as an independent land use.	Personal Services	Any child day care facility, licensed by the State of California, other than a family day care home, and includes infant care centers, preschools, and extended day care facilities.
Child day care—Small family day care home	Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services. 2. Family Day Care Home. As provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.. As provided by Health and Safety Code Section 1596.78, a family day care home that provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.	Personal Services	
Child day care—Large family day care home	Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services. 2. Family Day Care Home. As provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.As provided by Health and Safety Code Section 1596.78, a family day care home that provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.	Personal Services	
Child/adult day care centers	Not defined	Personal Services	
Contractor storage yard	Storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.		

Convenience services	Establishments that serve professionals and businesses. Examples of these include, but are not limited to, legal offices, accounting services, adjustment and collection agencies, advertising offices, commercial art studios, computer and data processing services, consumer credit reporting agencies, graphic arts services, mailing services, management consulting services, mercantile reporting agencies, news syndicate offices, secretarial and stenographic services, employment agent offices, insurance agent and broker offices (but not insurance claims centers).		
Hotels and motels	Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic/fitness facilities, and accessory retail uses.	Lodging: Hotel, motel, B&B Inn	Hotel, Motel: Establishments containing six or more rooms or suites for temporary rental and which may include incidental food, drink, and other sales and services intended for the convenience of guests
Medical services—Clinics	A facility other than a hospital where medical, dental, mental health, surgical and other personal health care services are provided on an outpatient basis, and that accommodates multiple licensed primary medical practitioners (i.e., doctors) and specialties, or four or more primary practitioners in a single specialty. Counseling services by other than medical doctors or psychiatrists are instead included under "Offices."		
Medical services—Laboratories	Medical and dental laboratories.		
Medical services—Offices	A facility other than a hospital where medical, dental, mental health, surgical and other personal health care services are provided on an outpatient basis, and that accommodates no more than three licensed primary practitioners (for example, chiropractors, medical doctors, etc.).		
Medical services—Extended care	. Residential facilities providing nursing and health-related care as a primary use with in patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."		
Massage Establishment	A licensed, therapeutic and nonsexual establishment having a fixed place of business conducted within the City of South Pasadena, where any person, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on or permits to be conducted or carried on, for money or any other consideration, the administration to another person of a massage, consistent with the requirements and standards set forth in Article II of Chapter 17 SPMC.	Included in "Personal Services (restricted)"	Not defined
Mortuaries and funeral homes	. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.		
Personal services	Establishments providing nonmedical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; clothing rental; dry cleaning pick up stores with limited equipment; home electronics and small appliance repair; laundromats (self service laundries); pet grooming with no boarding; shoe repair shops; tailors; tanning salons. These uses may also include accessory retail sales of products related to the services provided	Personal Services: Salons, barber shops, adult and child day care, tailors, shoe repair shops, and dry cleaning shops, and similar uses	Establishments providing non-medical services for the enhancement of personal appearances, cleaning, alteration, or reconditioning of garments and accessories, and similar non-business related or non-professional services. Typical uses include reducing salons, barber shops, tailors, shoe repair shops, self-service laundries, and dry cleaning shops, but exclude uses classified under the Office and Trade School

Personal services—Restricted	Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include: fortune tellers; palm and card readers; psychics; spas and hot tubs for hourly rental; tattoo and body piercing services.	Personal services (restricted): Banquet facility/catering, accessory massage (licensed, therapeutic, and in conjunction with primary businesses such as day spa, beauty salon, barber shop or similar uses) and tanning salons.	Personal services that may tend to have adverse effects upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include: bail bonds, check cashing stores, massage (licensed, therapeutic, non-sexual), pawnshops, spas and hot tubs for hourly rental, tattoo and body piercing services, and tanning salons
Vehicle repair and maintenance—Major repair work	Auto Repair and Maintenance. The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories. 1. Major Repair Work. Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.		
Vehicle repair and maintenance—Service and maintenance	Auto Repair and Maintenance. The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories. 2. Service and Maintenance. Minor facilities specialize in limited aspects of repair and maintenance (e.g., car washes, muffler and radiator shops, quick-lube, etc.).		
Veterinary clinics, hospitals, kennels	Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops.		
Wine cellar	A facility for the storage of wine.		
TRANSPORTATION & COMMUNICATIONS			
Parking facilities/vehicle storage	Includes both day use and long term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by the Zoning Code.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling Facilities—Scrap and Dismantling Yards").	Parking facility (stand alone), public or private	Parking lots or structures operated by the City or a private entity, providing parking either for free or for a fee. Does not include towing impound and storage facilities
Broadcasting studios	Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "Telecommunications Facilities."		
Telecommunications facilities	See Section 36.350.210 (Telecommunications Facilities).		
AUTO RELATED			

		Auto Service station	Retail sale, from the premises, of vehicle fuel which may include the incidental sale of other petroleum products, tires, batteries, and replacement items, and the incidental minor repairs and lubricating services
		Electric vehicle charging stations	A facility, also known as a charge point or electric vehicle supply equipment (EVSE), that supplies electrical power for charging plug-in electric or hybrid vehicles. Such facilities may be located either in an off-street location or on the public right-of-way, and may be an accessory to a parking use
OTHER USES			
		Farmers market, certified	A multi-vendor market event, typically outdoors, certified by the state of California or County of Los Angeles, where agricultural products are sold by producers directly to consumers. A Certified farmers' market may be operated by one (1) or more certified producers, by a non-profit organization, or a local government agency
		Live Entertainment	Includes any live show, performance, singing, dancing, or artistic interpretation provided for the amusement of one or more persons, but which does not alter the nature or function of the primary land use or is not defined as "accessory." Live entertainment is subject to SPMC Chapter 19A (Noise Regulation). If alcohol is offered for purchase in conjunction with the live entertainment, the use shall constitute a Night Club use as defined in SPMC Chapter 36.700 and a Conditional Use Permit shall be required.
		Live Entertainment, accessory use	Includes accessory entertainment to a primary use with amplified or non-amplified sound
		Outdoor community events	Not defined

Page 75, last paragraph: Include an action to implement traffic calming measures.

Page 76, 1st column: Add A4.3a: Develop a citywide strategy for implementation of traffic calming measures, including "toolbox" measures that may be implemented and guidance on where such measures may be implemented, taking into account street type, land use context, traffic volumes, and observed speeds, based on surveys.

Page 77, Action 4.7c: Include Huntington Drive in this study.

Page 78, last paragraph: Include this as an action. Suggested language: "Consistent with State guidance, discontinue the use of vehicular level of service as a metric for determining transportation mitigations required of new development. Instead, follow State guidance regarding the use of vehicle miles traveled (VMT) as an alternative."

Page 140, Figure B8.3, caption: While capping the freeway to create park space is great in concept, the freeway is a historic resource listed on the National Register of Historic Places.

Page 148, Figure B9.2: Update the list of local historic districts to include the Rollin Street Craftsman Cluster.

Page 161, 2nd column, 2nd paragraph: The Inventory was updated in 2017 but never adopted by the City Council.

Page 192: Add Action A9.16a: Address issues of continuity and compatibility of typology, massing, design, etc. in Specific Plans that include historic districts.



Planning Commission Agenda Report

ITEM NO. 4

DATE: August 21, 2023

FROM: Angelica Frausto-Lupo, Community Development Director

PREPARED BY: Alison Becker, AICP, Deputy Community Development Director
Robert (Dean) Flores, Senior Planner

SUBJECT: **Recommendation to City Council to adopt proposed amendments to South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) related to increased density by rezoning the existing Focused Area Overlay zone to Mixed-Use Overlay zone and increase density in the certain residential zoning districts in compliance with the updated General Plan and the 2021-2029 (6th Cycle) Housing Element**

Recommendation

It is recommended that the Planning Commission take public testimony, close the public hearing, and adopt a resolution recommending the following zoning text amendment to the City Council:

1. Amend certain South Pasadena Municipal Code Sections pertaining to rezoning of properties consistent with the General Plan update and the 2021-2029 (6th Cycle) Housing Element which will do the following:
 - a. Add Section 36.230.050 (Mixed-Use Overlay Development Standards) for the newly established Mixed-Use Overlay District;
 - b. Amend Section 36.250.340 (Focus Area Overlay District), to eliminate the Focus Overlay District and replace it with the newly established Mixed-Use Overlay; and
 - c. Increase density in the RM, RH, and Mixed-Use Overlay Districts in compliance with the Housing Element Programs,
 - d. Amend other Code Sections relating to ancillary changes to the SPMC regarding reference to the new Downtown Specific Plan (DTSP), adoption of the new Zoning Map, other and minor changes to the Residential and Commercial zoning district standards in relation to the rezoning.
2. Amend the Zoning Map to eliminate the Focus Area Overlay zone and the Mission Street Specific Plan boundary, and replace them with the Mixed-Use Overlay zone and the Downtown Specific Plan boundary, respectively.

Background

The comprehensive General Plan/Downtown Specific Plan (DTSP) Update is being undertaken by the City to strengthen its commitment to protecting the characteristics that make South Pasadena a desirable place to live, in the context of the constraints associated with significant changes in state law, particularly with respect to housing. The proposed General Plan and DTSP reflect an understanding of the community's current goals, address continued growth pressures in the San Gabriel Valley and the demand for more diverse mobility and housing choices, and respond to evolving regional and environmental issues. The General Plan/DTSP Updates serve as the City's guiding documents, providing the basis and policy framework for decision-makers. These documents provide direction regarding the physical development, resource conservation, and character of the City, and establish a realistic, non-residential (commercial) development capacity for the City.

The 2021–2029 Housing Element serves as the policy guide for decision-making regarding residential development, and demonstrates how the City intends to comply with State housing legislation and regional requirements. The Housing Element and its associated programs would accommodate a maximum potential of 2,775. The additional number of units reflects a buffer of 708 units above the City's RHNA obligation. This buffer was required by HCD and provides additional housing capacity in the event some of the housing sites or programs do not produce the anticipated number of units.

Full buildout of the Housing Element inventory would generate 6,882 potential additional residents in South Pasadena through 2040, along with 1,978 potential jobs; however, the actual number will likely be less than predicted as these numbers represent the upper limit to the City's growth potential. The General Plan, of which the Housing Element is one component, must be internally consistent, thus other elements of the General Plan have been revised to reflect the revised population and housing goals listed in the 2021-2029 Housing Element. Without large tracts of undeveloped land to work with, the City had to find a way to absorb the projected growth within its current built environment. Some growth may be accommodated in established neighborhoods through Accessory Dwelling Units (ADUs) or other State legislation that allows for additional by-right units on single-family lots, but even so, the City had to find ways to increase density in developed areas, preferably in commercial corridors located near high quality public transportation.

As a reminder, the Housing Element was adopted on May 30, 2023, in conjunction with an Environmental Assessment (EA) prepared pursuant to Government Code Section 65759. The proposed General Plan Update and DTSP are consistent with the adopted Housing Element. On August 8, 2023, the Planning Commission directed City staff to introduce a Zone Text Amendment to rezone certain commercial properties in the City to implement the General Plan and Housing Element implementation efforts by increasing density. Additionally, there will be increased density in the Residential Medium (RM) and Residential High (RH) zoning districts to accommodate the City's RHNA obligation, pursuant to Housing Element program 3.a.

Discussion

The proposed Zone Text Amendment will implement the Housing Element’s goal of increased density. More specifically, it will increase density in certain zoning districts as well as establish new development standards to meet this goal. According to Housing Element goal 3.0, the City shall “provide opportunities to increase housing production.” Further, programs 3.a (Rezone and Redesignate Sites to meet RHNA) and 3.n (Zoning Changes), require the City to increase density in multi-family residential zones and commercial zones, and to remove subjective development standards for multi-family/mixed-use developments, respectively. As such, the proposed Zone Text Amendment will do the following to implement the aforementioned Housing Element programs:

- New Zone Text Amendment Standards for Increased Density

In order to implement the new changes into the Zoning Code, the City hired MIG (Moore, Iacofano, Goltsman) to prepare the draft Zone Text Amendment changes consistent with the Housing Element and General Plan changes. In order to comply with the required RHNA numbers (Housing Element program 3.a), the City will increase density in certain areas identified in the Housing Element. More specifically, in commercial corridors and the Medium and High Density Residential zones. The proposed changes to these areas can be found below and on pages 4 and 74 of Attachment 1.

Zoning District/Overlay Zone	Previous Density (units/acre)	Proposed Density (units/acre)
RM (Residential Medium Density)	6.1-14	Minimum: 15 Maximum: 30
RH (Residential High Density)	14.1-25	Minimum: 30.1 Maximum: 45
Focused Area Overlay (to be changed to Mixed-Use Overlay)	Up to 24 units/acre if a Mixed-Use project	70 (maximum)

- Replace the Focused Area Overlay with newly established Mixed-Use Overlay

The existing Focused Area Overlay zone was established in the 1998 General Plan update and comprised of the areas below.¹ The areas can also be found in the existing Zoning Map (Attachment 2).

1. Huntington-Garfield,
2. Fair Oaks-Huntington,

¹ Found on page II-39 of the 1998 General Plan (Section 2.7 – Specific Focus Areas)

3. Fair Oaks Corridor (Central District, Upper Fair Oaks, and Lower Fair Oaks),
4. Raymond Hill,
5. Fremont Corridor,
6. Mission Street Specific Plan,
7. Ostrich Farm, and
8. Arroyo Annexation

With the proposed adoption of the new General Plan and DTSP, the areas listed above will no longer be part of the Focused Area Overlay and will be replaced as follows:

Existing Focused Areas	Previous Land Use Designation	Proposed Land Use Designation ²
Huntington-Corridor	Commercial General	Mixed-Use Core
Fair Oaks-Huntington	Commercial General	Mixed-Use Core
Fair Oaks Corridor	Commercial General	Fair Oaks Corridor/DTSP
Raymond Hill	Commercial General, High Density Residential, Medium Density Residential, Commercial Office, & Open Space	Mixed-Use Core, High Density Residential, and Civic
Fremont Corridor	Commercial Office	Mixed-Use Core
MSSP	MSSP	Mixed-Use Core/DTSP
Ostrich Farm	Business Park, Medium Density Residential & Commercial General	Mixed-Use Core
Arroyo Annexation	Open Space	Open Space

As shown in the table above, most of the former Focused Areas will be replaced by a Mixed-Use Core designation in the General Plan, except for the Fair Oaks Corridor, and Arroyo Annexation areas. The Fair Oaks Corridor will now be included in the DTSP along with the former MSSP area. The new Mixed-Use Overlay will apply only to those parcels designated as Mixed-Use Core in the Land Use Map that are not included in the DTSP areas (See Attachment 3). It is important to note, however, that although the base land use designations are changing, their underlying zoning designations will remain the same (for CG, CO, and BP areas). The new Mixed-Use Overlay areas can be found in the draft Zoning Map (Exhibit B of Attachment 1).

- Mixed-Use Overlay Development Standards

Housing Element program 3.n requires the City to remove subjective development standards to facilitate administrative approval of residential developments. As a result, the proposed Zone Text Amendment will establish development standards for multi-family and mixed-use projects located in the Mixed-Use Overlay zone as well as a procedure for processing such applications. A summary of the changes can be found below:

² See Figure B3.4 Land Use Map in General Plan update document (p. 61)

- The Mixed-Use Overlay development standards include setbacks, lot coverage, height, and frontage standards. It will also include objective design standards such as maximum blank wall length, minimum window glazing, wall plane articulation, etc. Finally, it includes parking, landscaping, and open space requirements which are typical design standards for multi-family and mixed-use projects.
- As part of the requirement for the Housing Element Site Inventory sites, it includes the provision that sites subject to the mixed-use overlay are allowed to be develop 100% residential projects, and any mixed-use projects must include at least 50% of the floor area to be used for residential purposes.
- Lastly, it establishes a procedure for city staff to process these residential projects ministerially while also acknowledging that some aspects of the mixed-use project may still require a conditional use permit (CUP) for the nonresidential uses (i.e. alcohol sales, outdoor dining, etc.).
- Other Ancillary Changes

As part of the Zone Text Amendment, other ancillary changes are required to be made in the SPMC to ensure internal consistency is achieved. Such examples include the elimination of all reference to the Mission Street Specific Plan, updating Table 2-1 of the SPMC regarding General Plan Land Use Classifications, and changes to allowable uses to allow residential developments by-right (without CUPs or other discretionary permits).

Additionally, one change being proposed by the General Plan is to a minor reduction in the density of the single-family zones – the RS and RE zones. The RE zone is changing from a range of 1-3.5 units/acre to a maximum of 3 units/acre. The RS zone is changing from a range of 3.51-6 units/acre to 5 units/acre. It is important to note that while the densities of these single-family zones are being decreased, the increases in the RM, RH, and multi-family/mixed-used zones more than make up for the loss of density in the low density districts. Therefore, the city will not experience a net loss of residential development capacity.

Lastly, the proposed Zoning Amendment also includes the adoption of the updated Zoning Map via a Zoning Map Amendment (see Exhibit B of the draft Resolution found in Attachment 1). The full proposed Zone Text Amendment can be found in Attachment 1 of this staff report.

Zoning Amendment Findings

SPMC Section 36.620.070(B) stipulates that a Zoning Amendment and Zoning Map Amendment may be approved only if the following findings are met:

1. *Findings required for all Zoning Code/Map amendments;*
 - a. *The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed Zone Text Amendment is consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The current General Plan that was adopted in

1998 is not internally consistent with the recently adopted Housing Element. The Housing Element is one of the elements required by State law. Therefore, adopting an updated General Plan that implements the policies and programs of the 2021-2029 Housing Element, and this proposed Zone Text Amendment, would make the documents internally consistent. Further, the proposed Zone Text Amendment is consistent with the following General Plan and Housing Element goals, policies, actions, or programs:

- General Plan Policy P3.2: Direct new growth to the Downtown, Ostrich Farm, and the three neighborhood centers along Huntington Drive;
- General Plan Action A3.2b: Update the development code to encourage mixed-use, walkable, and contextual development;
- General Plan Policy P3.5: Remove regulatory and procedural barriers to good design;
- General Plan Action A3.5a: Develop and adopt a Form-Based Code for the Downtown area and objective design standards for areas outside the Downtown area;
- Housing Element Goal 3.0: Provide opportunities to increase housing production;
- Housing Element Program 3.a: Rezone and Redesignate Sites to Meet RHNA;
- Housing Element Program 3.n: Zoning Changes [to update development standards of residential development projects];

Therefore, the Planning Commission can make this finding in support of the Project.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City*

The Zoning Amendment would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would achieve internal consistency, including with the adopted 2021-2029 Housing Element. The implementation of the General Plan goals, policies, and actions further support the convenience and general welfare of the City by preserving existing single-family neighborhoods and focusing growth into specific areas where residents will have access to services and public transportation. The General Plan supports mixed-use, walkable neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the Planning Commission can make this finding.

- 2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Amendment is internally consistent with other applicable provisions of the Zoning Code. In addition to the proposed changes to increase

density and provide objective standards for residential development projects, the proposed Zoning Amendment also includes other ancillary changes to the Zoning Code to ensure internal consistency with other sections of the Code including updated references to the newly proposed adoption of the Downtown Specific Plan (DTSP), maintenance of the single-family zones (RE and RS zones), and modifications of allowable land uses in the Mixed-Use Overlay zone. Therefore, the Planning Commission can make this finding.

- 3. Additional finding for Zoning Map amendments. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects.*

The proposed Zoning Amendment and Zoning Map Amendment are actions taken to implement the General Plan, DTSP, and Housing Element Implementation programs. As a result of these updates, the existing Zoning Map required an update to remove the Focused Area overlay, establish the Mixed-Use overlay, remove the Mission Street Specific Plan, and establish the new DTSP boundaries. By making these changes, the requested Zoning Amendment and Zoning Map Amendment will be consistent with the updated General Plan, DTSP, and Housing Element Implementation programs. Therefore, the Planning Commission can make this finding.

