



**CITY OF SOUTH PASADENA
PLANNING COMMISSION**

**AGENDA
REGULAR MEETING
TUESDAY, MAY 14, 2024 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	Lisa Padilla
ROLL CALL:	Chair	Lisa Padilla
	Vice-Chair	Amitabh Barthakur
	Commissioner	Jason Claypool
	Commissioner	Laura Dahl
	Commissioner	Mark Gallatin
COUNCIL LIAISON:	Mayor Pro Tem	Jack Donovan

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 – General (Non-Agenda Items)**

PRESENTATION

2. **Commission Analysis Revisit – City Manager’s Office**

CONSENT CALENDAR ITEMS

3. **Minutes from the Special Joint Meeting with Design Review Board of September 20, 2023**
4. **Minutes from the Regular Meeting of November 14, 2023**
5. **Minutes from the Regular Meeting of December 12, 2023**
6. **Minutes from the Regular Meeting of January 9, 2024**

PUBLIC HEARING – CONTINUED ITEM

7. **Project No. 2461-HDP/DRX/VAR** – A request for a Hillside Development Permit (HDP) and Design Review Permit (DRX) for a 234-square-foot first-story addition and a 605-square-foot second-story addition, to an existing 1,990-square-foot single-family dwelling located at 2089 Hanscom Drive (APN: 5308-022-010). The project includes a raised deck, a one-car garage, and a carport. The request also includes a Variance (VAR) for a fence, located within the front yard setback, exceeding three (3) feet in height. In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

Recommendation:

Staff recommends that the Planning Commission continue this item to a future meeting date to be determined.

PUBLIC HEARING

8. **Project No. CUP24-0002**– A request for a Conditional Use Permit (CUP) for the off-sale of beer, wine, and distilled spirits (Type 21 ABC license) for a proposed supermarket (Trader Joe’s) located at 1129 Fair Oaks Avenue (APN: 5315-004-084). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301 (Class 1).
2. Approve Project No. CUP24-0002, subject to the recommended conditions of approval.

9. **Proposed Zoning Text and Downtown Specific Plan (DTSP) Amendments** – The Planning Commission will consider proposed amendments to the South Pasadena Municipal Code, Zoning Code and the DTSP to implement the programs in the City’s 2021-2029 (6th Cycle) Housing Element. Pursuant to Government Code Section 65759, the amendments are not subject to California Environmental Quality Act (CEQA) review beyond the Environmental Assessment (EA) previously completed for, and adopted in conjunction with, the City’s adoption of the Housing Element on May 30, 2023.

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution recommending the following to the City Council:

1. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households including exemption from public art requirements.
2. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g).

- 3. Adopt an Ordinance to approve Zoning Text Amendments to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones.

10. Proposed Zoning Text Amendment – The Planning Commission will consider proposed amendment to the South Pasadena Municipal Code Chapter 36 (Zoning Code) related to temporary signs and signs on public property. In accordance with the California Environmental Quality Act (CEQA), this project is exempt from environmental review under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution recommending the following to the City Council:

- 1. Adopt a Resolution amending Chapter 36 (Zoning Code) of the South Pasadena Municipal Code related to temporary signs and signs on public property.
- 2. Finding the project exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

DISCUSSION

11. 2024 Annual Commission Report

Recommendation:

Discuss and approve 2024 Annual Commission Report.

ADMINISTRATION

12. Comments from City Council Liaison

13. Comments from Planning Commissioners

14. Comments from Staff

ADJOURNMENT

15. Adjourn to the Regular Planning Commission meeting scheduled for June 11, 2024.

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.

5/9/2024

Date

Robert (Dean) Flores, Senior Planner



**CITY OF SOUTH PASADENA
Planning Commission & Design Review Board
Special Joint Meeting Minutes
Wednesday, September 20, 2023, 6:30 PM
Amedee O. "Dick" Richards Jr. Council Chambers
1424 Mission Street, South Pasadena, CA 91030**

CALL TO ORDER:

A Special Joint Meeting of the South Pasadena Planning Commission and Design Review Board was called to order by Planning Commission Vice-Chair Padilla on Wednesday, September 20, 2023 at 6:30 p.m. The meeting was held at 1424 Mission Street, South Pasadena, California.

ROLL CALL:

Planning Commission:

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

Absent: Chair: Laura Dahl

Design Review Board:

Present: Chair: Brian Nichols
Vice-Chair: Melissa Hon Tsai
Commissioners: Samantha Hill and Kay Younger

Absent: Board Member: Joe Carlson

City Staff

Present: Alison Becker, Community Development Deputy Director
Matt Chang, Planning Manager
Dean Flores, Senior Planner
Sandra Robles, Associate Planner

APPROVAL OF AGENDA:

Approved, 4-0.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:

Commissioner Swanborn and Commissioner Lesak met with Staff and Consultant as part of an Ad Hoc Committee working on the Downtown Specific Plan (DTSP).

PUBLIC COMMENT:

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

(Via Zoom) Victor Tang, Developer for 181 Monterey Road, spoke about written comments he submitted expressing concern about the hillside overlay for the area.

Vice-Chair Padilla noted that Dwight Bond, a local architect, had also submitted written comments.

DISCUSSION:

2. Draft Objective Development Standards (ODS) Project.

Recommendation:

Receive a presentation from AECOM (City consultant) regarding the Draft Objective Development Standards, receive comments from the general public, and provide comments and directions to Staff and the City consultant.

Staff Presentation:

Planning Manager Chang introduced Susan Ambrosini, City Consultant AECOM Urban Planner and Project Manager, who presented a PowerPoint presentation.

Questions for Staff:

The Commissioners, Board Members, Staff and Consultant had a robust discussion regarding ministerial versus discretionary project approvals, discrepancies between the Draft received by the Commission/Board and the slide show and illustrations presented tonight, and whether any cities had test driven these standards.

Deputy Director Becker explained the purpose of the Objective Development Standards (ODS) was to make it easy for people to secure an approval of their projects, and that the standards are a minimum of what is expected.

Vice-Chair Padilla acknowledged that it is a sea change for every city across the entire State. She remarked that every city is having to adapt to a very different set of priorities that have been set at the State level.

Questions from Design Review Board:

DRB members, Consultant and Staff discussed the variations between mixed-use and multi-family standards depicted in the Draft, specifically the residential standards of mixed-use projects. Consultant Ambrosini remarked this was an error, and the Draft has since been corrected. They also discussed ADA requirements and the Zoning Map.

Deputy Director Becker remarked that the purpose of the standards is to facilitate administrative ministerial review of projects and clarified the difference between a waiver and a concession. She also noted that recommendations to update the ODS can be made at any time.

The Planning Commissioners, DRB Members and Consultant Ambrosini discussed the intent of the ODS is to be general enough to apply to all construction types and will also be reviewed for ADA compliance. The CALGreen Building Code is usually referenced to address sustainability concerns. They also discussed including a streamlined process for signage.

Public Comments:

(via Zoom) Lisa Campbell asked about vinyl windows and setbacks – a comment on one of the slides during the presentation.

(via Zoom) Victor Tang asked how many units would trigger a California Environmental Quality Act (CEQA) study and whether a CEQA study is needed for affordable housing would go to the Planning Commission.

Discussion:

Commissioner Lesak discussed several items, including: the challenge of reviewing the Draft as information for an item is spread across several different sources; defining primary streets and secondary streets; materials standards; shop fronts (including galleries and arcades); security bars; the strong emphasis on horizontal orientation in the diagrams; concern regarding mandating screening around mechanical equipment; and structured parking.

Deputy Director Becker suggested (i) Staff could create a shared document among the Planning Commission, DRB and Staff, and (ii) creation of an ad hoc committee for each group.

The Commissioners and Board Members discussed the focus of the ODS on exterior aesthetics and suggested additional considerations, including material performance (i.e., sustainability), the relationship of interiors to exteriors, surface parking, the importance of landscaping, trees and green space, including a suggestion to create a red list of materials that would not be allowed.

Consultant Ambrosini clarified some of the misunderstandings evidenced by the comments and addressed a specific question about rooflines.

Board member Younger spoke about encouraging developers to stay within the design parameters of South Pasadena's traditional look, recognizing that there is quite a variety of architecture in South Pasadena.

The group discussed that the ODS are not stylistic and are going to be effectively ministerially approved through the Planning Department.

Vice-Chair Padilla remarked that it is beneficial for both bodies meeting together and thanked her colleagues and Consultant Ambrosini and AECOM for quickly addressing her comments after the last session.

Deputy Director Becker proposed that the DRB and the Planning Commission consider the ODS separately and then share their recommendations (as advised by the City Attorney). She presented several options and reminded the Commissioners and Board Members that time with the AECOM team is ending.