Environmental Analysis

General Plan/DTSP Update PEIR

The Planning Commission is expected to is expected to adopt a resolution recommending certification of the Program Environmental Impact Report (PEIR) from the General Plan/DTSP update, which would cover this implementing action of the proposed Zone Text Amendment and Zoning Map Amendment. The General Plan/ DTSP Update constitutes a project under the California Environmental Quality Act (CEQA). As such, a PEIR was prepared and was submitted to the California State Clearing House (document SCH No. 2018011050). The PEIR addresses issues raised in January 2018 when the first Notice of Preparation (NOP) was circulated, as well as issues identified when the Recirculated Notice of Preparation (RNOP) was distributed in April 2021. Public comments were also received in a scoping meeting that was held on February 5, 2018, and again from a virtual scoping meeting that was conducted on May 3, 2021. While two NOPs were distributed for the PEIR, the baseline for environmental analysis was assumed to be April 2021. Based on the scoping meetings, the following environmental areas of controversy were identified: traffic, parking, water supply, and waste water infrastructure.

Based on the analysis presented in the PEIR, implementation of the proposed General Plan Update and DTSP, along with the implementation programs contained in the 2021-2029 Housing Element, would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures:

1. Aesthetics (Visual Character at a program and cumulative level);
2. Air Quality (Air Quality Management Plan Consistency, Regional Construction and Operational Emissions Standards Violation, and Cumulative Emissions at a program and cumulative level; Local Construction Emissions Standards Violation at a program level);
3. Cultural Resources (Historic Resources at a program and cumulative level);
4. Greenhouse Gas Emissions (GHG Emissions at a cumulative level);
5. Noise (Construction and Exterior Traffic Noise Standards Violation at a program and cumulative level); and
6. Population and Housing (Population Growth at a program and cumulative level).

A Statement of Overriding Considerations is required documenting that the physical, social, and economic benefits of the General Plan and DTSP would outweigh the adverse impacts associated with the updated community vision and guiding documents.

Tribal Consultation

The General Plan/DTSP Update are both subject to tribal consultation under Assembly Bill (AB) 52 and Senate Bill (SB) 18. On March 13, 2018, the City initiated the offer of consultation by sending letters to applicable tribal representatives. Four tribes were contacted: the Gabrieleño/Tongva Tribe; Gabrieleño/Tongva San Gabriel Band of Mission Indians; Gabrieleño Band of Mission Indians, Kizh Nation; and the Soboba Band of Luiseño Indians. The tribal governments were also included in the original Notice of Preparation (NOP) that was dated January 18, 2018. The City received no response to its initial offer of consultation or the NOP in 2018.

On April 21, 2021, the City again initiated consultation under SB18 and AB52, due to the change in the General Plan/DTSP project and its associated Recirculated Notice of Preparation (RNOP). Consultation letters were sent to the Gabrieleño/Tongva San Gabriel Band of Mission Indians; Gabrieleño Band of Mission Indians, Kizh Nation; Gabrieleño/Tongva Tribe; Gabrieleño/Tongva Indians of California Tribal Council; and the Soboba Band of Luiseño Indians. One tribe, the Gabrieleño/Tongva San Gabriel Band of Mission Indians (Gabrieleño/Tongva Tribe), responded to the consultation request.

On June 10, 2021, the City met with the Gabrieleño/Tongva Tribe. The Gabrieleño/Tongva Tribe has ancestral ties to the South Pasadena area and is aware that Tribal Cultural Resources may be encountered as part of future development. Consultation concluded with the Tribe desiring to have the opportunity to participate in Native American monitoring if mitigation measures or conditions of approval require such monitoring in the future. There are no known Gabrieleño/Tongva tribal cultural resources within the Project area (South Pasadena City limits) beyond those that were listed on the Native American Heritage Commission (NAHC) Sacred Lands File search that was completed on July 15, 2020. The search was positive, meaning there are sites within the project area that are known to be significant/sacred to local Tribes. Results from the NAHC Sacred Lands File search are kept confidential to protect and preserve known sacred sites.

The Draft Program EIR is currently in the public review period, and comments on the environmental document can be submitted in writing through September 6, 2023. Thereafter, responses to comments will be prepared and a Final PEIR will be presented to the City Council for consideration and certification.

Pursuant to CEQA Guidelines Section 15025 (c), when an advisory body, like the Planning Commission in this situation, is required to make a recommendation on a project to the decision-making body, the advisory body must also review and consider the EIR in draft or final form. Given the time constraints, the Planning Commission is asked to review the PEIR in draft form and provide a recommendation for adoption and certification by the City Council.

Housing Element Environmental Assessment

In addition to the General Plan/DTSP PEIR, an Initial Study in conformity with 14 CCR 15080(c) and an Environmental Assessment in conformity with 14 CCR 15140, et seq., were prepared for the preparation and adoption of the City's 2021-2029 (6th Cycle) Housing Element. Based on the analysis presented in the Environmental Assessment, and as more thoroughly described therein, implementation of the proposed Project would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures: Air Quality (Air Quality Management Plan Consistency, Air Quality Standards Violation; Cumulative Air Quality Impacts); Greenhouse Gas Emissions (GHG Emissions); Noise (Direct and Cumulative Construction and Exterior Traffic Noise Standard Violation); and, Population and Housing (Population Growth). Table ES-1 therein presents a summary of significant environmental impacts identified in Sections 3.1 through 3.16 of the Environmental Assessment; Mitigation Measures (MMs) that reduce any significant impacts; and the level of significance of each impact after mitigation. Significant irreversible environmental changes and growth-inducing impacts are addressed in Section 5.0, Other CEQA Considerations of the Environmental Assessment. Therefore, the proposed Zoning Code implementation of the Housing Element program requirements will not trigger any further CEQA review.

Next Steps

If the Commission adopts the resolution recommending the proposed zoning text amendments, the following next steps are anticipated:

September 18, 2023: City Council conducts a Public Hearing, receives a staff presentation and public testimony on the project, and continues the Public Hearing to September 27, 2023.

September 27, 2023: City Council continues the Public Hearing, and once the Public Hearing is closed, considers certifying/adopting the PEIR, and approving the project with a first reading of an Ordinance(s) for a Zoning Text Amendment(s) and Zoning Map Amendment(s).

October 4, 2023: Assuming the project is approved on September 27, 2023, with the first reading of an Ordinance(s) for a Zoning Text Amendment(s) and Zoning Map Amendment(s), conduct a second reading of said Ordinance(s).

Legal Review

The City Attorney has reviewed this item.

Public Notification of Agenda Item

A public notice for this Public Hearing was published in the South Pasadena Review on July 28, 2023. The public was also made aware of the regularly scheduled Public Hearing on August 8, 2023 through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website. The Planning Commission then continued the August 8, 2023 Public Hearing to a special meeting on August 21, 2023.

Attachments

1. Draft Resolution No. 23-08
 - a. Exhibit A – Draft Zone Text Amendment– Prepared by MIG
 - b. Exhibit B – Draft Updated Zoning Map
2. Existing South Pasadena Zoning Map
3. Figure B3.4 (Land Use Map) of the proposed General Plan

ATTACHMENT 1

P.C. RESOLUTION NO. 23-08

P.C. RESOLUTION NO. 23-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO THE ZONING MAP AND PROPOSED AMENDMENTS TO SOUTH PASADENA MUNICIPAL CODE (SPMC) CHAPTER 36 (ZONING) RELATED TO INCREASED DENSITY BY REZONING THE EXISTING FOCUSED AREA OVERLAY ZONE TO MIXED-USE OVERLAY ZONE AND INCREASE DENSITY IN THE RESIDENTIAL ZONING DISTRICTS IN COMPLIANCE WITH THE UPDATED GENERAL PLAN AND THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT.

WHEREAS, Sections 65300 *et. seq.* of the California Government Code requires each city and county to adopt a comprehensive, long-term, General Plan for the physical development of land within its jurisdiction and Sphere of Influence; and

WHEREAS, in strategic planning sessions in 2014 and 2015, the City Council identified the need to update the General Plan and the Mission Street Specific Plan (Project); and

WHEREAS, The City Council directed staff to expand the Mission Street Specific Plan to include the Fair Oaks Avenue Corridor, and the proposed Downtown Specific Plan (DTSP) will apply to the Fair Oaks Corridor, generally bounded by SR110 to the north and Lyndon Street to the south, and Mission Street Corridor generally bounded to the north by Hope Street and to the south by El Centro Street, and to the east to Brent Avenue and Indiana Avenue to the west.

WHEREAS, Sections 65580 *et. seq.* of the California Government Code requires each city and county to periodically prepare and update its Housing Element in its General Plan. City of South Pasadena received the Regional Housing Needs Allocation (RHNA) numbers from the Southern California Association of Government in 2019 and started to updating the 2021-2029 (6th Cycle) Housing Element; and

WHEREAS, on April 12, 2022, the City of South Pasadena was sued by Californians for Homeownership for non-compliance with State housing Law for failing to have adopted a compliant Housing Element by October 15, 2021 (*Californians for Homeownership v. City of South Pasadena*), LASC Case Nos. 22STCP01388 & 22STCP01161); and

WHEREAS, on August 15, 2022, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit, and that the Settlement Agreement committed the City to a number of actions, including but not limited to: completing the necessary rezoning to support the Housing Element within 120 days of the adoption of the Housing Element; and addition of a program to seek,

through voter approval, the removal of the City's existing 45-foot height limit for at least any parcel identified in the Housing Element for which the base density is anticipated to exceed 50 dwelling units per acre; and

WHEREAS, on August 19, 2022, the Settlement Agreement was adopted as the Court Order and committed the City to adopting a housing element certified by or eligible for certification by HCD no later than May 31, 2023; and

WHEREAS, on May 30, 2023, the City Council held a duly noticed Public Hearing to consider the Draft Housing Element. After hearing public testimony on the project, considering the staff report, staff presentation, and Council discussion, in keeping with the stipulations of the Court Order, the City Council adopted the Housing Element, thereby commencing the 120-day period in which the City must adopt changes to the Zoning Ordinance to support the Housing Element and its programs; and

WHEREAS, on June 3, 2023, and June 17, 2023, public workshops on the General Plan and DTSP were held wherein the community received a presentation and provided input on the Project; and

WHEREAS, on July 24, the Draft General Plan and DTSP were released for public comments; and

WHEREAS, on August 8, 2023, the Planning Commission held a duly noticed Public Hearing and continued to the Public Hearing to August 21, 2023, wherein the Planning Commission received a staff presentation, considered the staff report, public testimony, Planning Commission discussion, and all other materials and evidence, whether written or oral; and

WHEREAS, a Program Environmental Impact Report (PEIR) was prepared for the Project, including related Housing Element implementation actions included in the proposed text amendments, and the Planning Commission considered the Draft PEIR and at a duly noticed Public Hearing that commenced on August 8, 2023 and continued on August 21, 2023, through Resolution No. P.C. 23-05, recommended the City Council of the City of South Pasadena certify the final PEIR, adopt required findings of fact, and adopt a Mitigation Monitoring and Reporting Program; and

WHEREAS, on August 8, 2023, the Planning Commission held a duly noticed Public Hearing and continued to the Public Hearing to August 21, 2023, at which time the Planning Commission consider Zone Text Amendments to implement changes to the SPMC pertaining to increased density in certain zoning districts and the establishment of a Mixed-Use Overlay; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: The above recitals are hereby declared to be true and correct and are incorporated herein as findings of the South Pasadena Planning Commission.

SECTION 2: Based upon substantial evidence presented to the Planning Commission during the Public Hearing, including public testimony and written and oral staff reports, and the environmental documentation, the Planning Commission finds:

- A. All necessary Public Hearings and opportunities for public testimony and comment have been conducted in compliance with applicable law;
- B. That the proposed Zoning Amendment complies with the Housing Goals in the 2021-2029 (6th Cycle) Housing Element and updated General Plan.

SECTION 3: ZONING AMENDMENT FINDINGS. South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that a Zoning Amendment and Zoning Map Amendment may be approved if the following findings are met:

1. *Findings required for all Zoning Code/Map amendments;*
 - a. *The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed Zone Text Amendment is consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The current General Plan that was adopted in 1998 is not internally consistent with the recently adopted Housing Element. The Housing Element is one of the elements required by State law. Therefore, adopting an updated General Plan that implements the policies and programs of the 2021-2029 Housing Element, and this proposed Zone Text Amendment, would make the documents internally consistent. Further, the proposed Zone Text Amendment is consistent with the following General Plan and Housing Element goals, policies, actions, or programs:

- General Plan Policy P3.2: Direct new growth to the Downtown, Ostrich Farm, and the three neighborhood centers along Huntington Drive;
- General Plan Action A3.2b: Update the development code to encourage mixed-use, walkable, and contextual development;
- General Plan Policy P3.5: Remove regulatory and procedural barriers to good design;

- General Plan Action A3.5a: Develop and adopt a Form-Based Code for the Downtown area and objective design standards for areas outside the Downtown area;
- Housing Element Goal 3.0: Provide opportunities to increase housing production;
- Housing Element Program 3.a: Rezone and Redesignate Sites to Meet RHNA;
- Housing Element Program 3.n: Zoning Changes [to update development standards of residential development projects];

Therefore, the Planning Commission can make this finding in support of the Project.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City*

The Zoning Amendment would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would achieve internal consistency, including with the adopted 2021-2029 Housing Element. The implementation of the General Plan goals, policies, and actions further support the convenience and general welfare of the City by preserving existing single-family neighborhoods and focusing growth into specific areas where residents will have access to services and public transportation. The General Plan supports mixed-use, walkable neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the Planning Commission can make this finding.

- 2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Amendment is internally consistent with other applicable provisions of the Zoning Code. In addition to the proposed changes to increase density and provide objective standards for residential development projects, the proposed Zoning Amendment also includes other ancillary changes to the Zoning Code to ensure internal consistency with other sections of the Code including updated references to the newly proposed adoption of the Downtown Specific Plan (DTSP), maintenance of the single-family zones (RE and RS zones), and modifications of allowable land uses in the Mixed-Use Overlay zone. Therefore, the Planning Commission can make this finding.

- 3. Additional finding for Zoning Map amendments. The site is physically suitable (including absence of physical constraints, access, compatibility*

with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects.

The proposed Zoning Amendment and Zoning Map Amendment are actions taken to implement the General Plan, DTSP, and Housing Element Implementation programs. As a result of these updates, the existing Zoning Map required an update to remove the Focused Area overlay, establish the Mixed-Use overlay, remove the Mission Street Specific Plan, and establish the new DTSP boundaries. By making these changes, the requested Zoning Amendment and Zoning Map Amendment will be consistent with the updated General Plan, DTSP, and Housing Element Implementation programs. Therefore, the Planning Commission can make this finding.

As stated above, the Planning Commission can make all of the necessary findings listed in SPMC Chapter 36.620.070(B) to recommend the City Council adopt the Zoning Text and Map Amendments.

SECTION 4: Based upon the foregoing, the Planning Commission recommends:

- A. That the City Council adopt an Ordinance to approve a Zoning Amendment and Zoning Map Amendment to make the necessary changes to the SMPC consistent with the 2021-2029 Housing Element Housing Programs and updated General Plan substantially as set forth in Exhibits A and B of this Resolution.

SECTION 7: This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this 21st day of August, 2023.

Laura Dahl, Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

David Snow, Assistant City Attorney

I HEREBY CERTIFY the foregoing Resolution No. 23-08 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 21st day of August, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mark Perez, Deputy City Clerk

Exhibits:

- A. Draft Zone Text Amendments
- B. Draft Updated Zoning Map

EXHIBIT A OF ATTACHMENT 1
DRAFT ZONE TEXT AMENDMENTS

City of South Pasadena
Chapter 36 Zoning
Focused Amendments

36.200.020 Zoning Map and Zoning Districts.

The official City of South Pasadena Zoning Map has been adopted by the Council and is on file in the Department.

A. Zoning districts established. The City of South Pasadena shall be divided into zoning districts which implement the General Plan. The zoning districts shown in Table 2-1 are hereby established, and shall be shown on the Zoning Map.

B. Interpretation of zoning district boundaries. If there is uncertainty about the location of any zoning district boundary shown on the Zoning Map, the precise location of the boundary shall be determined by the Director.

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and/or street and alley centerlines shall be construed as the district boundaries as appropriate;
2. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

The Director may refer any question of interpretation of the Zoning Map to the Commission for a determination, at a public hearing.

C. Annexations. Areas annexed to the City shall be zoned according to the pre-annexation zoning classification until City zoning is applied to the site in compliance with Division 36.620 (Amendments).

TABLE 2-1. ZONING DISTRICTS		
Zoning District Symbol	Zoning District Name	General Plan Land Use Classification Implemented by Zoning District
Residential Districts		
RE	Residential Estate	Estate and Residential Very Low Density Neighborhood
RS	Residential Single Family	Low Density Residential Neighborhood

TABLE 2-1. ZONING DISTRICTS		
Zoning District Symbol	Zoning District Name	General Plan Land Use Classification Implemented by Zoning District
RM	Residential Medium Density	Medium Density Residential <u>Neighborhood</u>
RH	Residential High Density	High Density Residential <u>Neighborhood</u>
Commercial Districts		
CG	Commercial General	General Commercial <u>Mixed Use Core; Fair Oaks Corridor</u>
CO	Commercial Office	Professional Office <u>Mixed Use Core</u>
BP	Business Park	Business Park, Research and Development, and Light Manufacturing <u>Mixed Use Core</u>
Special Purpose Districts		
CF	Community Facilities	Community Facilities <u>Civic</u>
OS	Open Space	Parks & Open Space/Parks <u>Spaces; Preserves</u>
MSSP <u>DTSP</u>	Mission Street <u>Downtown</u> Specific Plan	Mission Street Specific Plan <u>Mixed Use Core; Fair Oaks Corridor</u>
HFSP	Holy Family Specific Plan	Holy Family Specific Plan <u>Civic</u>
Overlay Districts		
AM	Altos de Monterey	Altos de Monterey Residential <u>Very Low Density Neighborhood</u>
FA <u>MU</u>	Focus Area <u>Mixed Use Overlay</u>	Focus Areas (General Plan Section 2-7) <u>Mixed Use Core</u>

(Ord. No. 2108 § 1.)

Division 36.220. Residential Zoning Districts

36.220.010 Purpose of Division.

This Division lists the uses of land that may be allowed within the residential zoning districts established by Section 36.200.020 (Zoning Map and Zoning Districts), determines the type of zoning approval/approval required for each use, and provides basic standards for site layout and building size.

(Ord. No. 2108 § 1.)

36.220.020 Purposes of Residential Zoning Districts.

Different residential zoning districts are intended to provide for a variety of housing opportunities through new construction, and the maintenance of existing homes and neighborhoods. The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

A. RE (Residential Estate) district. The RE zoning district applies to areas appropriate for detached, single-family residential homes on large estate parcels. The allowable residential density ~~ranges from one to 3.5~~ is a maximum of three dwelling units per acre. The RE zoning district is consistent with the ~~Estate/Very-Low Density Residential~~ Neighborhood land use designation of the General Plan.

B. RS (Residential Single-Family) district. The RS zoning district is intended for areas appropriate for the development of detached, single-family homes. The allowable residential density ~~ranges from 3.51 to six~~ a maximum of five dwelling units per acre. The RS zoning district is consistent with the Low Density ~~Residential~~ Neighborhood land use designation of the General Plan.

C. RM (Residential Medium Density) district. The RM zoning district applies to areas appropriate for a variety of housing types. Typical residential land uses include single-family bungalow courts, courtyard housing, townhomes, duplexes, triplexes, or multiplexes, and other attached ~~or detached single-family dwellings on smaller lots~~. The allowable residential density ranges from ~~6.1~~ 15 to ~~1430~~ dwelling units per acre. The RM zoning district is consistent with the Medium Density ~~Residential~~ Neighborhood land use designation of the General Plan.

D. RH (Residential High Density) district. The RH zoning district is intended for areas appropriate for high density ~~single-family attached or multi-family~~ dwelling units, including courtyard housing, townhouses, condominiums, and apartments. The allowable residential density ranges from ~~1430~~ 1 to ~~2445~~ dwelling units per acre. The RH zoning district is consistent with the High Density ~~Residential~~ Neighborhood land use designation of the General Plan.