Consultant Ambrosini acknowledged that the AECOM team could do one more refinement to the Draft to integrate comments and updates from tonight's meeting and outlined the process.

Deputy Director Becker provided a timeline and remarked that if prioritized, the ODS could be in-process toward the end of the year.

Vice-Chair Padilla suggested Commissioners send their specific comments to the DTSP Ad Hoc Committee of Commissioners Lesak and Swanborn. Upon finishing their work on the Downtown Specific Plan in about two weeks, they will consider the Commissioners' input.

Chair Nichols and Board Member Hill stated the DRB would form an Ad Hoc Committee and work with the Planning Commission's schedule. Board member Hill asked about additional public comments.

Board members Hill and Tsai volunteered to serve on the DRB Ad Hoc Committee.

Commissioner Barthakur suggested Staff engage a focus group with architects and developers to obtain feedback on the final Draft after getting comments from the DRB and Planning Commission.

Consultant Ambrosini reviewed the SCAG team timeline, indicating that the deadline for the project is the end of December. If an updated Draft is released in

the next few days, then a month from tonight would be fine to receive the group's input.

ADJOURNMENT:

3. Planning Commission:

Adjournment to the Regular Planning Commission meeting scheduled for October 10, 2023 at 6:30 pm:

Design Review Board:

Adjournment to the Regular Design Review Board meeting scheduled for October 5, 2023 at 6:30 pm:

There being no further matters, Vice-Chair Padilla and Chair Nichols adjourned the meeting at 8:46 p.m.

Laura Dahl, Planning Commission Chair

Brian Nichols, Design Review Board Chair



**CITY OF SOUTH PASADENA
Planning Commission
Meeting Minutes
Tuesday, November 14, 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, November 14, 2023 at 6:33 p.m. The meeting was held at the Council Chambers located 1424 Mission Street, South Pasadena, California.

ROLL CALL:

Present: Chair: Laura Dahl
Vice-Chair: Lisa Padilla
Commissioners: John Lesak, Amitabh Barthakur, Arnold Swanborn
(arrived after Item 8).

Absent: None.

City Staff

Present: Stephanie Cao, Assistant City Attorney
Matt Chang, Planning Manager
Dean Flores, Senior Planner
Sandra Robles, Associate Planner
Mackenzie Goldberg, Assistant Planner
Lillian Estrada, Administrative Secretary

Council

Present: None.

APPROVAL OF AGENDA:

Approved, 4-0.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:

Chair Laura Dahl and Vice Chair Padilla visited the 4931 Harriman Avenue project site.

PUBLIC COMMENT:

1. **Public Comment.**
None.

CONSENT CALENDAR ITEMS:

2. **Minutes from the Regular Meeting of May 11, 2021**
3. **Minutes from the Special Meeting of May 26, 2021**
4. **Minutes from the Regular Meeting of July 13, 2021**
5. **Minutes from the Regular Meeting of August 10, 2021**
6. **Minutes from the Special Meeting of August 25, 2021**
7. **Minutes from the Special Meeting of August 21, 2023**
8. **Minutes from the Special Meeting of August 23, 2023**

Approved, 4-0

PUBLIC HEARING:

9. **Project No. 2565-CUP** – A request for a Conditional Use Permit for the on-site sale of beer and wine (Type 41 ABC license) for an existing, bona fide restaurant (Rice & Nori) located at 901 Fair Oaks Avenue, #D (APN: 5315-003-058). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities.
2. Approve Project No. 2565-CUP, subject to the recommended conditions of approval.

Staff Presentation:

Assistant Planner Goldberg delivered the staff presentation for project No. 2565-CUP.

Questions for Staff:

Commissioners asked about the proposed hours of operation related to the alcohol sales, if the outdoor seating area had protective railing, and clarification regarding if the proposed project was reviewed under the previous General Plan and zoning designations.

Public Comment:

None.

Commissioner Discussion:

Vice Chair Padilla mentioned stated that she did not oppose to the project. Commissioner Swanborn also stated that he had no objections to the project.

Decision:

Commissioner Lesak moved, seconded by Commissioner Swanborn, to adopt a Resolution to take the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities.
2. Approve Project No. 2565-CUP, subject to the recommended conditions of approval.

Chair Dahl directed Staff to call the Roll:

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

Motion carried, 5-0.