~~(Ord. No. 2108 § 1.)~~

36.220.030 Residential Zoning District Land Uses and Permit Requirements.

A. General requirements. Table 2-2 identifies the uses of land allowed by this Zoning Code in each residential zoning district, and the zonings approval required to establish each use, in compliance with Section 36.210.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Code may also apply.

B. Altos de Monterey (AM) overlay district. Allowable land uses and permit requirements for parcels within the AM overlay district are established by Section 36.250.030.

TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use				
	CUP	Conditional Use Permit required				
	AUP	Administrative Use Permit required				
	—	Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	RE	RS	RM	RH		
RECREATION, EDUCATION, PUBLIC ASSEMBLY & COMMUNITY FACILITY USES						
Clubs, lodges and fraternal organizations	—	—	—	CUP		
Community center	—	—	—	CUP		
Private sport courts	AUP	AUP	AUP	AUP		
Community gardens	CUP	CUP	CUP	CUP	36.350.230	
RESIDENTIAL USES						
Accessory residential uses and structures	P(<u>32</u>)	P(<u>32</u>)	P(<u>32</u>)	P(<u>32</u>)	36.350.170	
Home occupation	P	P	P	P	36.410.030	
Multi-family dwellings	—	—	P	P	36.350.180, 190	
Organizational house (sorority, convent, etc.)	—	—	CUP	CUP		
Residential care facility, 6 persons or less	P	P	P	P		
Residential care facility, 7 persons or more	—	—	CUP	CUP	36.350.050	

TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use			
	CUP	Conditional Use Permit required			
	AUP	Administrative Use Permit required			
	—	Use not allowed			
	PERMIT REQUIRED BY DISTRICT				
LAND USE (1)	RE	RS	RM	RH	
Residential care facility for the elderly (RCFE)	—	—	CUP	CUP	36.350.050
Second <u>Accessory</u> dwelling unit <u>units</u>	P	P	P	P	36.350.200
RESIDENTIAL USES (Continued)					
Existing single-family dwelling	P	P	P	P	
New single-family dwelling	P	P	—	—	
Transitional and supportive housing	P	P	P (multi-family types located in the RM district are subject to specific use regulations 36.350.180,190)	P (multi-family types located in the RH district are subject to specific use regulations 36.350.180,190)	
SERVICE USES					
Bed & breakfast inn (B&B)	CUP	CUP	CUP	CUP	36.350.070
Child day care center	—	—	CUP	CUP	36.350.080
Child day care—Small family day care home	P	P	P	P	36.350.080
Child day care—Large family day care home	P	P	P	P	36.350.080

TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use			
	CUP	Conditional Use Permit required			
	AUP	Administrative Use Permit required			
	—	Use not allowed			
	PERMIT REQUIRED BY DISTRICT				
LAND USE (1)	RE	RS	RM	RH	
Medical services—Extended care	—	—	—	CUP ⁽²⁾	
Mortuaries and funeral homes	—	—	—	CUP ⁽²⁾	
Notes:					
(1) See Article 7 for land use definitions.					
(2) Allowable locations restricted to El Centro Street between Fremont and Diamond; Fair Oaks Avenue; Fremont Avenue north of Monterey Road; and Huntington Drive.					
(3)					
(2) Permit required determined by Section 36.350.170.					

~~(Ord. No. 2108 § 1; Ord. No. 2197 § 2, 2009; Ord. No. 2246 § 3, 2013; Ord. No. 2251 § 5, 2013; Ord. No. 2253 § 3, 2013; Ord. No. 2372 § 2, 2023.)~~

36.220.040 Residential Zoning District General Development Standards.

- A. General requirements. Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-3, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).
- B. Altos de Monterey (AM) overlay district. Development standards for parcels within the AM overlay district are established by Section 36.250.030.
- C. Design Guidelines ~~and Standards~~. Land uses and structures proposed within the residential zoning districts shall comply with the City’s Design Guidelines to the extent required by the Design Review Board and/or specific provisions of the Design Guidelines ~~, objective design standards, and to the extent permitted by State law. Qualifying residential projects shall comply with the ministerial approval process established by Section 36.410.040D.6.~~

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
Minimum lot size	Minimum area and width for parcels proposed in new subdivisions.			
Area	12,500 sf	10,000 sf	10,000 sf	10,000 sf
Width	75 ft; 85 ft for a corner lot	50 ft; 60 ft for a corner lot	60 ft; 80 ft for a corner lot	<u>70 ft</u>
Residential density	Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or land use permit approval, as applicable.			
Allowable density	1 <u>Maximum of 3.5</u> du/acre	3.5 <u>Maximum of 5</u> du/acre	6.1 <u>15 to 30</u> du/acre	14 <u>30.1</u> 24 <u>to 45</u> du/acre
Minimum density allowed	Each legal parcel in a residential zoning district will be allowed one single family dwelling regardless of lot area; parcels in the RE, RS, and RM districts may also be allowed a second dwelling unit in compliance with Section 36.250.200 (Residential Uses—Second Dwelling Units).			
Minimum lot area/ multi-family unit	N.A.		3,200 <u>7,300</u> sf	1,900 <u>3,200</u> sf
Setbacks	Minimum and, where noted, maximum setbacks required. See Section 36.300.030 for setback measurement, allowed projections into setbacks, and <u>specific</u> exceptions to setbacks.			
Front	25% of lot depth, with a minimum of 25 ft, and a maximum requirement of 35 ft		20 ft	20 ft; 85 ft from street centerline on Huntington Drive <u>15 ft</u>
Front exception	If 60 percent or more of the lots on the same block face have structures with front setbacks different from the above, the required front setback shall be the average of the existing front setbacks, provided that no more than 45 feet shall be required in the RE district, and 35 ft shall be required elsewhere.		<u>An additional minimum 5 ft setback from the property line shall be provided for every story above the second story.</u>	

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District (1)			
	RE	RS	RM	RH
Sides, each	10% of lot width	10% of lot width, 4 ft minimum	An additional minimum 4 foot setback from the property line shall be provided for every additional story above the second story.	±0±8 ft minimum; <u>10 ft minimum setback from the property line shall be provided for each story above the second story.</u>
Side, street side	20% of lot width, to a maximum requirement of 15 ft		15 ft <u>minimum</u>	
Rear	25 ft		±0±15 ft minimum; <u>or 5 ft minimum abutting an alley</u>	±15 ft, or 5 ft if abuts an alley; <u>20 ft minimum; 22 ft minimum setback shall be provided for each additional story above the second story.</u>
Garage	An attached garage shall be set back a minimum of 10 ft from the front of the main structure		<u>Not applicable</u>	
Accessory structures	<p>As required for primary structures, except that:</p> <ul style="list-style-type: none"> • A structure of 120 sf or less may be placed within a required side or rear setback, but not a front setback or in front of the frontmost dwelling unit on the lot; • A detached garage or carport or other accessory residential structure shall be located at least 5 ft from a side and/or rear property line, except 		<u>See Section 36.350.170 (Residential Uses—Accessory Residential Structures).</u>	

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

		Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH	
	if the required side yard setback for the dwelling/s is less than 5 ft, in which case the lesser side yard setback may be used for a detached garage or carport only. Such structures cannot be located in the front setback or in front of the frontmost dwelling unit on the lot; <ul style="list-style-type: none"> • Accessory structures shall be located at or beyond the required street-facing side yard setback for the dwelling/s, except if the Director determines that a lesser setback can be approved using the Administrative Use Permit process detailed in Section 36.350.170(C)(3)(e); • Private residential recreational facilities shall be located at least 5 ft from a side and/or rear property line and cannot be located in the front setback, or in front of the frontmost dwelling unit on the lot or in the street-facing side setback of a corner lot. See also Section 36.350.170 (Residential Uses—Accessory Residential Structures).				
Building separation	10 ft between structures on the same site.		<u>Minimum distances shall comply with Fire Code requirements but in no case shall be less than 10 ft.</u>		
Lot coverage	Maximum percentage of total lot area that may be covered by structures.				
	40%		N/A		

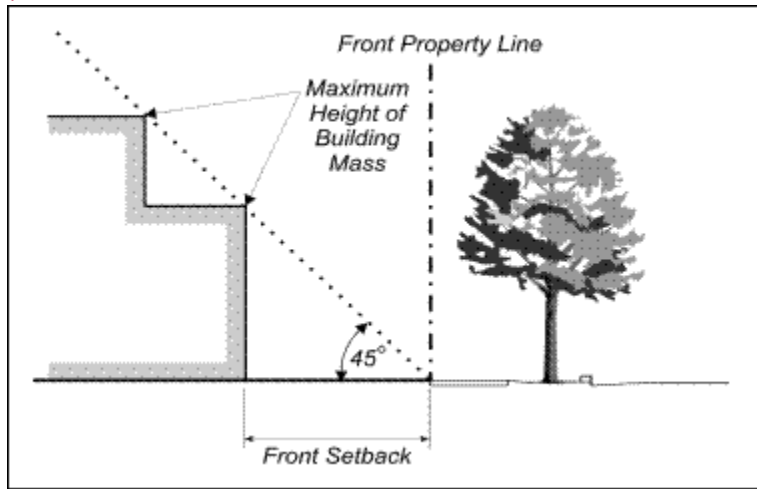
TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
Floor area ratio	Maximum allowable ratio of building floor area to lot area. See Article 7 (Definitions) for a definition and illustration.			
Requirement <u>Floor area ratio requirement</u>	0.35		Single family dwellings— 0.50 Multifamily projects—1.25 <u>N/A</u>	Single family dwellings— 0.40 Multifamily projects—1.25 <u>N/A</u>
Exception	Each dwelling unit may have an attached or detached garage or carport of up to 500 sf in addition to the above-listed FAR. Any square footage in excess of 500 sf is included in the FAR calculation.			
Height limit	Maximum allowable height of structures in other than hillside areas (see Division 36.340 (Hillside Protection) for height limits in hillside areas). See Section 36.300.040 (Height Limits and Exceptions) for height measurement requirements. See also Section 36.350.170 (Residential Uses—Accessory Residential Structures).			
Maximum height	35 ft		45 ft	
Multiple story exception	No portion of a structure shall encroach through a 45-degree angle projected perpendicularly from the front property line toward the rear property line. See Figure 2-1 in this Division. Building height in addition to the above limits may be authorized by design review (Section 36.410.040) to accommodate dormer windows and/or nonhabitable roof structures where appropriate to the architectural style of the dwelling.		<u>Not applicable</u>	
Open Space	Not applicable		As required by Section 36.350.190 (Multi-Family Project Standards)	
Landscaping	As required by Division 36.330 (Landscaping Standards)			
Parking	As required by Division 36.310 (Parking and Loading), <u>unless such development qualifies for an exception to providing parking under provisions of State law</u>			

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS				
	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
Signs	As required by Division 36.320 (Signs)			
<p>Notes:</p> <p>(1) Altos de Monterey exceptions. The standards and requirements for development within the Altos de Monterey (AM) overlay zoning district are different from those in this table; see Section 36.250.030.</p>				

Figure 2-1. Height Limit Adjacent to Street

(Ord. No. 2108 § 1; Ord. No. 2183 § 3, 2009; Ord. No. 2190 § 3, 2009; Ord. No. 2372 § 3, 2023.)



36.220.050 Development of Small Nonconforming Residential Parcels.

The following standards apply to new and remodeled single-family dwellings on legal nonconforming parcels with an area of less than 10,000 square feet, except that all standards, except subsection F (Lot Coverage), do not apply to hillside parcels (as defined by Section 36.340.2020(A) (Hillside Protection)). These standards are intended to minimize the impacts of single-family dwelling alteration, construction, expansion, and replacement by maintaining the existing residential neighborhood character that might otherwise result in overbuilding on a small single-family parcel.

A. Design compatibility. Proposed construction shall have exterior colors, forms, and materials that are consistent throughout and visually compatible with adjacent structures and the surrounding neighborhood. The size, mass, and scale of new dwellings shall also be visually compatible with adjacent structures and the surrounding neighborhood. New dwellings shall also comply with the City's Residential Design Guidelines.

B. Setbacks.

1. The front and rear setback shall be 20 feet, or 15 feet for houses with a front porch.
2. A second story shall be set back an additional five feet from the front of the house and three feet on both sides (which may be accommodated within a sloping roof), unless the architectural style requires a zero front or side second story setback, as determined by the Review Authority. In the latter case, the ground floor front setback shall be 25 feet.

C. Driveway width. Driveways shall be limited to a maximum paved width of 10 feet with two feet clear of obstructions on either side, or 40 percent of the parcel frontage, whichever is less. Driveway width at property lines shall be limited to 10 feet.

D. Front yard paving. No more than 45 percent of the total area of the front setback shall be paved for walkways, driveways, and/or other hardcover pavement.

E. Reserved.

F. Lot coverage. The maximum lot coverage shall be 50 percent.

G. Parking. For dwellings with detached garages located behind the primary unit, the minimum parking requirement shall be two covered spaces. Attached garages shall be set back a minimum of 10 feet from the front of the building, and shall include two enclosed spaces.

~~(Ord. No. 2108 § 1; Ord. No. 2166, § 3, 2007; Ord. No. 2183 § 4, 2009; Ord. No. 2190 § 5, 2009.)~~

Division 36.230. Commercial Zoning Districts

Sections:

36.230.010 Purpose of Division.

36.230.020 Purposes of Commercial Zoning Districts.

36.230.030 Commercial District Land Uses and Permit Requirements.

36.230.040 Commercial District General Development Standards.

36.230.050 Mixed Use Overlay Development Standards.

36.230.010 Purpose of Division.

This Division lists the uses of land that may be allowed within the commercial zoning districts established by Section 36.200.020 (Zoning Map and Zoning Districts). It also determines the type of zoning approval/approval required for each use, and provides basic standards for site development.

~~(Ord. No. 2108 § 1.)~~

36.230.020 Purposes of Commercial Zoning Districts.

The Commercial zoning districts are intended to provide a range of commercial opportunities within South Pasadena. The purposes of the individual Commercial zoning districts and the manner in which they are applied are as follows.

A. CG (Commercial General) District. The CG zoning district is applied to areas appropriate for a wide range of commercial retail and service land uses. The CG zoning district is consistent with the ~~General Commercial~~Mixed Use Core land use designation of the General Plan.

B. CO (Commercial Office) District. The CO zoning district is applied to areas appropriate for professional offices. Other uses including business support services, restaurants, and specialty retail land uses may be allowed. The CO zoning district is consistent with the ~~Professional Office~~Mixed Use Core land use designation in the General Plan.

C. BP (Business Park) District. The BP zoning district is applied to areas appropriate for light manufacturing and business park uses including research and development, corporate headquarter offices, and support service and retail land uses. Land uses in the BP District are intended to be designed as campus-business park environments. The BP zoning district is consistent with the ~~Business Park, Research & Development, Light Manufacturing~~Mixed Use Core land use designation of the General Plan.

~~D. (Ord. No. 2108 § 1.)~~

MU (Mixed Use) Overlay District. The MU Overlay district may be applied to all CO, CG, and BP zoning districts as an overlay to allow for a wide range of development that contains a mix of functions, including commercial, entertainment, office, and housing. The MU Overlay District is consistent with the Mixed Use Core land use designation in the General Plan. The intent of this overlay district includes

implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development in the CO and CG zoning districts.

36.230.030 Commercial District Land Uses and Permit Requirements.

A. General requirements. Table 2-4 identifies the uses of land allowed by this Zoning Code in the commercial zoning districts, and the zoning approval required to establish each use, in compliance with Section 36.210.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Code may also apply.

~~B. Focus area requirements. A site within a focus area (FA) overlay district may be subject to limitations required by Section 36.250.040 (Focus Area (FA) Overlay District).~~

~~C.—Design guidelines and standards. Land uses and structures proposed within the commercial zoning districts shall comply with any adopted design guidelines to the extent required by the Review Authority and/or specific provisions of any design guidelines and any applicable objective design standards for qualifying residential and mixed-use projects. Qualifying residential projects shall comply with the ministerial approval process established by Section 36.410.040D.6.~~

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
MANUFACTURING & PROCESSING USES				
Electronics, equipment, and appliance manufacturing	—	—	P	
Food and beverage products manufacturing	—	—	P	
Furniture/fixtures manufacturing, cabinet shops	—	—	P	
Handcraft industries, small-scale manufacturing, less than 3,500 sf	—	—	P	
Handcraft industries, small-scale manufacturing, 3,500 sf or more	—	—	CUP	

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Laundries and dry cleaning plants, less than 3,500 sf	—	—	P	
Laundries and dry cleaning plants, 3,500 sf or more	—	—	CUP	
Media postproduction facilities	—	—	P	
Metal products fabrication, machine/welding shops	—	—	P	
Photographic processing plants, less than 3,500 sf	—	—	P	
Photographic processing plants, 3,500 sf or more	—	—	CUP	
Plumbing and heating shops, less than 3,500 sf	—	—	P	
Plumbing and heating shops, 3,500 sf or more	—	—	CUP	
Printing and publishing, less than 3,500 sf	—	P	P	
Printing and publishing, 3,500 sf or more	—	P	CUP	
Recycling facilities	—	CUP	CUP	36.350.160
Recycling facilities—Reverse vending machines	—	P	P	36.350.160
Warehouses, wholesaling and distribution	—	—	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Adult entertainment businesses	—	—	(2)	36.350.030
Clubs, lodges, fraternal organizations	—	CUP	CUP	
Indoor amusement/entertainment facilities	—	P	CUP	

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Libraries, museums, galleries	—	AUP	CUP	
Outdoor recreation facilities	—	CUP	CUP	
Schools—Private	—	CUP	CUP	
Schools—Specialized education, tutoring, and training	—	AUP/ CUP	CUP	3,000 sf or smaller requires an AUP, greater than 3,000 sf requires a CUP
Special needs educational and training facilities	—	CUP	CUP	
Studios/health/fitness facility—Dance, martial arts, music, photography, etc.	AUP/ CUP	AUP/ CUP	CUP	3,000 sf or smaller requires an AUP, greater than 3,000 sf requires a CUP
Theaters and auditoriums	—	CUP	—	
Community gardens	CUP	CUP	CUP	36.350.230
RESIDENTIAL USES				

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Emergency shelter	—	CUP	P	36.350.250
Live/work units	—	—	—	36.350.110
Mixed-use projects	P	P	P	36.350.120 <u>36.230.050</u>
<u>Multi-family dwellings (4)</u>	<u>P</u>	<u>P</u>	<u>P (5)</u>	<u>36.230.050</u>
Single-room occupancy	—	—	P	36.350.260
Transitional and supportive housing, including low barrier navigation centers	P	P	P	
RETAIL TRADE				
Alcoholic beverage sales	—	CUP	—	36.350.040
Auto parts sales	—	P	—	
Auto sales and rental	—	CUP	CUP	
Building material stores	—	P	CUP	36.350.220
Coffee roasting and packaging, retail	—	CUP	—	
Construction/heavy equipment sales and rental	—	CUP	CUP	
Convenience and liquor stores	—	CUP	—	36.350.040
Department stores	—	P	—	

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Equipment sales and rental	—	CUP	CUP	
Extended hour businesses (11:00 p.m. to 6:00 a.m.)	—	CUP	CUP	
Furniture, furnishings and appliance stores	—	P	—	
Gas stations	—	CUP	CUP	
General retail	—	P	CUP	36.350.140, 36.350.220
Grocery stores	—	AUP	—	
Hardware stores	—	P	—	
Multi-tenant retail	—	CUP	—	
Outdoor display and retail activities	—	AUP	CUP	
Plant nurseries and garden supply stores	—	P	—	36.350.140, 36.350.220
Restaurants	CUP	P	P	
Restaurants, multi-tenant retail		CUP(3)		
Restaurants, take-out and with accessory retail food	CUP	P	P	
Restaurants, with catering and/or accessory retail food	CUP	CUP	CUP	
Restaurants, with outdoor dining only	AUP	AUP	AUP	36.350.130

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Secondhand stores	—	P	—	
Tobacco retailer—Primary use	—	P	CUP	SPMC Chapter 18, Article 6 or its successor
Tobacco retailer—Accessory use	—	As required for the primary use that the accessory use is associated with	As required for the primary use that the accessory use is associated with	
Warehouse retail	—	CUP	—	36.350.220
SERVICES—BUSINESS & PROFESSIONAL				
Automated teller machines (ATMs)	P	P	P	36.350.060
Banks and financial services	—	P	P	
Business support services	—	CUP	P(5) P(4)	
Offices—Production, research and development	P	P	P	
Offices—Professional and administrative	P	P	P	
SERVICES—OTHER				

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Ambulance service	—	CUP	CUP	
Bed and breakfast inns	CUP	CUP	—	
Child/adult day care centers	—	AUP/ CUP	CUP	3,000 sf or smaller requires an AUP, greater than 3,000 sf requires a CUP
Contractor storage yard	—	—	CUP	
Convenience services	P	P	P	
Hotels and motels	—	CUP	—	
Medical services—Clinics	—	CUP	—	
Medical services—Laboratories	—	CUP	P	
Medical services—Offices	P	P	P	
Massage establishment	—	CUP	—	SPMC 17.15(B)
Personal services	CUP (4)	P	—	SPMC 17.13
Personal services—Restricted	—	AUP	—	

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
Vehicle repair and maintenance—Major repair work	—	CUP	—	
Vehicle repair and maintenance—Service and maintenance	—	CUP	—	
Veterinary clinics, hospitals, kennels	—	CUP	CUP	
Wine cellar	—	P	P	
TRANSPORTATION & COMMUNICATIONS				
Parking facilities/vehicle storage	—	CUP	—	
Broadcasting studios	—	CUP	P	
Telecommunications facilities	CUP	CUP	CUP	36.350.210
Notes:				
(1) See Article 7 for land use definitions.				
(2) Requires an adult business permit in compliance with SPMC 36.350.030.				
(3) If multi-tenant retail complies with the parking regulations in SPMC 36.310.040, a CUP is required if a new restaurant would cause the restaurant square footage in the multi-tenant retail to exceed 20 percent of the total square footage. If the multi-tenant retail is legal nonconforming with the parking regulations in SPMC 36.310.040, a CUP is required if a restaurant use in an existing space has been abandoned for a period of 18 months or longer, and for all additional restaurants in new spaces or spaces previously occupied by a non-restaurant.				
(4) Personal services are not permitted on parcels located within the Fremont Corridor as defined in the Land Use and Community Design Element of the South Pasadena General Plan. The Fremont Corridor includes a mixture of residential and small-scale professional office uses lining the busy and heavily traveled section of Fremont Avenue from Monterey Road north to the Pasadena Freeway, properties fronting Mound Avenue between Hope Street and the Pasadena Freeway.				
(5) (4) Business support services consisting of laboratory uses require a CUP.				

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
LAND USE (1)	CO	CG	BP	
<u>(5) See Section 36.230.050 regarding properties identified as housing sites in the General Plan Housing Element sites inventory as Mixed Use.(6) Residential units shall be located above the ground-floor level.</u>				

(Ord. No. 2108 § 1; Ord. No. 2128 § 1; Ord. No. 2132 § 1; Ord. No. 2165 § 1, 2007; Ord. No. 2172 § 3, 2008; Ord. No. 2183 § 5, 2009; Ord. No. 2197 § 3, 2009; Ord. No. 2202 § 3, 2010; Ord. No. 2207 § 5, 2010; Ord. No. 2208 § 6, 2010; Ord. No. 2244 § 5, 2013; Ord. No. 2251 § 4, 2013; Ord. No. 2292 § 5, 2016; Ord. No. 2358 § 1, 2021; Ord. No. 2372 § 4, 2023.)

36.230.040 Commercial District General Development Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-5, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Site Planning and General Development Standards).

TABLE 2-5. COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS			
Development Feature	Requirement by Zoning District		
	CO	CG	BP
Minimum lot size	Minimum area and width for parcels proposed in new subdivisions.		
Area	10,000 sf		
Width	50 ft		
Setbacks	Minimum setbacks required. See Section 36.300.030 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.		
Front	25 ft on Fremont St. between the 110 freeway and Monterey	None required	25 ft

TABLE 2-5. COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	CO	CG	BP
	Rd., 20 ft required otherwise.		
Sides, each	15 ft if adjacent to an RS district; none required otherwise.		
Street side	None required		None required
Rear	None, except if adjacent to an alley 5 ft, or if adjacent to a RS district 25 ft		None required
Lot coverage	Maximum percentage of total lot area that may be covered by structures.		
	No maximum		50%
Height limit	Maximum allowable height of structures. See Section 36.300.040 (Height Limits and Exceptions) for height measurement requirements.		
Maximum height	35 ft		
Landscaping	As required by Division 36.330 (Landscaping Standards)		
Parking	As required by Division 36.310 (Parking and Loading)		
Signs	As required by Division 36.320 (Signs)		

36.230.050 Mixed Use Overlay District Development Standards.

A. New Development. Subdivisions, new land uses, and structures developed as mixed-use development or as urban residential (multi-family) development within CO, CG, or BP zoning districts and with the Mixed Use Overlay shall be designed, constructed, and/or established in compliance with the requirements in Table 2-6, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

B. For properties designated in the General Plan Housing Element sites inventory as Mixed Use, in addition to all other requirements in this section, projects of 100 percent residential development shall be permitted, and at least 50 percent of the total floor area of mixed-used developments on any sites identified as Mixed Use in the Housing Element sites inventory must be developed as residential use.

C. Redevelopment. Substantial alteration of an existing mixed-use development or urban residential (multi-family) development within the CO, CG, or BP zoning districts shall be improved to satisfy the requirements in Table 2-6, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

D. (Ord. No. 2108 § 1.)

TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS		
<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>DEVELOPMENT INTENSITY</u>		
<u>Minimum Size or Area</u>	<u>20,000 sf</u>	
<u>Minimum Lot Frontage</u>	<u>80 ft</u>	
<u>Density Range for Residential</u>	<u>52 to 70 du/ac</u>	
<u>Maximum Lot Coverage</u>	<u>70%</u>	
<u>Minimum Residential Unit Size</u>	<u>Studio – 450 sf</u> <u>One-bedroom – 750 sf</u> <u>Two-bedroom – 900 sf</u>	
<u>NON-RESIDENTIAL USES</u>		
<u>Location</u>	<u>Non-residential uses are required along the street frontage in the areas described in the General Plan for development within a Corridor, District, or Neighborhood Centers.</u>	<u>Residential units shall be located above the ground-floor level within the BP zoning district.</u>
<u>BUILDING HEIGHT AND FORM</u>		
<u>Maximum Height</u>	<u>45 ft</u>	<u>Non-habitable building features such as chimneys, cupolas, flagpoles, monuments, steeples, roof screens, equipment, and similar structures covering no more than 10% of the top floor roof area may exceed the maximum height by up to 8 ft.</u>
<u>Maximum Stories</u>	<u>4</u>	
<u>Maximum Floor Area by Story</u>	<u>First Story – 100%</u> <u>Second Story – 90%</u> <u>Third Story – 80%</u> <u>Fourth Story – 75%</u>	<u>Percentage of the first story building footprint area</u>
<u>Maximum Building Length</u>	<u>150 ft</u>	
<u>BUILDING RELATIONSHIP TO STREET</u>		
<u>Minimum Building Frontage</u>	<u>60%</u>	
<u>Maximum Elevation Above Street/Sidewalk Level</u>	<u>2 ft</u>	

TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>Minimum Ground Floor Height</u>	<u>12 ft</u>	
<u>NON-RESIDENTIAL USE GROUND FLOOR BUILDING DESIGN</u>		
<u>Maximum Blank Wall Length</u>	<u>25 ft</u>	
<u>Minimum Glazing</u>	<u>50%</u>	
<u>Minimum Tenant Space Width</u>	<u>25 ft</u>	
<u>Minimum Number of Entries</u>	<u>1 per 100 lineal ft</u>	
<u>Minimum Wall Plane Articulation</u>	<u>To/From Window/Door – minimum 6 inches</u> <u>To/From Column/Other Feature – minimum 18 inches</u>	<u>Windows, door, columns, and other features shall be recessed or project forward to provide the respective minimum differential from the wall plane</u>
<u>Signs</u>	<u>As required by Division 36.320 (Signs)</u>	
<u>SETBACKS FOR NON-RESIDENTIAL</u>		
<u>Front – Ground Floor</u>	<u>Per the underlying zoning district</u>	<u>May be increased to 15 ft where outdoor uses or small plazas are provided directly in front of the non-residential use</u>
<u>Side – Ground Floor</u>	<u>Per the underlying zoning district</u>	
<u>Rear</u>	<u>Per the underlying zoning district</u>	
<u>SETBACKS FOR RESIDENTIAL</u>		
<u>Front – Ground Floor</u>	<u>20 ft minimum</u>	
<u>Side</u>	<u>10 ft minimum for first two floors</u> <u>15 ft minimum from property line for third floor and above</u>	<u>For any property adjacent to an RE or RS district, the minimum setback for the first and second stories shall be 20 feet, and any story above the second story shall be set back a minimum distance of 25 feet from the property line.</u>
<u>Rear</u>	<u>20 ft minimum for first two floors</u> <u>25 ft minimum for third floor and above</u>	<u>For any property adjacent to an RE or RS district, the minimum setback for the first and second stories shall be 30 feet, and any story above the second story shall be set back a minimum distance of 35 feet from the property line.</u>

TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>SETBACKS – GENERAL</u>		
<u>Setback from Access Driveway</u>	<u>5 ft minimum</u>	
<u>Distance Between Buildings</u>	<u>As required by the Fire Code, but no instance less than 10 ft</u>	
<u>PARKING, LOCATION AND DESIGN</u>		
<u>Parking and Driveways Combined</u>	<u>40% maximum of lot frontage</u>	
<u>Parking</u>	<u>30% maximum of lot frontage</u>	
<u>Number of Spaces for Non-Residential Uses</u>	<u>As required by Division 36.310 (Parking and Loading)</u>	<u>Shared parking or a reduction in parking subject to approval of a parking study – Section 36.310.060. Within one-half mile of a high-quality transit station, no parking minimums shall apply for any use except for hotels, motels, bed and breakfast inns, and similar transient lodging facilities per Government Code Section 65863.2.</u>
<u>Number of Spaces for Residential Uses</u>	<u>Studio – 0.50 space One-bedroom – 1 space Two-bedroom – 2 spaces Guest Space – 0.25 per unit</u>	<u>Guest spaces are not required if non-residential spaces are available during non-operational hours.</u> <u>Parking is reduced, not required, for qualifying development projects within one-half mile of a high-quality transit station, as defined in Government Code Section 65863.2.</u>
<u>Design of Surface or Structure Parking</u>	<u>As required by Division 36.310 (Parking and Loading)</u>	<u>Unless modified by standards herein</u>
<u>LANDSCAPING AND OPEN SPACE</u>		
<u>Minimum Site Landscaping</u>	<u>20 %</u>	<u>Exclusive of areas on the site providing useable open space for residential uses.</u>

TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
		<u>Improved rooftop areas can be counted toward open space.</u>
<u>Minimum Driveway and Parking Area Side Landscaping</u>	<u>5 ft</u>	
<u>Minimum Total Combined Useable Open Space per Residential Unit (Common and Private Combined)</u>	<u>300 sf/du</u>	<u>Improved rooftop open space, balconies, and indoor common spaces can be counted toward usable open space.</u>
<u>Common Open Space Requirements</u>	<u>1,000 sf area minimum</u> <u>25 ft minimum depth and width</u>	
<u>Private Open Space Requirements</u>	<u>Balcony minimum dimension of 6 ft wide and 4 ft deep</u>	

Notes Column in Table 2-6. Where the last column in Table 2-6 (“Notes”) includes a section number, the regulations in the referenced section apply to the standard; however, provisions in other sections of this Zoning Code may also apply.

Division 36.240. Special Purpose Zoning Districts

36.240.010 Purpose of Division.

This Division regulates development and new land uses in the special purpose zoning districts established by Section 36.200.020 (Zoning Map and Zoning Districts).

~~(Ord. No. 2108 § 1.)~~

36.240.020 Purposes of Special Purpose Zoning Districts.

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

A. CF (Community Facilities) District. The CF zoning district is applied to areas appropriate for public and quasi-public land uses. Typical land uses include government and institutional offices, schools, libraries, ~~churches~~religious facilities, and other related municipal uses. The CF zoning district is consistent with the ~~Community Facilities~~Civic land use designation of the General Plan.

B. OS (Open Space) District. The OS zoning district is applied to areas suitable for open space land uses including parks, natural open space areas, recreational facilities, and areas used for flood control. The OS zoning district is consistent with the ~~Parks & Open Space~~Spaces, and Preserves land use ~~designation~~designations of the General Plan.

C. ~~MSSP (Mission Street~~DTSP (Downtown Specific Plan) District. The ~~MSSP~~DTSP zoning district is applied to the ~~Mission Street~~Downtown Specific Plan area. Appropriate land uses include pedestrian-oriented, retail and service uses. The ~~MSSP~~DTSP zoning district is consistent with the ~~Mission Street Specific Plan~~Mixed Use Core and Fair Oaks Corridor land use ~~designation~~designations of the General Plan.

D. HFSP (Holy Family Specific Plan) District. The HFSP zoning district is applied to the Holy Family Specific Plan area. Appropriate land uses include religious facilities, schools, and accessory uses. The HFSP zoning district is consistent with the ~~Holy Family Specific Plan~~Civic land use designation of the General Plan.

~~(Ord. No. 2108 § 1.)~~

36.240.030 Special Purpose District Land Uses and Permit Requirements.

A. CF and OS Districts. Table 2-~~67~~ identifies the uses of land allowed by this Zoning Code in each special purpose zoning district, and the zoning approval required to establish each use, in compliance with Section 36.210.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Code may also apply.

B. ~~MSSP~~DTSP District. Land uses in the ~~MSP~~DTSP zoning district are as permitted in the ~~Mission Street~~Downtown Specific Plan.

C. HFSP District. Land uses in the HFSP zoning district are as permitted in the Holy Family Specific Plan.

TABLE 2-67. ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE ZONING DISTRICTS	P	Permitted Use	
	CUP	Conditional Use Permit required	
	AUP	Administrative Use Permit required	
	—	Use not allowed	
	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
LAND USE (1)	CF (2)	OS	
AGRICULTURE & OPEN SPACE USES			
Community gardens	CUP	CUP	36.350.230
Hiking trails	—	P	
Nature preserves and accessory uses (e.g., interpretive centers)	—	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Community centers	P	AUP	
Equestrian facilities	—	AUP	
Libraries, museums, galleries	P	—	
Schools, private	AUP	—	
Outdoor recreational facilities	P	AUP	
Parks and playgrounds	P	AUP	
Religious institutions	CUP	—	
SERVICES			
Medical services – Hospitals	CUP	—	
TRANSPORTATION & COMMUNICATIONS			
Parking facilities/vehicle storage	CUP	—	

TABLE 2-67. ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE ZONING DISTRICTS	P	Permitted Use	
	CUP	Conditional Use Permit required	
	AUP	Administrative Use Permit required	
	—	Use not allowed	
	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
LAND USE (1)	CF <u>(2)</u>	OS	
Telecommunications facilities	CUP	CUP	36.350.210
Notes:			
(1) See Article 7 for land use definitions.			
<u>(2) Residential development with a density of up to 30 dwelling units per acre is allowed on Assessor Parcel No. 5314-003-083 pursuant to the 2021-2029 (6th Cycle) Housing Element.</u>			

~~(Ord. No. 2108 § 1; Ord. No. 2127, § 1; Ord. No. 2197 § 4, 2009.)~~

36.240.040 Special Purpose District General Development Standards.

A. CF and OS Districts. Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with development standards determined through development review process on a case-by-case basis, and may include buffering between structures and adjacent residential uses, in addition to any other applicable requirements of this Division, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

B. ~~MSSPDTSP~~ District. Development standards that pertain to development in the ~~MSSPDTSP~~ District are as specified in the ~~Mission Street Downtown~~ Specific Plan.

C. HFSP District. Development standards that pertain to development in the HFSP District are as specified in the Holy Family Specific Plan.

D. Design guidelines ~~and standards~~. Land uses and structures proposed within the special purpose zoning districts shall comply with any adopted design guidelines to the extent required by the appropriate Review Authority and/or specific provisions of the design guidelines and any applicable objective design standards for qualifying residential and mixed-use projects.

~~(Ord. No. 2108 § 1; Ord. No. 2183 § 6, 2009.)~~

Division 36.250. Overlay Zoning Districts

Sections:

36.250.010 Purpose of Division.

36.250.020 Applicability of Overlay Zoning Districts.

36.250.030 Altos de Monterey (AM) Overlay District.

36.250.040 ~~Focus Area (FA)~~ Mixed Use (MU) Overlay District.

~~36.250.040 Focus Area (FA) Overlay District.~~

~~A. Purpose. The FA~~ The Mixed-Use Overlay district is intended to implement the City's goals and objectives for development and new land uses within the ~~eight areas~~ CO, CG, and BP zoning districts of South Pasadena identified ~~by Section 2.7 of in~~ the General Plan as ~~"focus areas," "Corridor," " Districts," and "Neighborhood Centers."~~

B. Applicability. The ~~FA overlay~~ MU Overlay district shall be applied on the Zoning Map to the areas shown ~~in Figure H-3 of~~ as Mixed Use Core shown on the General Land Use Map of the General Plan, except those areas within the boundaries of the Downtown Specific Plan.

C. Allowable land uses and development standards. Proposed development and new land uses shall comply with all applicable requirements in ~~Section 2.7B of~~ Division 36.230 (Commercial Zoning Districts) consistent with the Planning Designations outlined in the General Plan ~~for the focus area~~ in which the project site is located.

D. Required findings for project approval. The review authority may approve a discretionary land use permit for a project within the ~~FA overlay~~ MU Overlay district only after first finding:

1. That the proposed project is consistent with, and will successfully implement the objectives and guidelines of the General Plan for the applicable ~~focus area~~ Planning Designation, District, or Neighborhood Center; and

2. All other findings required by this Zoning Code ~~for if~~ the project requires a discretionary land use permit.

~~(Ord. No. 2108 § 1.)~~

36.410.040 Design Review.

D. Design Review Authority.

1. Planning Commission Review. The Planning Commission will be responsible for the Design Review of the following developments:

- a. As identified in subsection (B) (Applicability) of this section, all developments which require a Hillside Development Permit, a Conditional Use Permit, a Variance, a Planned Development Permit;
- b. Multi-family developments containing seven or more units;
- c. Multi-family developments containing six or fewer units not exempt from [CEQA](#); or
- d. Any other application in which the Planning Commission is the Review Authority.

2. Cultural Heritage Commission (CHC) review. The CHC will be responsible for the Design Review of the following:

- a. All of the developments identified in subsection (B) (Applicability) of this section which require a Certificate of Appropriateness as required by Chapter 2.58A SPMC (Cultural Heritage Commission);
- b. All properties within a designated historic district;
- c. Where a proposed project is subject to a Certificate of Appropriateness from the CHC and also requires an application in which the Planning Commission is the Review Authority, the CHC shall review the Certificate of Appropriateness and provide recommendations to the Planning Commission for the Certificate of Appropriateness and may also provide recommendations on the portion of the application in which the Planning Commission is the Review Authority.

3. DRB review. The DRB will be responsible for the Design Review of all of the developments identified in subsection (B) (Applicability) of this section which are not subject to Design Review by the Planning Commission, CHC, DRB Chair, or Planning Director as specified in SPMC 36.410.040.

a. A subcommittee consisting of two members of the Design Review Board shall be formed to work with staff for the Design Review of Mixed-Use or Multi-Family of seven dwelling units or more, or not exempted from CEQA, as listed in Table 4-1 (Review Authority).

4. DRB Chair review. DRB Chair shall be responsible for Minor Design Review for projects that do not change the architectural design style of existing structures. These projects are as follows:

a. Exterior modifications to all elevations of existing structures that would not change the architectural design style of the structures. This includes elevations that are visible to the street and/or above the first floor. Exterior modifications include new and different siding materials, new windows, new roofing materials, and replacement of existing front porch posts, balcony railing, and other similar changes as determined by the Planning Director and/or DRB Chair to not change the architectural design style of the existing structures.

b. Additions of no more than 500 square feet in area, or more than 25 percent of the existing structure, whichever is less, for an outdoor structure or a habitable space that is not visible to street. Such

additions are allowed above the first floor as long as they are not visible to the street, and do not exceed the height of the existing structure.

c. Subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with SPMC 2.58 through 2.68.

d. Not subject to Planning Commission review in accordance with this division and Division 36.340 (Hillside Protection).