- 10. Project No. 2592-CUP** – A request for a Conditional Use Permit for the on-site sale of beer and wine (Type 41 ABC license) for an existing, bona fide restaurant (Modan Ramen) located at 700 Fair Oaks Avenue, #G-H (APN: 5318-004-024). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities.
2. Approve Project No. 2592-CUP, subject to the recommended conditions of approval.

Staff Presentation:

Senior Planner Flores delivered the staff presentation for project No. 2592-CUP.

Questions for Staff:

Commissioners asked for clarification if the alcohol sales will occur within the outdoor dining area.

Public Comment:

None.

Commissioner Discussion:

Commissioner Barthakur stated that he supported the project.

Decision:

Vice Chair Padilla moved, seconded by Commissioner Swanborn, to adopt a Resolution to take the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities.
2. Approve Project No. 2592-CUP, subject to the recommended conditions of approval.

Chair Dahl directed Staff to call the Roll:

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

Motion carried, 5-0.

- 11. Project No. 2500-HDP/DRX/VAR/PM/TRE** – The proposed project is for a Hillside Development Permit (HDP) and Design Review Permit (DRX) for the construction of a new 3,214-square-foot, two-story, single-family dwelling along with a Parcel Merger (PM) application of the two existing lots within the Southwest Monterey Hills area, located at 4931 Harriman Avenue (APN: 5312-016-016 & 5312-016-017). The project includes two Variance (VAR) requests: 1) for a side yard setback of five feet in lieu of required seven feet and 5 inches, and 2) for an attached garage in front of the main structure. The project includes a Tree Removal Permit (TRE) for the removal four (4) trees. In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15303, Class 3 (New Construction or Conversion of Small Structures).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures.
2. Approve Project No. 2500-HDP/DRX/VAR/PM/TRE, subject to the recommended conditions of approval.

Staff Presentation:

Associate Planner Robles delivered the staff presentation for project No. 2500-HDP/DRX/VAR/PM/TRE.

Questions for Staff:

Commissioners asked if an arborist report was prepared, clarification on how height is measured for the proposed home and clarification about how many trees are being removed as part of the application.

The applicant's representative, Taylor Francis, delivered a presentation on their proposed project. Commissioners Swanborn, Barthakur, and Vice Chair Padilla asked for clarification about the proposed trees to be removed. Chair Dahl asked whether the application provided a brochure for the proposed garage door.

Public Comment:

The City received one written comment from Yung Jin Lee. Eric Moore, resident gave public comments in person asking about clarification about the proposed project and a previous iteration of the project from years prior that never materialized. Sophia Lee, resident, commented in person about the proposed height of the project.

Commissioner Discussion:

Commissioners discussed the project plans for the solar panels and the north side elevation of the proposed home. Vice Chair Padilla raised concerns about the status of the tree removal permit. Commissioner Swanborn raised concerns about the tree removal permit and solar panels. Commissioner Lesak questioned whether the Variance for the side yard setback was warranted.

Chair Dahl asked for a motion to continue the item due to concerns about the tree removal permit (tree numbers 6 and 7 on the plans) and Variance request for the side yard setback. Vice Chair Padilla also requested that the applicant consider the proposed cut and fill during the grading process and how it effects the proposed tree removals and Variance for the side yard setback.

Decision:

Vice Chair Padilla moved, seconded by Commissioner Swanborn, to continue item #11 to the regularly scheduled Planning Commission meeting on December 12, 2023.

Chair Dahl directed Staff to call the Roll:

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

Motion carried, 5-0.

ADMINISTRATION

12. Comments from City Council Liaison

None.

13. Comments from Planning Commissioners

Commissioner Lesak praised the restaurants from Agenda Items 9 and 10 for expanding their services.

14. Comments from Staff

Planning Manager Chang announced that the former Vons shopping center is undergoing renovations and master sign program. He also announced a training being available for any interested Commissioner offered by the League of California Cities.

ADJOURNMENT:

15. Adjournment to the Regular Planning Commission meeting scheduled on December 12, 2023 at 6:30 pm:

There being no further matters, Chair Dahl adjourned the meeting at 8:05 p.m.

Laura Dahl, Chair



**CITY OF SOUTH PASADENA
Planning Commission
Meeting Minutes
Tuesday, December 12, 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, December 12, 2023 at 6:30 p.m. The meeting was held at 1424 Mission Street, South Pasadena, California.