5. Planning Director. The Planning Director shall be responsible for Minor Design Review for projects that involve minor modifications or additions to only the first floor of an existing structure, are not visible to the street, and do not change the architectural design style of the structures. These minor projects are as follows:

a. Exterior modifications to existing structures that are not visible from the street or prominently visible to any adjoining properties, and not above the first floor of the structure. Exterior modifications include new siding materials, windows, and new roofing materials.

b. Additions of no more than 500 square feet in area, or no more than 25 percent of the existing structure, whichever is less, for an outdoor structure or a habitable space that is not visible to the street or not above the first floor, except for development subject to a Minor Hillside Development Permit.

c. Modifications to existing graded and/or improved outdoor areas on a property subject to Division 36.340 (Hillside Protection), such as installation of an in-ground swimming pool, spa, patio covers, accessory structures less than 500 square feet, and similar feature not visible to the street.

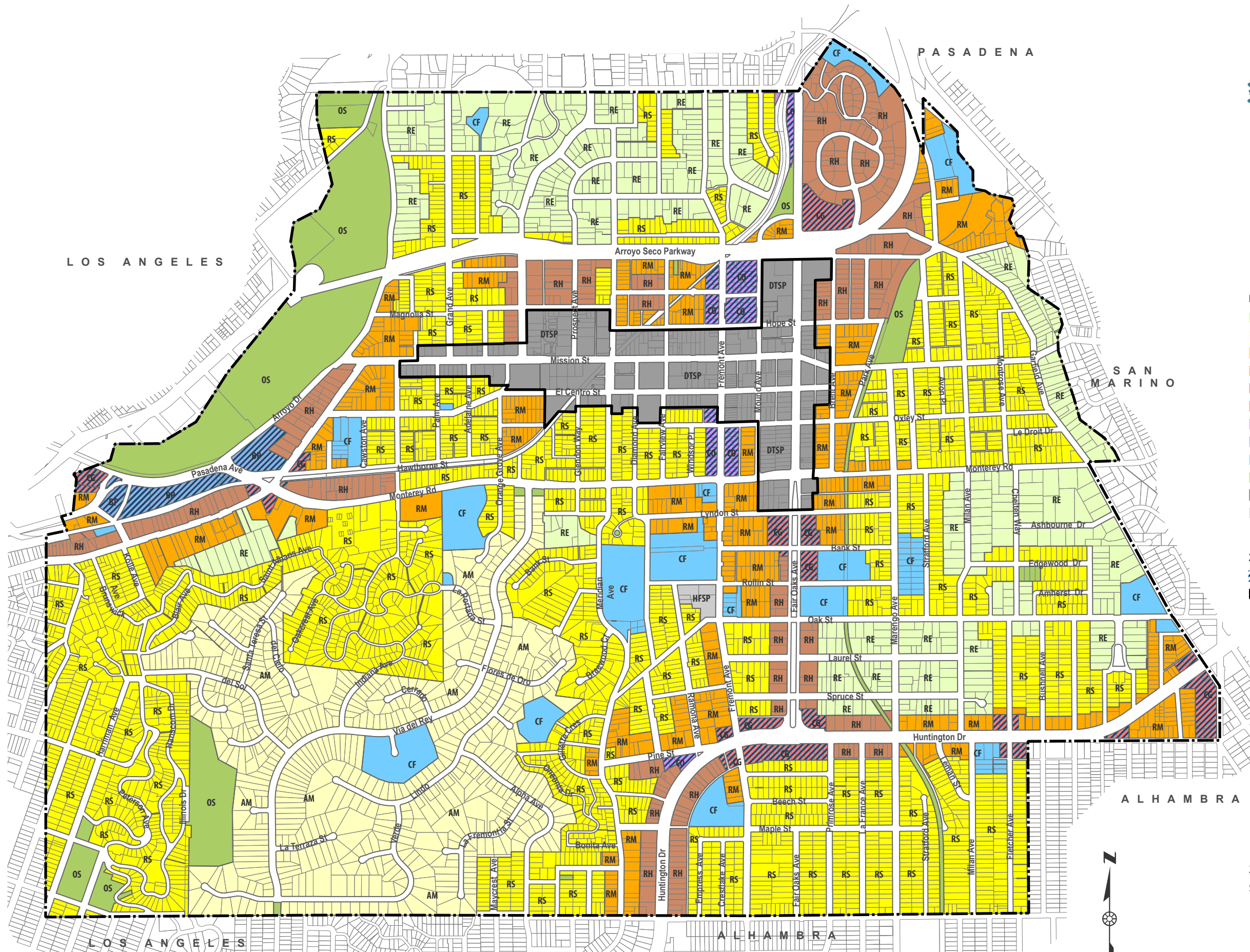
d. Not subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with SPMC 2.58 through 2.68.

e. Not on a hillside area with a slope of 30 percent or greater in accordance with Division 36.340 (Hillside Protection) of the South Pasadena Municipal Code.

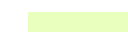
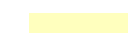










6. Ministerial review of qualifying residential projects. The Community Development Director shall develop an application for ministerial approvals of qualifying residential projects pursuant to the requirements of State law, as well as procedures for processing applications for the ministerial approvals. The procedures may include a limited design review process and applicable standards. However, any limited design review process shall not constitute a "project" for purposes of the California Environmental Quality Act.

EXHIBIT B OF ATTACHMENT 1
DRAFT UPDATED ZONING MAP



Draft Zoning Map



Draft Zoning Districts

-  Residential Estate (RE)
-  Altos De Monterey Residential (AM)
-  Residential Low Density (RS)
-  Residential Medium Density (RM)
-  Residential High Density (RH)
-  Commercial General (CG)
-  Commercial Office (CO)
-  Business Park (BP)
-  Community Facilities (CF)
-  Open Space (OS)
-  Downtown Specific Plan (DSP)
-  Holy Family Specific Plan (HFSP)

Zoning Overlay and Specific Plan Boundary

-  Mixed Use Overlay
-  Downtown Specific Plan Boundary

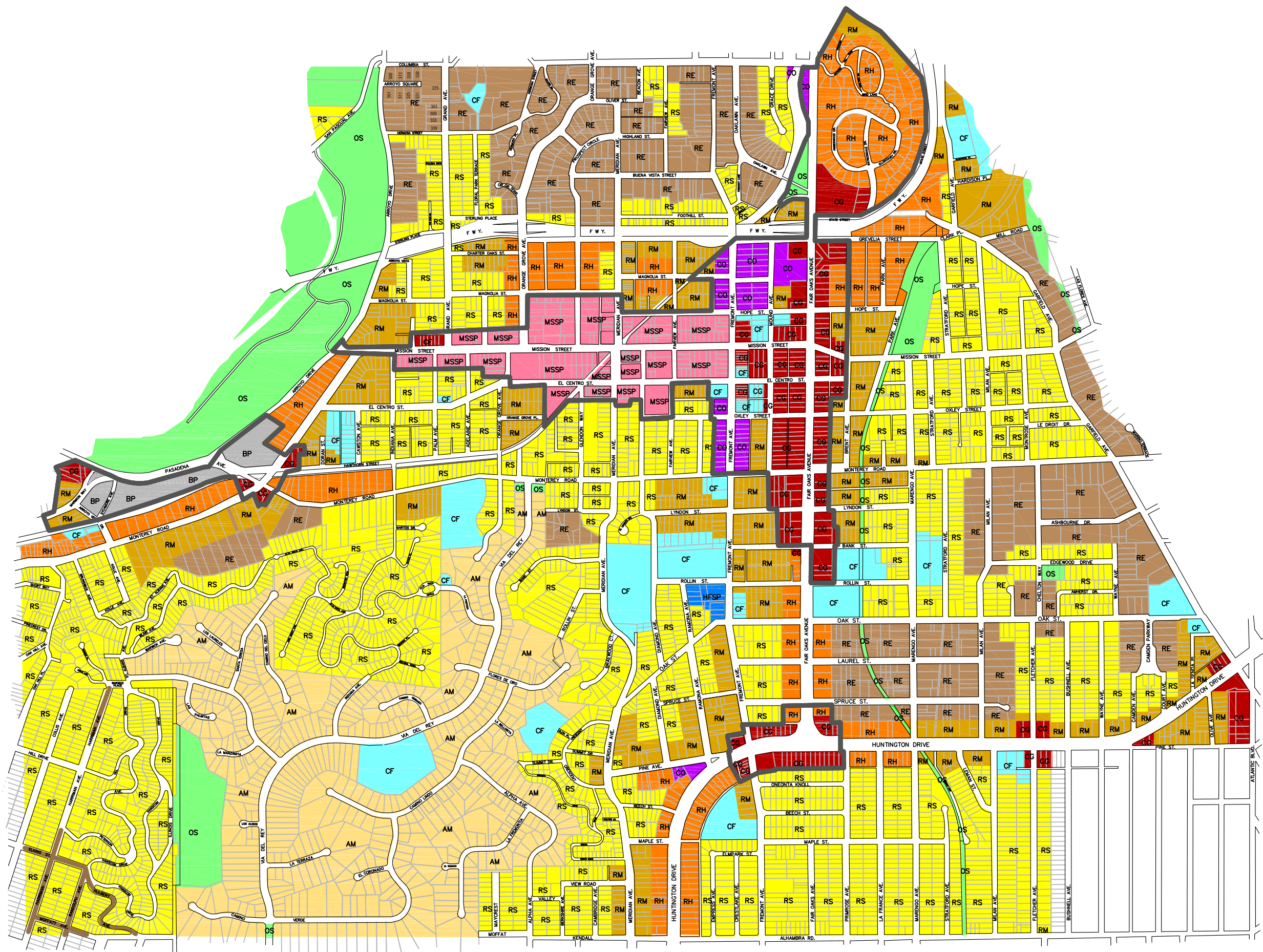
Zoning Map revised on August 15, 2023.
Source: City of South Pasadena, 2023.



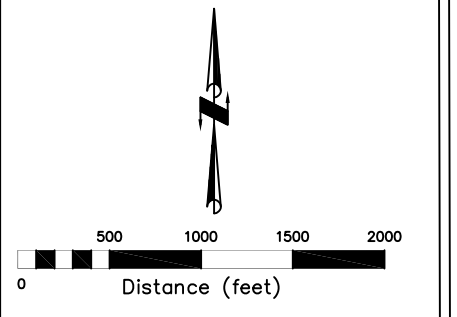
ATTACHMENT 2

EXISTING SOUTH PASADENA ZONING MAP

City Of South Pasadena Zoning Map



- Residential Estate (RE)
- Altos De Monterey Residential (AM)
- Residential Low Density (RS)
- Residential Medium Density (RM)
- Residential High Density (RH)
- Commercial Office (CO)
- Commercial General (CG)
- Business Park (BP)
- Community Facilities (CF)
- Open Space (OS)
- Holy Family Specific Plan (HFSP)
- Mission Street Specific Plan (MSSP)
- Focus Area Overlay (see the General Plan for the location of specific focus areas within the overall Focus Area Overlay)
- Unimproved Public Street



ATTACHMENT 3

**FIGURE B3.4 (LAND USE MAP) OF THE PROPOSED
GENERAL PLAN**

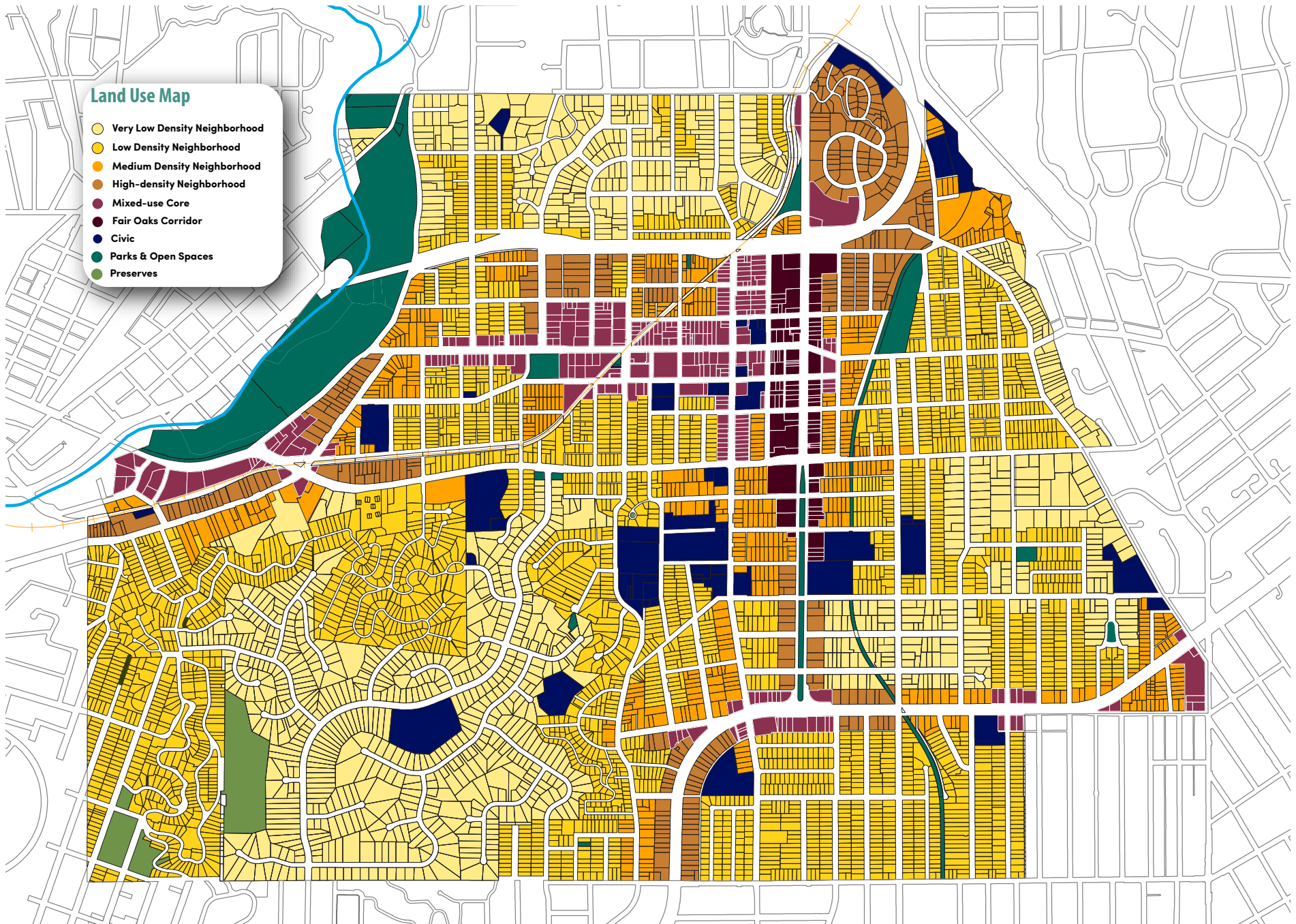


Figure B3.4 Land Use Map.



Planning Commission Agenda Report

ITEM NO. 5

DATE: August 21, 2023

FROM: Angelica Frausto-Lupo, Community Development Director

PREPARED BY: Alison Becker, AICP, Deputy Community Development Director
Ben Jarvis, AICP, Interim Senior Planner

SUBJECT: **Recommendation to City Council to Adopt Proposed Amendments to South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) Pertaining to Applicable Programs in the 2021-2029 Housing Element (120-Day Implementation Programs).**

Recommendation

It is recommended the Planning Commission receive the staff presentation prepared for the project, open the public hearing and take testimony, and then adopt a Resolution recommending the City Council:

1. Adopt an Ordinance amending Division 36.370 (Affordable Housing Incentives) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena to revise regulations to conform to State Density Bonus law (California Government Code Section 65915);
2. Adopt an Ordinance amending Chapter 36 (Zoning) of the City of South Pasadena Municipal Code including Division 36.220 (Residential Zoning Districts) of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards); Division 36.350 (Standards for Specific Land Uses) of Article 3 (Site Planning and General Development Standards); and Division 36.700 (Definitions of Specialized Terms and Phrases) of Article 7 (Definitions/Glossary), relating to Employee Housing; and
3. Adopt an Ordinance amending Division 36.375 (Inclusionary Housing Requirements) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) the City Code of the City of South Pasadena relating to Inclusionary Housing requirements.

Background

The City recently adopted the 2021-2029 (6th Cycle) Housing Element and is in the process of adopting a General Plan and Downtown Specific Plan (DTSP) that would implement the programs identified in the Housing Element. These documents will guide the City's growth and development for approximately 20 years, with a planning horizon of 2040.

In April 2022, the City was the subject of a lawsuit filed by Californians for Home Ownership, Inc. The lawsuit alleged the City was in violation of State law because the City had not adopted its 2021-2029 Housing Element by the State's statutory deadline of October 15, 2021. In August 2022, a Court Order, also known as a Stipulated Judgement, was issued requiring the City to take certain actions within certain timeframes in order to bring the Housing Element into compliance per Section 65754 of the Government Code.

The Court Order, among other things, required the City to remove certain parcels from the Suitable Sites list, to approve the Housing Element by May 31, 2023, and to implement certain programs of the Housing Element within 120 days of the adoption of the Housing Element. The City Council adopted the 2012-2029 Housing Element on May 30, 2023, in keeping with the legal deadline, which commenced the 120-day clock to adopt the applicable Housing Element Programs. In order to comply with the Court Order and State law, the City must adopt a new General Plan, Downtown Specific Plan, and pertinent Housing Element programs, including amendments to the Zoning Ordinance, no later than September 27, 2023. With the effort underway to adopt the General Plan and DTSP, The City must concurrently process proposed amendments to its Zoning Ordinance. On August 8, 2023, the Planning Commission directed staff to bring proposed Zoning Amendments to the August 21, 2023, Planning Commission meeting for consideration. The Zoning Amendments would then be considered by the City Council in September.

Discussion/Project Description

The project consists of Zoning Text Amendments that will bring the SPMC into compliance with State law within 120 days of the approval of the Housing Element (Project). Specifically, the Project addresses three Housing Element Programs: *Program 2.e—Facilitate Density Bonus Projects with On-site Affordable Housing*; *Program 2.h—Incentivize Special-Needs Housing*; and *Program 2.m—Update Inclusionary Housing Regulations*. The proposed Zoning Text Amendments are discussed in detail below:

SPMC Division 36.370 (Affordable Housing Incentives)

Changes are proposed to SPMC Division 36.370 (Affordable Housing Incentives) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) to implement Housing Element *Program 2.e—Facilitate Density Bonus for Projects with On-site Affordable Housing*. Changes would be made to Sections 36.370.010, 36.370.020, 36.370.030, 36.370.040, 36.370.050, 36.370.060, 36.370.070, 36.370.080, 36.370.090, 36.370.100, and 36.370.110. Due to the number of text revisions with the Project, it is not feasible to include all of the proposed changes in this staff report. The proposed amendments can be found in Exhibit 1 (Redline). While multiple revisions to Division 36.370 are proposed, the changes reflect text clean-ups that would make the City's code language consistent with State law and are considered routine. A draft Ordinance containing the proposed revisions is attached as Attachment A of the Resolution.

SPMC Division 36.350 (Standards for Specific Land Uses)

Changes are proposed to Table 2-2 in SPMC Section 36.220.030 (Residential Zoning District Land Uses and Permit Requirements), along with Divisions 36.350 (Standards for

Specific Land Uses) and Section 36.700.020 (Definitions of Specialty Terms and Phrases) to implement Housing Element *Program 2.h—Incentivize Special-Needs Housing*. The proposed changes are summarized below:

Section 36.220.030, Table 2-2

Table 2-2 “Allowed Uses and Permit Requirements for Residential Zoning Districts” would be amended to add *Employee Housing* as a permitted-by-right use in the RE (Residential Estate) and RS (Residential Suburban) zoning districts.

Section 36.350.265 (Residential Uses—Employee Housing)

A new Section 36.350.265 (Residential Uses—Employee Housing) would be added to Division 36.350 to read as follows:

36.350.265 Residential Uses—Employee Housing.

- A. Applicability. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees shall be allowed in all zoning districts in which single-family residences are allowed and shall be deemed a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Employee housing for six or fewer employee shall not be considered a boarding house, rooming house, hotel, dormitory, or other term that implies that such employee housing differs from a single-family dwelling.*
- B. Employee housing for six or fewer employees shall be subject to the same ordinances and standards applicable to a single-family residence except to the extent that any such ordinance of standard is preempted by the Employee Housing Act (California Health and Safety Code Section 17000, et seq.).*
- C. Employee housing shall be subject to all applicable requirements of the Employee Housing Act (California Health and Safety Code Section 17000, et seq.).”*

Section 36.700.020 (Definitions of Specialty Terms and Phrases)

Employee Housing will be added to the list of definitions, to read as follows:

Employee Housing. Housing accommodation, or property upon which a housing accommodation is located, that meets the requirements as set forth in Health and Safety Code section 17008. Employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation.

The proposed changes would make the South Pasadena Municipal Code consistent with California Employee Housing Act. A draft Ordinance that would codify the required changes is attached as Attachment B to the Resolution.

SPMC Division 36.375 (Inclusionary Housing Requirements)

Changes are proposed to SPMC Division 36.375 (Inclusionary Housing Requirements to implement Housing Element *Program 2.m—Update Inclusionary Housing Regulations*. The code language would be updated to reduce the inclusionary requirement from 20% to 15%, and would only apply to projects with ten or more dwelling units. Specifically, Section 36.375.020 (Applicability) and Section 36.375.050 (Inclusionary Unit Requirement) would be revised to read as follows:

36.375.020 Applicability

This division applies to all residential development of ten (10) or more dwelling units, including residential portions of mixed-use development, and requires affordable housing units in the amount stipulated in SPMC 36.375.050 (Inclusionary Unit Requirement).

Section 36.375.050 (Inclusionary Housing Requirement)

- A. *Amount required. A minimum of 15 percent of the total number of dwelling units in a residential or mixed-use project, excluding any bonus units added pursuant to State law or SPMC 36.370, shall be developed, offered to, and sold or rented to households of very low, lower, and moderate income, at an affordable housing cost, as follows:*
- B. *Inclusionary rental units. Rental projects subject to the inclusionary housing requirement shall provide 50 percent of required affordable units as extremely low or very low units and 50 percent as lower income units. In case of an uneven number, one more unit shall be provided as very low.*
- C. *Inclusionary ownership (for sale) subject to the inclusionary housing requirement shall provide affordable units at the moderate income level.*
- D. *Fractional units. In the case that unit calculations result in a fractional number, the applicant shall choose one of the following options:*
 - 1. *Round up to next unit and provide the unit on site.*
 - 2. *Pay the fractional amount above the whole number as an in-lieu fee equivalent to the fraction multiplied by the in-lieu fee as established by City Council resolution. All whole number units shall be provided on site or alternatively as allowed in SPMC 36.375.060 (Alternatives to On-Site Provision).*

The proposed revisions would implement the City's Housing Element. A draft Ordinance that would codify these changes is attached as Attachment C to the Resolution.

General Plan Consistency

The proposed changes would implement the following Goal, Policy, and Programs of the 2021-2029 Housing Element:

- Goal 2.0: Encourage and Assist in the Provision of Affordable Housing.
- Policy 2.2: Provide information to developers regarding the City's inclusionary housing requirements and the availability of streamline density bonus opportunities in compliance with incentives for well-designed housing and implement approval processes that reflect the priority of providing housing in the community.
- Program 2.e: Facilitate Density Bonus for Projects with On-Site Affordable Housing.
- Program 2.h: Incentivize Special-Needs Housing.
- Program 2.m Update Inclusionary Housing Regulations.

As the 2021-2029 Housing Element was adopted by the City Council on May 30, 2023, and is part of the City's General Plan, a Zoning Text Amendment that is consistent with the adopted Housing Element is, by definition, consistent with the General Plan. As the proposed Zoning Text Amendment implements the Housing Element Goal, Policy, and Programs listed above, therefore, the proposed Zoning Text Amendment is consistent with the General Plan.

Zoning Amendment Findings

SPMC Section 36.620.070(B) stipulates that a Zoning Amendment may be approved only if the following findings are met:

1. *Findings required for all Zoning Code/Map amendments;*
 - a. *The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed Zone Text Amendments are consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. While the current General Plan that was adopted in 1998 is not internally consistent with the recently adopted Housing Element, the proposed General Plan currently under consideration by the City would be. Since the proposed Zoning Text Amendments would be consistent with, and would implement certain programs contained in the adopted 2021-2029 Housing Element, and since the Housing Element is part of the City's General Plan, the Planning Commission can make this finding.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City*

The Zoning Text Amendments would not be detrimental to the public interest, health, safety, convenience or general welfare of the City as it would implement certain programs from the adopted 2021-2029 Housing Element. Furthermore, the proposed Zoning Text Amendments would make the City's Municipal Code consistent with State law and would satisfy the legal requirements of the Court Order, supporting the public interest and general welfare of City residents and businesses. Therefore, the Planning Commission can make this finding.

- 2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Amendments are internally consistent with other applicable provisions of the Zoning Code. The proposed changes would bring the various Code sections into compliance with State law and would implement selected programs found in the 2021-2029 Housing Element. The changes would be internally consistent with other applicable provisions of the Zoning Code, and would also support the policies and vision of the proposed General Plan and Downtown Specific Plan should those documents be adopted by the City Council. Therefore, the Planning Commission can make this finding.

Environmental Analysis

The Project implements programs that are contained in the 2021-2029 Housing Element, for which an Environmental Assessment (EA) was prepared. The City Council certified and adopted the EA on May 30, 2023 (Resolution No. 7817). The Project also supports the goals, policies, and actions listed in the proposed General Plan and Downtown Specific Plan. Environmental impacts were analyzed for those documents in a Program Environmental Impact Report (PEIR) (State Clearing House Document #2018011050). The PEIR is projected to be certified/adopted by the City Council no later than September 27, 2023. The Zoning Text Amendments being considered by the Planning Commission this evening are included as part of the implementation impacts analyzed by the PEIR. Provided the City Council certifies and adopts the PEIR on September 27, 2023, prior to the consideration of the Project, no further analysis under the California Environmental Quality Act (CEQA) would be required.

Tribal Consultation

Since no additional CEQA analysis is required for the Project, the Project is not subject to Tribal Consultation under Senate Bill 18 and Assembly Bill 52. Consultation on the General Plan and Downtown Specific Plan PEIR concluded on June 10, 2021.

Conclusion

Based on the evidence presented in this staff report and the adopted 2021-2029 Housing Element, the Planning Commission can make the findings to recommend the City Council

approve the Project. As such, a draft Resolution has been prepared that includes three draft Ordinances for consideration by the City Council: Density Bonus (Attachment A), Employee Housing (Attachment B), and Inclusionary Housing Regulations (Attachment C).

Next Steps

In order to comply with State law and the Court Order, the General Plan, DTSP, and associated Zoning Text and Zoning Map Amendments, must be adopted by the City Council no later than September 27, 2023. Should the Planning Commission concur with the staff recommendation and give the direction as set forth in the recommendations at the beginning of this report, staff would proceed with the following:

September 18, 2023: City Council conducts a Public Hearing, receives public testimony on the project, receives a staff presentation, and continues the Public Hearing to September 27, 2023.

September 27, 2023: City Council continues the Public Hearing, and once the Public Hearing is closed, considers certifying/adopting the PEIR, and approving the General Plan and Downtown Specific Plan, along with a first reading of Ordinances for the associated Zoning Text Amendments.

October 4, 2023: Assuming the project is approved on September 27, 2023, including the first reading of the Ordinances for the Zoning Text Amendments, conduct a second reading of said Ordinances.

Upon Second Reading of the Ordinances, and upon the adoption of General Plan and Downtown Specific Plan, the City would be in compliance with State law as well as satisfying its legal obligations set forth in the Court Order.

Legal Review

The City Attorney has reviewed this item.

Public Notification of Agenda Item

A public notice for this Public Hearing was published in the South Pasadena Review on July 28, 2023. The public was also made aware of the Public Hearing through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

As of the writing of the staff report, the City has received no comment letters on the project.

Attachments

Exhibit 1: Density Bonus Redline Exhibit

Exhibit 2: Draft Resolution

- Attachment A (Draft Density Bonus Ordinance)
- Attachment B (Draft Employee Housing Ordinance)
- Attachment C (Draft Inclusionary Housing Ordinance)

EXHIBIT 1

DENSITY BONUS REDLINE EXHIBIT

Division 36.370. Affordable Housing Incentives

36.370.010 Purpose of Division.

This Division provides incentives for the development of specific housing types that ~~is~~are affordable to the types of households and qualifying residents identified in Section 36.370.020 (Eligibility for ~~Density Bonus~~). ~~This~~Affordable Housing Incentives), ~~including but not limited to, very low income, lower income, moderate income, and senior households, in accordance with Government Code Section 65915. The provisions of this Division ~~is intended~~shall be interpreted to implement~~fulfill~~ the requirements of ~~State law (Government Code Section 65915, as the same may be amended from time to time. All references to~~ Government Code ~~Sections 65302, 65913, and~~Section 65915 ~~et seq.) and the goals and policies of the City's General Plan~~shall be interpreted to include amendments to that Section as may be enacted by the state from time to time. If any provision of this Division should conflict with a provision of such statute, the statutory provision shall prevail.~~

36.370.020 Eligibility for ~~Density Bonus~~Affordable Housing Incentives.

~~A.—If requested by the applicant, the City shall grant one Density Bonus to a residential project of five or more dwelling units in accordance with this Division if the project is designed and constructed so that the development meets at least one of the following criteria:~~

- ~~1.—10 percent of the total number of proposed units are for lower income households, as defined in California Health and Safety Code Section 50079.5; or~~
- ~~2.—Five percent of~~

A. A housing development that qualifies for a density bonus and other incentives pursuant to Government Code Section 65915 shall be eligible for the affordable housing incentives identified in this Division 36.370. The applicant shall comply with all requirements stated in Government Code Section 65915.

B. Except as otherwise required by Government Code Section 65915 density bonus units shall not be included when calculating the total number of ~~proposed~~housing units ~~are~~ for ~~very low income households, as defined in Health and Safety Code Section 50105; or~~

~~3.— All proposed units, with a minimum of 35 units, are considered to be a senior citizen purposes of determining the number of affordable units that qualifies the housing development, as defined in Civil Code Sections 51.3 and 51.12 (for senior citizens of any income level); or~~

~~4.— 10 percent of the total number of proposed units in a common interest development, as defined by Section 1351 of the Civil Code are for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.~~

for a density bonus.

C. An applicant shall not receive a density bonus or any other affordable housing incentive under this Division if the housing development would be excluded under Government Code Section 65915, which includes, but is not limited to, projects that fail to “replace” existing housing units, as required by state law.

36.370.030 Density Bonus Allowance.

A. For a housing development qualifying pursuant to the requirements of Government Code Section 65915 the City shall grant a density bonus in an amount specified by Government Code Section 65915.

B. For the purpose of calculating the density bonus, the “maximum allowable residential density” shall be as stated in Government Code Section 65915.

C. Each component of any density calculation, including base density and bonus density, that results in a fractional unit shall be separately rounded up to the next whole number.

36.370.040 Incentives and/or Concessions.

A. If requested by the applicant, a project ~~which~~that qualifies for a ~~Density Bonus~~density bonus in accordance with ~~the criteria set forth in~~ Section 36.370.020(A) also shall ~~also be entitled to the granting of the following~~be entitled to the number of incentives or concessions as ~~identified by State law~~ (set forth in Government Code Section 65915(d). A request for a concession(s) or incentive(s) should be accompanied by documentation demonstrating that the concession(s) or incentive(s) results identifiable and actual cost reductions to provide for

affordable housing costs, as further described in Government Code Section 65915(b);d)(1)(A).
The applicant is entitled to the concession(s) or incentive(s) requested unless the City makes a
written finding, based upon substantial evidence, of any of the relevant written findings as stated
in Government Code Section 65915(d)(1).

~~1.—One concession or other incentive for projects that include at least five percent of the units for very low-income households, 10 percent of the units for low-income households, or 10 percent of the units for persons and families of moderate income in a common interest development when the units are available for sale to the public.~~

~~2.—Two concessions or other incentives for projects that include at least 10 percent of the units for very low-income households, 20 percent of the units for low-income households, or 20 percent of the units for persons and families of moderate income in a common interest development when the units are available for sale to the public.~~

~~3.—Three concessions or other incentives for projects that include at least 15 percent of the units for very low-income households, 30 percent of the units for low-income households, or 30 percent of the units for moderate income in a common interest development when the units are available for sale to the public.~~

~~B.~~

B. Senior citizen housing developments that qualify for a density bonus solely pursuant to Government Code Section 65915 (b)(1)(C) shall not receive any incentives or concessions, unless Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

C. For the purposes of this Division, ~~concessions and incentives mean any of the following:~~incentive and/or concession shall have the same meaning as the term “concession or incentive” as defined in Government Code Section 65915(k).

~~1.—A reduction in the parcel development standards (including, but not limited to, coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements);~~

~~2.—Approval of mixed use zoning in conjunction with the housing project if commercial office, industrial, or other land uses will reduce the cost of the~~

~~housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located;~~

~~3. Other regulatory incentives or concessions proposed by the developer and found acceptable by the City.~~

~~C. Exceptions. A developer who agrees to construct senior citizen housing with 20 percent of the units reserved for low or very low income households, respectively, may request more than one Density Bonus and an additional incentive. The City may grant multiple additional incentives and density bonuses to facilitate the inclusion of more affordable units than are required by this Division provided the maximum combined Density Bonus granted does not exceed 35 percent.~~

~~36.370.040 Density Bonus Allowance.~~

~~36.370.050 Waivers.~~

A. Except as restricted by Government Code Section 65915, the applicant for a project that qualifies for a density bonus in accordance with Section 36.370.020 may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Government Code Section 65915(b), at the densities or with the concessions or incentives permitted by Section 65915. The applicant may request a meeting with the City to discuss any waiver requests. A request for a waiver or reduction of development standards should be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density permitted by state law and/or incorporating any incentives or concessions required to be granted.

B. The applicant is entitled to the waiver(s) requested unless the City makes a written finding, based upon substantial evidence, of any of the relevant written findings as stated in Government Code Section 65915(e).

C. As used in this section, "development standard" shall have the same meaning as the term is defined in Government Code Section 65915(o)(2).

36.370.060 Alternative Parking Standards.

An applicant proposing a ~~residential~~ project that ~~meets at least one of the four criteria~~complies with the requirements found in Section 36.370.020(A) may request, and ~~satisfies all applicable provisions of this Division, shall be entitled to the following density bonuses:~~

~~A.— Density Bonus allowance. The Density Bonus shall consist of a minimum of five percent and a maximum of 35 percent combined increase in the maximum density allowed by the applicable General Plan designation and zoning district. Calculation of density bonuses shall be in accordance to the respective tables below (in compliance with is entitled to, the parking ratios identified by Government Code Section 65915(fg)). All density calculations resulting in fractional units shall be rounded up to the next whole number.~~

~~1.— Very low income units. A 20 percent bonus shall be granted for developments with five percent very low income units, with an increase of Density Bonus by two and one-half percent for every percentage of very low income units provided above five percent, up to a cap of 35 percent.~~

~~Table 1.1 Density Bonus Calculation for Very Low Income Units~~

Percentage of Very Low-Income Units	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

~~2.— Low income units. A 20 percent bonus shall be granted for developments with 10 percent low income units, with an increase of Density Bonus by one and one-half percent for every percentage of low income units above 10 percent, up to a cap of 35 percent.~~

~~Table 1.2 Density Bonus Calculation for Low Income Units~~

Percentage of Low-Income Units	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

3.—Common interest developments with moderate income ownership units, as defined. A five percent bonus shall be granted for developments with 10 percent moderate income units, with an increase of Density Bonus by one percent for every percentage of moderate income units above 10 percent, up to a cap of 35 percent.

Table 1.3 Density Bonus Calculation for Moderate Income Ownership Units

Percentage of Moderate-Income Units	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17

23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

~~4.—Senior housing units. A 20 percent bonus of the total number of senior housing units shall be the Density Bonus granted for developments of at least 35 units for sale or rent to persons 55 and older.~~

36.370.050

36.370.070 Density Bonus for Land Donations.

A. Land donation bonus. An applicant proposing a ~~project of five or more dwelling units~~tentative subdivision map, parcel map, or other residential development that donates land to the City as provided for in this Section, ~~the applicant~~ shall be entitled to a ~~Density Bonus~~density bonus as provided for in this Section.

B. Requirements for Bonus. In order to grant a bonus for the donation, all of the ~~following~~ requirements set forth in Government Code Section 65915(g)(2) must be met.

~~1.—The applicant shall donate and transfer the land no later than the date of approval of the final tract or parcel map, or application for the construction of residential units.~~

~~2.—The developable acreage and zoning classification of the land being transferred shall be sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.~~

~~3.—The transferred land shall be at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final ~~subdivision map, parcel map, or~~ of the residential development, the transferred land shall have all of the permits and approvals, other than concept design review and building permits, necessary for development of the very low income housing units on the transferred land.~~

~~4.—The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units, consistent with Section 36-370.090.~~

~~5.—The land shall be transferred to the City of South Pasadena or to a housing developer approved by the City of South Pasadena.~~

~~6.—The transferred land shall be within the boundary of the proposed development or, with approval of the Director, within one quarter mile of the boundary of the proposed development.~~

~~7.—A bonus shall not be granted unless a source of funding for the very low income units has been identified not later than the date of approval of the final parcel or tract map or application for the construction of residential units.~~

C. Density Bonus allowance for land donations. If an applicant donates land in compliance with requirements set forth in Subsection B, a ~~15 percent Density Bonus~~[density bonus as set forth in Government Code Section 65915\(g\)\(1\)](#) shall be granted. ~~The bonus increases by one percent increments for every percentage of very low income units above 10 percent, up to a cap of 35 percent.~~

Table 1.4 Increase in Allowable Density for Donation of Land for Very Low Income Units

Percentage of Very-Low Income Units	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

36.370.060

36.370.080 Density Bonus and Incentives for ~~Child Care~~Childcare Facilities.

A. An applicant proposing to construct a housing development that ~~consists of affordable units in compliance with this Division~~conforms to the requirements of Government Code Section 65915(b) and includes a ~~child care~~childcare facility that will be located on the premises of, as part of, or adjacent to the project, the City shall grant either ~~of the following if requested by the applicant:~~

- 1.—~~An additional Density Bonus that is an area (in square feet) of residential space equivalent or greater than the area of the child care facility.~~

~~2.—An~~ an additional density bonus or a concession or incentive ~~that contributes significantly to the economic feasibility of the construction of the child care facility~~ as provided for in Government Code Section 65915(h)(1).

B. A proposed project shall be eligible for the ~~Density Bonus~~ density bonus or concession or incentive described in this Section only if the ~~City makes all of the following findings:~~

~~1.—The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to Section 36.370.040 of this Division.~~

~~2.—Of the children who attend the child care facility, the percentage of children of very low income households, low income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, low income households, or moderate income households.~~

~~36.370.070 Alternative Parking Standards.~~

~~An applicant proposing a project that complies with one of the four criteria found in Section 36.370.020(A) of this Division, may request and is entitled to the parking ratios noted below. Parking may be provided through tandem parking or uncovered parking on the project site.~~ project is made subject to, and the project applicant agrees to adhere to the conditions of approvals set forth in Government Code Section 65915(h)(2).

Number of Bedrooms	Minimum On-Site Parking Required
0-1	1
2-2	2
4 or more	2.5

36.370.080

C. As used in this section, "childcare facility" shall have the same meaning as the term is defined in Government Code Section 65915.