ROLL CALL:

Present: Chair: Laura Dahl
Vice-Chair: Lisa Padilla
Commissioners: Arnold Swanborn

Absent: Commissioners: Amitabh Barthakur, John Lesak

City Staff

Present: Stephanie Cao, Assistant City Attorney
Alison Becker, Deputy Community Development Director
Matt Chang, Planning Manager
Braulio Madrid, Associate Planner
Lillian Estrada, Administrative Secretary

Council

Present: None.

APPROVAL OF AGENDA:

Approved, 3-0.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:

None.

PUBLIC COMMENT:

1. **Public Comment.**
None.

CONSENT CALENDAR ITEMS:

2. **Minutes from the Regular Meeting of September 14, 2021**
3. **Minutes from the Regular Meeting of October 12, 2021**
4. **Minutes from the Regular Meeting of November 9, 2021**
5. **Minutes from the Special Meeting of November 15, 2021**
6. **Minutes from the Regular Meeting of December 14, 2021**

The Planning Commission voted to continue review of the Minutes to the January 9, 2024 meeting.

Vote, 3-0.

PUBLIC HEARING – CONTINUED ITEM:

7. **Project No. 2500-HDP/DRX/VAR/PM/TRE** – The proposed project is for a Hillside Development Permit (HDP) and Design Review Permit (DRX) for the construction of a new 3,214-square-foot, two-story, single-family dwelling along with a Parcel Merger (PM) application of the two existing lots within the Southwest Monterey Hills area, located at 4931 Harriman Avenue (APN: 5312-016-016 & 5312-016-017). The project includes two Variance (VAR) requests: 1) for a side yard setback of five feet in lieu of required seven feet and six inches, and 2) for an attached garage in front of the main structure. The project includes a Tree Removal Permit (TRE) for the removal four (4) trees. In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15303, Class 3 (New Construction or Conversion of Small Structures).

Recommendation:

Staff recommends that the Planning Commission continue this item to the January 9, 2024 Planning Commission meeting.

Decision:

Vice Chair Padilla moved, seconded by Commissioner Swanborn, to continue the item to the regularly scheduled Planning Commission meeting on January 9, 2024.

Chair Dahl directed Staff to call the Roll:

Commissioner Swanborn	Aye
Vice-Chair Padilla	Aye
Chair Dahl	Aye

Motion carried, 3-0.

PUBLIC HEARING:

8. **Project No. 2495-NID/DRX/CUP** – A request for a Notice of Intent to Demolish (NID) a 643-square-foot convenience store and a 1,221-square-foot repair garage; a Design Review Permit (DRX) to construct a 1,981-square-foot convenience store with a trash enclosure; and a Conditional Use Permit (CUP) for off-sale beer and wine at 1400 Mission Street (APN: 5315-002-030). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15302, Class 2 (Replacement or Reconstruction) and Section 15303, Class 3 (New Construction or Conversion of Small Structures).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15302, Class 2 – Replacement or Reconstruction and Section 15303, Class 3 – New Construction or Conversion of Small Structures.
2. Approve Project No. 2495-NID/DRX/CUP, subject to the recommended conditions of approval.

Continued

This item was continued to the January 9, 2024 Planning Commission meeting due to Chair Dahl being conflicted out of this item thereby creating a lack of quorum.

9. **Project No. 2593-EXT & 2602-EXT** – Extension of time requests for a previously approved mixed-use development (Seven Patios), Project No. 2171-CUP/DRX/TTM/TRP located at 845-899 El Centro Street (APNs: 5315-019-045, 5315-019-046, and 5315-019-048). The approval was for a mixed-use project consisting of 57 residential units and approximately 6,100 sq. ft. of commercial space. In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) was prepared. The City Council adopted the MND on March 3, 2021.

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Approve Project No. 2593-EXT – Approving an extension of time to a Vesting Tentative Tract Map (Project No. 2171-TTM) to December 12, 2024. The original entitlement expiration date was March 3, 2023.
2. Approve Project No. 2602-EXT – Approving an extension of time to a Conditional Use Permit, Design Review Permit, and Tree Removal Permit (Project No. 2171-CUP/DRX/TRP) to March 3, 2024. The current expiration date is December 28, 2023, due to the expiration of the plan check process.

Staff Presentation:

Associate Planner Madrid delivered the staff presentation for project Nos. 2593-EXT and 2602-EXT.

Questions for Staff:

Chair Dahl asked for clarification of the proposed expiration dates.

The applicant's representative, Burke Farrar, delivered a presentation explaining their proposed extension of time requests.

Public Comment:

None.

Commissioner Discussion:

Commissioners asked for clarification regarding the maximum allowable extension dates and if the proposed project would be consistent with the newly adopted General Plan and/or Downtown Specific Plan (DTSP) should the applicant submit a new application in the future.

Commissioner Swanborn asked why the Vesting Tentative Tract Map has not yet been submitted for review. Vice Chair Padilla asked whether the Commission should consider allowing the maximum allowable expiration date.

Decision:

Commissioner Swanborn moved, seconded by Vice Chair Padilla, to adopt an amended Resolution to take the following actions:

1. Approve Project No. 2593-EXT – Approving an extension of time to a Vesting Tentative Tract Map (Project No. 2171-TTM) to March 3, 2026. The original entitlement expiration date was March 3, 2023.

2. Approve Project No. 2602-EXT – Approving an extension of time to a Conditional Use Permit, Design Review Permit, and Tree Removal Permit (Project No. 2171-CUP/DRX/TRP) to March 3, 2024. The current expiration date is December 28, 2023, due to the expiration of the plan check process.

Chair Dahl directed Staff to call the Roll:

Commissioner Swanborn	Aye
Vice-Chair Padilla	Aye
Chair Dahl	Aye

Motion carried, 3-0.

ADMINISTRATION

10. Comments from City Council Liaison

None.

11. Comments from Planning Commissioners

Commissioner Swanborn wished everyone “Happy Holidays.” Chair Dahl asked if Staff can look into blanket extension dates for ongoing development projects.

12. Comments from Staff

Deputy Community Development Director Becker thanked the Planning Commission for their work during the past year.

ADJOURNMENT:

13. Adjournment to the Regular Planning Commission meeting scheduled on January 9, 2024 at 6:30 pm:

There being no further matters, Chair Dahl adjourned the meeting at 7:32 p.m.

Laura Dahl, Chair



**CITY OF SOUTH PASADENA
Planning Commission
Meeting Minutes
Tuesday, January 9, 2024, 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, January 9, 2024 at 6:30 p.m. The meeting was held at 1424 Mission Street, South Pasadena, California.

ROLL CALL:

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

Absent: Commissioner: Amitabh Barthakur

City Staff

Present: David Snow, Assistant City Attorney
Alison Becker, Deputy Community Development Director
Matt Chang, Planning Manager
Sandra Robles, Associate Planner
Lillian Estrada, Administrative Secretary

Council

Present: None.

APPROVAL OF AGENDA:

Approved, 4-0.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:

None.

PUBLIC COMMENT:

1. **Public Comment.**
None.

CONSENT CALENDAR ITEMS:

2. **Minutes from the Regular Meeting of September 14, 2021**
Commissioner Lesak pointed out a correction to the Minutes regarding the vote of Item 2 of that meeting as he did not take a vote on Item 2 but the Minutes stated that he did.
3. **Minutes from the Regular Meeting of October 12, 2021**
Chair Dahl pointed out a correction to the Minutes stating that Commissioner Barthakur was absent from the meeting but the Minutes say otherwise.
4. **Minutes from the Regular Meeting of November 9, 2021**
5. **Minutes from the Special Meeting of November 15, 2021**
6. **Minutes from the Regular Meeting of December 14, 2021**
7. **Minutes from the Special Meeting of July 26, 2022**
8. **Minutes from the Regular Meeting of September 13, 2022**

The Planning Commission voted to approve the Minutes as amended.

Vote, 4-0.

PUBLIC HEARING – CONTINUED ITEM:

9. **Project No. 2500-HDP/DRX/VAR/PM/TRE** – The proposed project is for a Hillside Development Permit (HDP) and Design Review Permit (DRX) for the construction of a new 3,214-square-foot, two-story, single-family dwelling along with a Parcel Merger (PM) application of the two existing lots within the Southwest Monterey Hills area, located at 4931 Harriman Avenue (APN: 5312-016-016 & 5312-016-017). The project includes two Variance (VAR) requests: 1) for a side yard setback of five feet in lieu of required seven feet and six inches, and 2) for an attached garage in front of the main structure. The project includes a Tree Removal Permit (TRE) for the removal four (4) trees. In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15303, Class 3 (New Construction or Conversion of Small Structures).