36.370.090 Location of Designated Dwelling Units.

A. Location/dispersal of units. The ~~location of the~~ designated dwelling units ~~within the qualifying project shall be at the discretion of the City with the goal to integrate the units into the overall project. However, the~~reserved as affordable units shall contain on average the same number of bedrooms as the market rate units. The designated dwelling units shall be ~~reasonably dispersed throughout the development where feasible, shall contain on average the same number of bedrooms as the non-Density Bonus units dispersed throughout the development,~~ and shall ~~be compatible with~~have the ~~design or use of the remaining units in terms of appearance,~~same materials, and finish quality-

~~B.—~~Phasing. If a project is to be phased, the ~~Density Bonus units shall be phased in the same proportion as the non-Density Bonus units, or phased in another sequence acceptable to the City~~as the market rate units, and shall include a dishwasher, and washer and dryer if those appliances are provided in the market rate units.

~~C.B.~~ Alternative development site. The review authority may authorize some or all of the designated dwelling units reserved as affordable units associated with one housing development to be produced and operated on an alternative development site, where it determines that the public interest would be more effectively served. Affordable housing units authorized on an alternate site shall be constructed and made available for occupancy prior to or at the same time as the market rate units are constructed and made available for occupancy, unless otherwise approved by the review authority.

~~36.370.090~~36.370.100 Processing of Density Bonus Review and Affordable Housing Review.

A. Density ~~Bonus~~bonus review or affordable housing review. A request for a ~~Density Bonus~~density bonus, including any requests for incentives and/or concessions or waivers, shall be reviewed administratively by the Director. If a ~~request for a Density Bonus~~project that includes a request for a density bonus is also subject to

another discretionary entitlement request that requires approval by the Planning Commission or City Council, the density bonus request, including any requests for incentives and/or concessions or ~~such a request is for the inclusion of child care pursuant to Section 36.370.060, then such a request will~~waivers, shall be reviewed by the Planning Commission or City Council through the affordable housing review process.

B. Application and filing processing. An application for a ~~Density Bonus~~density bonus, incentive(s) and/or concession(s), or waiver(s), shall be filed in compliance with Division 36.400 (Application Filing and Processing).

C. Density ~~Bonus~~bonus review. If ~~only a Density Bonus~~only a density bonus is requested ~~and the development does not include child care pursuant to Section 36.370.060 for a project that is subject only to ministerial review and approval~~, the Director shall process and grant ~~a Density Bonus and~~the density bonus, alternative parking standards, and any incentives and/or concessions and waivers for ~~a~~that proposed project provided that the Director finds that the project is in compliance with the ~~required criteria in~~requirements of Government Code Section ~~36.370.040~~65915 and/or ~~Section 36.370.050, and 36.370.070~~ the provisions of this Division. No public hearing or noticing is required for such requests. Solely the applicant may appeal the decision of the Director to the City Manager on the grounds of an error in the application of this Division or State law. In making such an appeal, the applicant shall adequately describe the error in the application of this Division or State law.

D. Affordable housing review. The Planning Commission shall conduct an affordable housing review for proposed density bonus projects ~~for which the applicant requests incentives/concessions pursuant to Section 36.370.030, and/or a Density Bonus for providing child care within the development pursuant to Section 36.370.060~~that include any discretionary approvals concurrently with the Commission's review of the other discretionary approval(s). Following proper noticing and a public hearing pursuant to Division 36.630 (Public Hearings), the Planning Commission, ~~after finding~~if it finds that the proposed project complies with applicable sections of this Division and State law, shall grant the density bonus ~~(es)~~, reduced parking standards, incentives, and/or concessions, and waivers requested, ~~provided the following unless it makes necessary findings for each applicable request cannot be made:~~as set forth in this Division and State law to reject the requested density bonus, reduced parking standards, incentives and/or concession, waivers, or any combination thereof.

~~1.—Required findings for denial of incentives and/or concessions. Any requested incentives or concessions for a project shall be granted if it is found to be in compliance with all applicable sections of this Division and State law unless any one of the following written findings for denial based on substantial evidence can be made consistent with Government Code Section 65915(d):~~

~~a.—The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).~~

~~b.—The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households.~~

~~c.—The concession or incentive would be contrary to State or Federal law.~~

~~2.—Required findings for denial of Density Bonus for the inclusion of a child care facility. Any requested Density Bonus for the inclusion of a child care facility shall be granted pursuant to Section 36.370.060 unless the following finding for denial based upon substantial evidence can be made, consistent with Government Code Section 65915(h):~~

~~a.—The community has adequate child care facilities.~~

~~E.—An affordable housing review and Density Bonus review may be processed in conjunction with all other required discretionary approvals.~~

~~F.—Affordable housing review provisions. The Planning Commission may impose additional provisions to be included in the affordable housing covenant (Section 36.370.090) for the purpose of ensuring the affordability of housing~~

~~pursuant to this Division. Such provisions may be included in the covenant once approved by the City Attorney.~~

~~G.~~

~~E.~~ Decision. Notice of the Director or Planning Commission's ~~decision on the affordable housing review decisions pursuant to this Division~~ shall be mailed to the project applicant within five days of the decision. The granting of a request for a density bonus, incentive, or concession pursuant to this Division shall not be effective until an affordable housing covenant has been recorded in compliance with Section ~~36.370.090~~36.370.110.

~~H.~~ E. Appeal. A decision for an affordable housing review may be appealed in compliance with Division 36.610 (Appeals).

~~I.~~ G. Continued availability. All projects for which a ~~Density Bonus~~density bonus review and/or affordable housing review is granted by the appropriate review authority, must maintain continued affordability of the designated units pursuant to State law ~~and as follows:~~

~~1.— Low and very low income units. Affordable units offered for rent to low income and very low income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development. The Director is authorized to execute the necessary agreement which shall include recordation of a covenant or other document satisfactory to the City Attorney prior to the issuance of a building permit.~~

~~2.— Moderate income units. As required by State law (Government Code Section 65915(c)), the initial occupant of moderate income units must be directly related to the receipt of the Density Bonus and are persons, and families of moderate income. Moderate income units must be offered at an affordable cost for person and families of moderate income as defined in Section 50052.5 of the Health and Safety Code. Moderate income units may be offered for subsequent sale to an above moderate income~~

~~purchaser; provided that the sale shall result in a recapture by the City, or its designee, of financial interest in the unit equal to:~~

~~a.—Difference between price and value. The difference between the initial moderate income level sales price and the appraised value at the time of the initial sale; and~~

~~b.—Proportionate share of appreciation. A proportionate share of any appreciation.~~

H. Pursuant to Section ~~36.370.100~~36.370.110 (Affordable Housing Covenant), the Director is authorized to execute the necessary agreement which shall include recordation of a covenant or other document satisfactory to the City Attorney prior to the issuance of a building permit.

~~36.370.100~~36.370.110 Affordable Housing Covenant.

~~Affordable housing covenant.~~ Following the granting of a ~~Density Bonus~~density bonus request or an affordable housing review in compliance with Section ~~36.370.090~~36.370.100 (Processing of Density Bonus Requests and Affordable Housing Review), the applicant shall ~~agree to the terms of a covenant reviewed and~~enter into an agreement with the City in a form approved by the Director and ~~for~~ City Attorney ~~that must~~to ensure the continued affordability of all affordable units or the continued reservation of such units for qualifying senior citizens in accordance with Government Code Section 65915. Prior to receiving a building permit for any project that receives a density bonus or any incentive, concession, waiver, or reduction of development standards pursuant to this Division, such agreement shall be recorded as a covenant against ~~all approved affordable units~~the property.

In order to ensure the affordability of housing pursuant to this Division, the covenant shall include but not be limited to, the following provisions with respect to the long term affordability of the residential project:

A. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

B. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

C. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for moderate, low and very low-income households, as published by the United States Department of Housing and Urban Development (HUD);

D. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

E. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;

F. In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services;

G. In the case of for-sale housing developments, the affordable housing covenant shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable use restriction period:

1. Designated dwelling units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior housing;

2. The applicable restriction period in compliance with ~~Section 36-370.090(J)~~ the provisions of this Division and State law.

3. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:

- a. Restricts the sale of the unit in compliance with this Division during the applicable use restriction period,
- b. Contains provisions as the City may require to ensure continued compliance with this Division and State law, and
- c. Shall be recorded against the parcel containing the designated dwelling unit.

H. In the case of rental housing developments, the affordable housing covenant shall provide for the following conditions governing the use of designated dwelling units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants,
 2. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Division,
 3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the number of bedrooms and monthly rent or cost of each unit, and
 4. The applicable use restriction period in compliance with ~~Section 36-370.090(J)~~ [this Division and State law](#);
- I. ~~If required by the Commission as part of the affordable housing review the~~ [The](#) covenant shall include the following information:

1. The total number of units approved for the housing development, including the number of designated dwelling units,
 2. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines,
 3. The marketing plan for the affordable units,
 4. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units,
 5. Duration of the use restrictions for designated dwelling units, in compliance with ~~Section 36.370.090~~[this Division and State law](#),
 6. A schedule for completion and occupancy of the designated dwelling units,
 7. A description of the additional incentive(s) being provided by the City,
 8. A description of the remedies for breach of the affordable housing covenant by the owners, developers, and/or successor(s)-in-interest of the project, and
 9. Other information as necessary for the City to verify the implementation of, and compliance with this Division;
- J. Execution of covenant.
1. Following agreement on the terms of the covenant by all parties, the City shall record the completed covenant on the parcels designated for the construction of designated dwelling units, at the Los Angeles County Registrar Recorder's/County Clerk's Office.

2. The approval and recordation shall take place ~~at the same time as~~prior to the final map or, where a map is not being processed, before issuance of Building Permits for the units.

3. The covenant shall be binding to all future owners, developers, and/or successors-in-interest. ”
=

EXHIBIT 2

DRAFT RESOLUTION P.C. 23-07

RESOLUTION NO. P.C. 23-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES TO AMEND CHAPTER 36 (ZONING) OF THE SOUTH PASADENA MUNICIPAL CODE, INCLUDING DIVISION 36.370 (AFFORDABLE HOUSING INCENTIVES), DIVISION 36.350 (STANDARDS FOR SPECIFIC LAND USES), DIVISION 36.375 (INCLUSIONARY HOUSING REQUIREMENTS), AND DIVISION 36.700.020 (DEFINITIONS OF SPECIALTY TERMS AND PHRASES), CONSISTANT WITH 2021-2029 HOUSING ELEMENT

WHEREAS, Government Code § 65580, et seq., requires the City of South Pasadena to periodically prepare and update its Housing Element in its General Plan. A city's housing element establishes goals, policies, and programs to accommodate the maintenance and expansion of the city's housing supply; and

WHEREAS, on April 12, 2022, the City of South Pasadena was sued by Californians for Homeownership for non-compliance with State Housing Law for failing to have adopted a compliant Housing Element by October 15, 2021 (*Californians For Homeownership v. City of South Pasadena*, LASC Case Nos. 22STCP01388 & 22STCP01161); and

WHEREAS, on August 15, 2022, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit that committed the City to a number of actions, including: removal of certain parcels as identified housing sites; addition of a program to issue a request for proposal for city-owned housing sites no later than January 1, 2028; provide specific information for sites identified to meet the City's housing needs; and addition of a program to seek, through voter approval, the removal of the City's existing 45-foot height limit for at least any parcel identified in the Housing Element for which the base density is anticipated to exceed 50 dwelling units per acre; and

WHEREAS, on August 19, 2022, the Settlement Agreement was adopted as the Court's Order and committed the City to adopting a housing element certified by or eligible for certification by HCD no later than May 31, 2023; and

WHEREAS, pursuant to Government Code Section 65759(a), the California Environmental Quality Act (CEQA) commencing with Public Resources Code section 21000 does not apply to any action necessary to bring a general plan or relevant mandatory element of the plan into compliance with any court order. Furthermore, a Program Environmental Impact Report (PEIR) was prepared that analyzed the impacts associated with the implementation of the General Plan and Downtown Specific Plan. As the proposed Project implements the goals, policies, and actions contained in those documents, along with the adopted 2021-2029 Housing Element, no further CEQA analysis is required; and

WHEREAS, the City continues to diligently pursue the adoption of the General Plan and Downtown Specific Plan in an effort to implement the programs contained in the 2021-2029 Housing Element, including certain Zoning Text Amendments; and

WHEREAS, on August 21, 2023, the Planning Commission held a duly noticed public hearing, at which time it considered all material and evidence, whether written or oral; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are hereby declared to be true and correct and are incorporated herein as findings of the South Pasadena Planning Commission.

SECTION 2. Zoning Code Amendment Findings. SPMC Section 36.620.070(B) stipulates that a Zoning Amendment may be approved only if the following findings are met:

1. *Findings required for all Zoning Code/Map amendments;*
 - a. *The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed Zone Text Amendments are consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. While the current General Plan that was adopted in 1998 is not internally consistent with the recently adopted Housing Element, the proposed General Plan currently under consideration by the City would be. Since the proposed Zoning Text Amendments would be consistent with, and would implement certain programs contained in the adopted 2021-2029 Housing Element, and since the Housing Element is part of the City's General Plan, the Planning Commission can make this finding.

- b. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City*

The Zoning Text Amendments would not be detrimental to the public interest, health, safety, convenience or general welfare of the City as it would implement certain programs from the adopted 2021-2029 Housing Element. Furthermore, the proposed Zoning Text Amendments would make the City's Municipal Code consistent with State law and would satisfy the legal requirements of the Court Order, supporting the public interest and general welfare of City residents and businesses. Therefore, the Planning Commission can make this finding.

2. *The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Amendments are internally consistent with other applicable provisions of the Zoning Code. The proposed changes would bring the various Code sections into compliance with State law and would implement selected programs found in the 2021-2029 Housing Element. The changes would be internally consistent with other applicable provisions of the Zoning Code, and would also support the policies and vision of the proposed General Plan and Downtown Specific Plan should those documents be adopted by the City Council. Therefore, the Planning Commission can make this finding.

SECTION 3. Based upon the foregoing, the Planning Commission recommends:

- A. That the City Council approve the revisions to the SPMC and amend Divisions 36.370 (Affordable Housing Incentives), 36.350 (Standards for Specific Land Uses), 36.375 (Inclusionary Housing Requirements), and 36.700.020 (Definitions of Specialty Terms and Phrases) as set forth in draft Ordinances attached hereto as Attachments A, B, and C.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this 21st day of August, 2023.

Laura Dahl, Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

David Snow, Assistant City Attorney

I HEREBY CERTIFY the foregoing Resolution No. P.C. 23-07 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 21st day of August, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mark Perez, Deputy City Clerk

**ATTACHMENT A
DRAFT DENSITY BONUS ORDINANCE**

(ATTACHMENT A to RESOLUTION P.C. 23-07)

**[DRAFT] CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SOUTH PASADENA, CALIFORNIA, AMENDING DIVISION
36.370 (AFFORDABLE HOUSING INCENTIVES) OF ARTICLE 3
(SITE PLANNING AND GENERAL DEVELOPMENT
STANDARDS) OF CHAPTER 36 (ZONING) OF THE CITY CODE
OF THE CITY OF SOUTH PASADENA TO REVISE
REGULATIONS TO CONFORM TO STATE DENSITY BONUS
LAW (CALIFORNIA GOVERNMENT CODE SECTION 65915)**

WHEREAS, the State Legislature has declared that the lack of housing, including providing for a variety of housing types for all income levels and special needs groups, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

WHEREAS, the City Council of the City of South Pasadena adopted the City's 2021-2029 Housing Element on May 30, 2023; and

WHEREAS, the City's 2021-2029 Housing Element provides that the City will update its Zoning Code provisions for density bonuses (SPMC Division 36.370) as needed to comply with changes in state law (Program 2.e); and

WHEREAS, the City wishes to update the City Code to ensure consistency with state law as it may be amended from time to time, and clarify how to implement the density bonus program; and

WHEREAS, the Planning Commission considered this Ordinance on August 21, 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or against this matter; and

WHEREAS, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-07, recommending that the City Council adopt an ordinance amending City Code Division 36.370 substantially as set forth herein; and

WHEREAS, the City Council, at a regular meeting, considered the Ordinance on [REDACTED], 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or against this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals of this Ordinance are true and correct.

SECTION 2. Findings. The City Council of the City of South Pasadena in approving the proposed City Code amendment hereby makes the following findings:

A. This Ordinance is consistent with State Housing Law, the South Pasadena 2021-2029 Housing Element, and the South Pasadena General Plan. This Ordinance clarifies the City's density bonus provisions to conform to the requirements of California Government Code Section 65915.

B. The proposed Ordinance amends portions of Chapter 36 (Zoning) of the South Pasadena City Code to conform with State Density Bonus Law and with the goals, policies, programs, and guidelines of the City's General Plan. Specifically, the Ordinance implements the following goal, policy, and program contained in the City's 2021-2029 Housing Element:

Goal 2.0 Encourage and Assist in the Provision of Affordable Housing. Facilitate the development of deed-restricted affordable housing units in locations distributed throughout the city in order to provide housing for a diverse community, including low-income households that are least able to afford adequate housing.

Policy 2.2 Provide information to developers regarding the City's inclusionary housing requirements and the availability of streamlined density bonus opportunities in compliance with incentives for well-designed housing and implement approval processes that reflect the priority of providing housing in the community.

Program 2.e Facilitate Density Bonus for Projects with On-Site Affordable Housing. The City requires provision of inclusionary housing units for most multi-family developments. Projects complying with the ordinance by including on-site affordable units may also take advantage of State-mandated density bonuses and other incentives offered in SPMC Division 36.375 that support project feasibility. The City Code complies with State requirements

and encourages density bonuses in conjunction with the inclusionary housing requirement. The City will update the Zoning Code provisions for density bonuses (SPMC Division 36.370) as needed to comply with changes in state law.

C. The housing developments that would be authorized by this Ordinance would be established and maintained in a manner consistent with the City's General Plan and 2021-2029 Housing Element, specifically the goal, policy, and program described above, and all applicable provisions therein, which acknowledge the effect of the State-mandated density bonus law requirements.

D. Pursuant to City Code Section 36.620.070 B.1 (a and b) and B.2 (Findings and Decision), the City Council makes the following findings required for an amendment to the City's Zoning Code:

(1) The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan.

The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan in that the 2021-2029 General Plan Housing Element includes programs to amend the Zoning Ordinance for consistency with adopted State laws governing the provision of affordable housing.

(2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City in that it is necessary to modify zoning requirements, as required by State law, to support housing development and help alleviate the current housing crisis in the Los Angeles County region. Providing sufficient housing opportunities will promote the general welfare of all members of the community.

(3) The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The proposed amendment is internally consistent with other applicable provisions of the City's Zoning Code in that, as applicable, the amendments include provisions to resolve internal conflicts to achieve consistency and ensure that the Zoning Code complies with state law.

SECTION 3. Division 36.370 (Affordable Housing Incentives) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the South Pasadena City Code is hereby amended in its entirety to read as follows:

“Division 36.370. Affordable Housing Incentives

36.370.010 Purpose of Division.

This Division provides incentives for the development of specific housing types that are affordable to the types of households and qualifying residents identified in Section 36.370.020 (Eligibility for Affordable Housing Incentives), including but not limited to, very low income, lower income, moderate income, and senior households, in accordance with Government Code Section 65915. The provisions of this Division shall be interpreted to fulfill the requirements of Government Code Section 65915, as the same may be amended from time to time. All references to Government Code Section 65915 shall be interpreted to include amendments to that Section as may be enacted by the state from time to time. If any provision of this Division should conflict with a provision of such statute, the statutory provision shall prevail.

36.370.020 Eligibility for Affordable Housing Incentives.

- A. A housing development that qualifies for a density bonus and other incentives pursuant to Government Code Section 65915 shall be eligible for the affordable housing incentives identified in this Division 36.370. The applicant shall comply with all requirements stated in Government Code Section 65915.
- B. Except as otherwise required by Government Code Section 65915 density bonus units shall not be included when calculating the total number of housing units for purposes of determining the number of affordable units that qualifies the housing development for a density bonus.
- C. An applicant shall not receive a density bonus or any other affordable housing incentive under this Division if the housing development would be excluded under Government Code Section 65915, which includes, but is not limited to, projects that fail to “replace” existing housing units, as required by state law.

36.370.030 Density Bonus Allowance.

- A. For a housing development qualifying pursuant to the requirements of Government Code Section 65915 the City shall grant a density bonus in an amount specified by Government Code Section 65915.

B. For the purpose of calculating the density bonus, the “maximum allowable residential density” shall be as stated in Government Code Section 65915.

C. Each component of any density calculation, including base density and bonus density, that results in a fractional unit shall be separately rounded up to the next whole number.

36.370.040 Incentives and/or Concessions.

A. If requested by the applicant, a project that qualifies for a density bonus in accordance with Section 36.370.020(A) also shall be entitled to the number of incentives or concessions as set forth in Government Code Section 65915(d). A request for a concession(s) or incentive(s) should be accompanied by documentation demonstrating that the concession(s) or incentive(s) results identifiable and actual cost reductions to provide for affordable housing costs, as further described in Government Code Section 65915(d)(1)(A). The applicant is entitled to the concession(s) or incentive(s) requested unless the City makes a written finding, based upon substantial evidence, of any of the relevant written findings as stated in Government Code Section 65915(d)(1).

B. Senior citizen housing developments that qualify for a density bonus solely pursuant to Government Code Section 65915 (b)(1)(C) shall not receive any incentives or concessions, unless Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

C. For the purposes of this Division, incentive and/or concession shall have the same meaning as the term “concession or incentive” as defined in Government Code Section 65915(k).

36.370.050 Waivers.

A. Except as restricted by Government Code Section 65915, the applicant for a project that qualifies for a density bonus in accordance with Section 36.370.020 may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Government Code Section 65915(b), at the densities or with the concessions or incentives permitted by Section 65915. The applicant may request a meeting with the City to discuss any waiver requests. A request for a waiver or reduction of development standards should be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density permitted by

state law and/or incorporating any incentives or concessions required to be granted.

B. The applicant is entitled to the waiver(s) requested unless the City makes a written finding, based upon substantial evidence, of any of the relevant written findings as stated in Government Code Section 65915(e).

C. As used in this section, “development standard” shall have the same meaning as the term is defined in Government Code Section 65915(o)(2).

36.370.060 Alternative Parking Standards.

An applicant proposing a project that complies with the requirements found in Section 36.370.020 may request, and is entitled to, the parking ratios identified by Government Code Section 65915(p).

36.370.070 Density Bonus for Land Donations.

A. Land donation bonus. An applicant proposing a tentative subdivision map, parcel map, or other residential development that donates land to the City as provided for in this Section shall be entitled to a density bonus as provided for in this Section.

B. Requirements for Bonus. In order to grant a bonus for the donation, all of the requirements set forth in Government Code Section 65915(g)(2) must be met.

C. Density Bonus allowance for land donations. If an applicant donates land in compliance with requirements set forth in Subsection B, a density bonus as set forth in Government Code Section 65915(g)(1) shall be granted.

36.370.080 Density Bonus and Incentives for Childcare Facilities.

A. An applicant proposing to construct a housing development that conforms to the requirements of Government Code Section 65915(b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to the project, the City shall grant either an additional density bonus or a concession or incentive as provided for in Government Code Section 65915(h)(1).

B. A proposed project shall be eligible for the density bonus or concession or incentive described in this Section only if the project is made subject to, and the project applicant agrees to adhere to the conditions of approvals set forth in Government Code Section 65915(h)(2).

C. As used in this section, “childcare facility” shall have the same meaning as the term is defined in Government Code Section 65915.

36.370.090 Location of Designated Dwelling Units.

A. Location/dispersal of units. The designated dwelling units reserved as affordable units shall contain on average the same number of bedrooms as the market rate units. The designated dwelling units shall be dispersed throughout the development, and shall have the same materials and finish quality as the market rate units, and shall include a dishwasher, and washer and dryer if those appliances are provided in the market rate units.

B. Alternative development site. The review authority may authorize some or all of the designated dwelling units reserved as affordable units associated with one housing development to be produced and operated on an alternative development site, where it determines that the public interest would be more effectively served. Affordable housing units authorized on an alternate site shall be constructed and made available for occupancy prior to or at the same time as the market rate units are constructed and made available for occupancy, unless otherwise approved by the review authority.

36.370.100 Processing of Density Bonus Review and Affordable Housing Review.

A. Density bonus review or affordable housing review. A request for a density bonus, including any requests for incentives and/or concessions or waivers, shall be reviewed administratively by the Director. If a project that includes a request for a density bonus is also subject to another discretionary entitlement request that requires approval by the Planning Commission or City Council, the density bonus request, including any requests for incentives and/or concessions or waivers, shall be reviewed by the Planning Commission or City Council through the affordable housing review process.

B. Application and filing processing. An application for a density bonus, incentive(s) and/or concession(s), or waiver(s), shall be filed in compliance with Division 36.400 (Application Filing and Processing).

C. Density bonus review. If a density bonus is requested for a project that is subject only to ministerial review and approval, the Director shall process and grant the density bonus, alternative parking standards, and any incentives and/or concessions and waivers for that proposed project provided that the Director finds that the project is in compliance with the requirements of Government Code Section 65915 and the provisions of this Division. No public hearing or noticing

is required for such requests. Solely the applicant may appeal the decision of the Director to the City Manager on the grounds of an error in the application of this Division or State law. In making such an appeal, the applicant shall adequately describe the error in the application of this Division or State law.

D. Affordable housing review. The Planning Commission shall conduct an affordable housing review for proposed density bonus projects that include any discretionary approvals concurrently with the Commission's review of the other discretionary approval(s). Following proper noticing and a public hearing pursuant to Division 36.630 (Public Hearings), the Planning Commission, if it finds that the proposed project complies with applicable sections of this Division and State law, shall grant the density bonus, reduced parking standards, incentives and/or concessions, and waivers requested, unless it makes necessary findings as set forth in this Division and State law to reject the requested density bonus, reduced parking standards, incentives and/or concession, waivers, or any combination thereof.

E. Decision. Notice of the Director or Planning Commission decisions pursuant to this Division shall be mailed to the project applicant within five days of the decision. The granting of a request for a density bonus, incentive, or concession pursuant to this Division shall not be effective until an affordable housing covenant has been recorded in compliance with Section 36.370.110.

F. Appeal. A decision for an affordable housing review may be appealed in compliance with Division 36.610 (Appeals).

G. Continued availability. All projects for which a density bonus review and/or affordable housing review is granted by the appropriate review authority, must maintain continued affordability of the designated units pursuant to State law.

H. Pursuant to Section 36.370.110 (Affordable Housing Covenant), the Director is authorized to execute the necessary agreement which shall include recordation of a covenant or other document satisfactory to the City Attorney prior to the issuance of a building permit.

36.370.110 Affordable Housing Covenant.

Following the granting of a density bonus request or an affordable housing review in compliance with Section 36.370.100 (Processing of Density Bonus Requests and Affordable Housing Review), the applicant shall enter into an agreement with the City in a form approved by the Director and City Attorney to ensure the continued affordability of all affordable units or the continued reservation of such units for qualifying senior citizens in accordance with

Government Code Section 65915. Prior to receiving a building permit for any project that receives a density bonus or any incentive, concession, waiver, or reduction of development standards pursuant to this Division, such agreement shall be recorded as a covenant against the property.

In order to ensure the affordability of housing pursuant to this Division, the covenant shall include, but not be limited to, the following provisions with respect to the long term affordability of the residential project:

- A. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;
- B. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;
- C. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for moderate, low and very low-income households, as published by the United States Department of Housing and Urban Development (HUD);
- D. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
- E. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;
- F. In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services;
- G. In the case of for-sale housing developments, the affordable housing covenant shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable use restriction period:
 - 1. Designated dwelling units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior housing.

2. The applicable restriction period in compliance with the provisions of this Division and State law.
3. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:
 - a. Restricts the sale of the unit in compliance with this Division during the applicable use restriction period,
 - b. Contains provisions as the City may require to ensure continued compliance with this Division and State law, and
 - c. Shall be recorded against the parcel containing the designated dwelling unit.

H. In the case of rental housing developments, the affordable housing covenant shall provide for the following conditions governing the use of designated dwelling units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants,
2. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Division,
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the number of bedrooms and monthly rent or cost of each unit, and
4. The applicable use restriction period in compliance with this Division and State law;

I. The covenant shall include the following information:

1. The total number of units approved for the housing development, including the number of designated dwelling units,
2. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines,

3. The marketing plan for the affordable units,
4. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units,
5. Duration of the use restrictions for designated dwelling units, in compliance with this Division and State law,
6. A schedule for completion and occupancy of the designated dwelling units,
7. A description of the additional incentive(s) being provided by the City,
8. A description of the remedies for breach of the affordable housing covenant by the owners, developers, and/or successor(s)-in-interest of the project, and
9. Other information as necessary for the City to verify the implementation of, and compliance with this Division;

J. Execution of covenant.

1. Following agreement on the terms of the covenant by all parties, the City shall record the completed covenant on the parcels designated for the construction of designated dwelling units, at the Los Angeles County Registrar Recorder's/County Clerk's Office.
2. The approval and recordation shall take place prior to the final map or, where a map is not being processed, before issuance of Building Permits for the units.
3. The covenant shall be binding to all future owners, developers, and/or successors-in-interest."

SECTION 4. Environmental Findings. This Ordinance reflects an action to implement the City's adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council

hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council's adoption of the Housing Element. Each of these provide separate and independent bases demonstrating compliance with the CEQA.

SECTION 5. Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED AND ADOPTED ON this XXth day of September, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jon Primuth, Mayor

ATTEST:

APPROVED AS TO FORM:

Mark Perez
Deputy City Clerk

Roxanne Diaz, City Attorney

CITY OF SOUTH PASADENA
CITY CLERK'S DIVISION
CERTIFICATION OF ORDINANCE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH PASADENA)

I, Mark Perez, Deputy City Clerk of the City of South Pasadena, do hereby certify that Ordinance No. _____, was duly and regularly approved and adopted at a Regular meeting of the City Council on this XXth day of September, 2023, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Perez
Deputy City Clerk

**ATTACHMENT B
EMPLOYEE HOUSING**

(ATTACHMENT B to RESOLUTION P.C. 23-07)

**[DRAFT] CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SOUTH PASADENA, CALIFORNIA, AMENDING
CHAPTER 36 ARTICLE 2 DIVISION 36.22 AND CHAPTER
36 ARTICLE 3 DIVISION 36.350 OF THE CITY CODE OF
THE CITY OF SOUTH PASADENA RELATING TO
EMPLOYEE HOUSING**

WHEREAS, the adopted 2021-2029 Housing Element calls for amendment of the code of the City of South Pasadena to address employee housing pursuant to the Employee Housing Act (Health and Safety Code Section 17000 *et seq.*)(Program 2. h); and

WHEREAS, on August 21, 2023, the South Pasadena Planning Commission considered this Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and

WHEREAS, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-07 recommending that the City Council adopt an Ordinance substantially as set forth herein; and

WHEREAS, on _____, 2023, the City Council, at a regular meeting, considered the Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and

WHEREAS, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

Section 2. Findings. The City Council of the City of South Pasadena in approving the proposed Code amendments hereby makes the following findings:

A. The proposed use is in conformance with the actions, goals, objectives, policies, and programs of the General Plan;

The Ordinance implements the goals and policies contained in the City's 2021-2029 Housing Element with respect to employee housing. The Ordinance amends the Code to implement the programs of the Housing Element to remove constraints on the development of housing.

B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by enabling, consistent with State law, the development of employee housing in the community, and by providing opportunities for individuals of various economic strata to reside and engage in the South Pasadena community, and by providing opportunities for safe housing accommodations for employees.

C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The Ordinance has been designed to be internally consistent with all applicable provisions contained in the Zoning Code, and implements the 2021-2029 Housing Element.

Section 4. Table 2-2 "Allowed Uses and Permit Requirements for Residential Zoning Districts" of Section 36.220.030 (Residential Zoning District Land Uses and Permit Requirements) of Division 36.220 (Residential Zoning Districts) of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena is hereby amended to read as follows with all other provisions of Section 36.220.030 remaining in effect without amendment:

TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use				
	CUP	Conditional Use Permit required				
	AUP	Administrative Use Permit required				
	—	Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	RE	RS	RM	RH		
RECREATION, EDUCATION, PUBLIC ASSEMBLY & COMMUNITY FACILITY USES						
Clubs, lodges and fraternal organizations	—	—	—	CUP		
Community center	—	—	—	CUP		
Private sport courts	AUP	AUP	AUP	AUP		
Community gardens	CUP	CUP	CUP	CUP	36.350.230	
RESIDENTIAL USES						
Accessory residential uses and structures	P(2)	P(2)	P(2)	P(2)	36.350.170	
Home occupation	P	P	P	P	36.410.030	
Multi-family dwellings	—	—	P	P	36.350.180, 190	
Organizational house (sorority, convent, etc.)	—	—	CUP	CUP		
Residential care facility, 6 persons or less	P	P	P	P		
Residential care facility, 7 persons or more	—	—	CUP	CUP	36.350.050	
Residential care facility for the elderly (RCFE)	—	—	CUP	CUP	36.350.050	
Accessory dwelling unit	P	P	P	P	36.350.200	
Employee Housing	P	P	—	—	36.350.265	
RESIDENTIAL USES (Continued)						

TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use				
	CUP	Conditional Use Permit required				
	AUP	Administrative Use Permit required				
	—	Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	RE	RS	RM	RH		
Existing single-family dwelling	P	P	P	P		
New single-family dwelling	P	P	—	—		
Transitional and supportive housing	P	P	P (multi-family types located in the RM district are subject to specific use regulations 36.350.180,190)	P (multi-family types located in the RH district are subject to specific use regulations 36.350.180,190)		
SERVICE USES						
Bed & breakfast inn (B&B)	CUP	CUP	CUP	CUP	36.350.070	
Child day care center	—	—	CUP	CUP	36.350.080	
Child day care— Small family day care home	P	P	P	P	36.350.080	
Child day care— Large family day care home	P	P	P	P	36.350.080	
Medical services— Extended care	—	—	—	CUP		
Mortuaries and funeral homes	—	—	—	CUP		
Notes: (1) See Article 7 for land use definitions. (2) Permit required determined by Section 36.350.170.						

Section 5. Section 36.700.020 (“Definitions of Specialty Terms and Phrases”) of Division 36.700 (“Definitions/Glossary”) of Article 7 (“Definitions”) of Chapter 36 (“Zoning”) of the City Code of South Pasadena is hereby amended to add a new definition of

“Employee Housing” between the definitions of “Emergency Shelter” and “Enlargement of Use” to read as follows, with all other defined terms in Section 36.700.020 remaining without amendment:

“Employee Housing. Housing accommodation, or property upon which a housing accommodation is located, that meets the requirements as set forth in Health and Safety Code section 17008. Employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation.”

Section 6. A new Section 36.350.265 (“Residential Uses - Employee Housing”) is hereby added to of Division 36.350 (“Standards for Specific Land Uses”) of Article 3 (“Site Planning and General Development Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is added to read as follows:

“36.350.265 Residential Uses–Employee Housing.

A. Applicability. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees shall be allowed in all zoning districts in which single-family residences are allowed and shall be deemed a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Employee housing for six or fewer employee shall not be considered a boarding house, rooming house, hotel, dormitory, or other term that implies that such employee housing differs from a single-family dwelling.

B. Employee housing for six of fewer employees shall be subject to the same ordinances and standards applicable to a single-family residence except to the extent that any such ordinance of standard is preempted by the Employee Housing Act (California Health and Safety Code Section 17000, *et seq.*).

C. Employee housing shall be subject to all applicable requirements of the Employee Housing Act (California Health and Safety Code Section 17000, *et seq.*)”

Section 7. Environmental Findings. This Ordinance reflects an action to implement the City’s adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council’s adoption of the Housing Element. Each of

these provide separate and independent bases demonstrating compliance with the CEQA.

Section 8. Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 9. This ordinance shall take effect thirty (30) days after its final passage and shall be considered to have been adopted after Ordinance No. ____ [the Zoning Code Update Ordinance]. Within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED AND ADOPTED ON this XXth day of XXXX, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jon Primuth, Mayor

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

Roxanne Diaz, City Attorney

ATTACHMENT C
DRAFT INCLUSIONARY HOUSING ORDINANCE
(ATTACHMENT C to RESOLUTION P.C. 23-07)

**[DRAFT] CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SOUTH PASADENA, CALIFORNIA, AMENDING
DIVISION 36.375 OF THE CITY CODE OF THE CITY OF
SOUTH PASADENA CODE RELATING TO
INCLUSIONARY HOUSING REQUIREMENTS**

WHEREAS, the adopted 2021-2029 Housing Element calls for amendment of the City Code of the City of South Pasadena to update inclusionary housing program requirements (Program 2.m); and,

WHEREAS, on August 21, 2023, the South Pasadena Planning Commission considered this Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and,

WHEREAS, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-07 recommending that the City Council adopt an Ordinance substantially as set forth herein; and,

WHEREAS, on _____, 2023, the City Council, at a regular meeting, considered the Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and,

WHEREAS, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

Section 2. Findings. The City Council of the City of South Pasadena in approving the proposed Code amendments hereby makes the following findings:

A. The proposed use is in conformance with the actions, goals, objectives, policies, and programs of the General Plan;

The Ordinance implements the goals and policies contained in the City's 2021-2029 Housing Element. The Ordinance amends the Code to implement the programs of the Housing Element to require affordable housing units in new residential and mixed-use development projects consisting of ten or more residential units and reflects a fifteen percent (15%) inclusionary housing requirement as specified in the adopted Housing Element.

B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by making affordable housing available in the community, and by providing opportunities for individuals of all economic strata to reside and engage in the South Pasadena community.

C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The Ordinance has been designed to be internally consistent with all applicable provisions contained in the Zoning Code, and implements the 2021-2029 Housing Element.

Section 3. Section 36.375.020 ("Applicability") of Division 36.375 ("Inclusionary Housing Requirements") of Article 3 ("Site Planning and General Development Standards") of Chapter 36 ("Zoning") of the City Code of the City of South Pasadena is amended to read as follows:

"36.375.020 Applicability.

This division applies to all residential development of ten (10) or more dwelling units, including residential portions of mixed-use development, and requires affordable housing units in the amount as required in SPMC 36.375.050 (Inclusionary Unit Requirement)."

Section 4. Section 36.375.050 of Division 36.375 ("Inclusionary Housing Requirements") of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena is hereby amended in its entirety to read as follows:

"36.375.050 Inclusionary Unit Requirement.

A. Amount required. A minimum of 15 percent of the total number of dwelling units in a residential or mixed-use project, excluding any bonus units added pursuant to State law or SPMC 36.370, shall be developed, offered to, and sold or rented to households of very low, lower, and moderate income, at an affordable housing cost, as follows:

B. Inclusionary rental units.

Rental projects subject to the inclusionary housing requirement shall provide 50 percent of required affordable units as extremely low or very low units and 50 percent as lower income units. In case of an uneven number, one more unit shall be provided as very low.

C. Inclusionary ownership (for sale) units. Developers of ownership (for sale) projects subject to the inclusionary housing requirement may choose whether to provide the required inclusionary units as moderate income, low-income, very-low income, or a combination thereof.

D. Fractional units. In the case that unit calculations result in a fractional number, the applicant shall choose one of the following options:

1. Round up to next unit and provide the unit on site.
2. Pay the fractional amount above the whole number as an in-lieu fee equivalent to the fraction multiplied by the in-lieu fee as established by City Council resolution. All whole number units shall be provided on site or alternatively as allowed in SPMC 36.375.060 (Alternatives to On-Site Provision)."

Section 5. Environmental Findings. This Ordinance reflects an action to implement the City's adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council's adoption of the Housing Element. Each of these provide separate and independent bases demonstrating compliance with the CEQA.

Section 6. Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof,

regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 7. Effective Date. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED AND ADOPTED ON this XXth day of XXXX, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jon Primuth, Mayor

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

Roxanne Diaz, City Attorney