Recommendation:

Staff recommends that the Planning Commission continue this item to the February 13, 2024 Planning Commission meeting.

Decision:

Commissioner Lesak moved, seconded by Vice Chair Padilla, to continue the item to the regularly scheduled Planning Commission meeting on February 13, 2024.

Chair Dahl directed Staff to call the Roll:

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

Motion carried, 4-0.

PUBLIC HEARING:

10. ZONING TEXT AMENDMENT – The Planning Commission will review and make a recommendation to City Council to adopt proposed amendments to South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) related to increased density by rezoning certain parcels identified in the Housing Element Sites Inventory (Table VI-50 Site 3 and Site 6) to be consistent with the 2021-2029 (6th Cycle) Housing Element. The affected parcels are Site 3 (APNs 5311-010-001, 5311-010-002, and 5311-015-035) and Site 6 (APN 5311-012-040) in the Residential Medium Density (RM) zone and to allow up to 30 dwelling units per acre for said parcels. The environmental impacts anticipated were analyzed in accordance with California Environmental Quality Act (CEQA). An Environmental Assessment (EA) was prepared and adopted by City Council on May 30, 2023 and a Program Environmental Impact Report (PEIR) was prepared and adopted by City Council on September 27, 2023.

Recommendation:

Staff recommends that the Planning Commission continue this item to a future meeting date to be determined.

Decision:

Commissioner Lesak moved, seconded by Vice Chair Padilla, to continue the item to a future meeting date to be determined.

Chair Dahl directed Staff to call the Roll:

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

Motion carried, 4-0.

- 11. Project No. 2495-NID/DRX/CUP** – A request for a Notice of Intent to Demolish (NID) a 643-square-foot convenience store and a 1,221-square-foot repair garage; a Design Review Permit (DRX) to construct a 1,981-square-foot convenience store with a trash enclosure; and a Conditional Use Permit (CUP) for off-sale beer and wine at 1400 Mission Street (APN: 5315-002-030). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15302, Class 2 (Replacement or Reconstruction) and Section 15303, Class 3 (New Construction or Conversion of Small Structures).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15302, Class 2 – Replacement or Reconstruction and Section 15303, Class 3 – New Construction or Conversion of Small Structures.
2. Approve Project No. 2495-NID/DRX/CUP, subject to the recommended conditions of approval.

Chair Dahl recused herself from this item due to a conflict.

Staff Presentation:

Associate Planner Robles delivered the staff presentation for project No. 2495-NID/DRX/CUP.

Questions for Staff:

Commissioner Lesak asked what time frame the sales of alcohol would occur. Vice Chair Padilla asked when the proposed signage will occur and whether Staff knew of any other service stations that sell alcohol for off-sale consumption.

The applicant's representative, Karl Huy, delivered a presentation explaining their proposed project. Commissioners asked the applicant whether there were any comparable architectural styles in the City to the one being proposed and whether a landscape plan was prepared and what types of landscaping were being proposed.

Public Comment:

None.

Commissioner Discussion:

Vice Chair Padilla praised the site design of the proposed project. Commissioner Swanborn and Vice Chair Padilla raised concerns about the proposed architectural design and color of the building.

Vice Chair Padilla raised concerns about the hours of operation for the proposed alcohol sales. Commissioners Swanborn and Lesak did not oppose the proposed hours of operation of the proposed alcohol sales. Commissioners Swanborn and Lesak offered alternative exterior design changes and colors to the proposed building.

Decision:

Commissioner Lesak moved, seconded by Commissioner Swanborn, to adopt an amended Resolution to include an additional Condition of Approval requiring the applicant to study and modify the proposed building colors subject to review prior to building plan check. The Commission took the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15302, Class 2 – Replacement or Reconstruction and Section 15303, Class 3 – New Construction or Conversion of Small Structures.
2. Approve Project No. 2495-NID/DRX/CUP, subject to the recommended conditions of approval and adding a condition to revise the color scheme and provide material samples, subject to a Vice Chair Review prior to building permit issuance.

Vice Chair Padilla directed Staff to call the Roll:

Commissioner Swanborn	Aye
Commissioner Lesak	Aye
Vice-Chair Padilla	Aye

Motion carried, 3-0.

Chair Dahl returned to the Chambers.

ADMINISTRATION

12. Comments from City Council Liaison

None.

13. Comments from Planning Commissioners

Commissioner Swanborn wished everyone a happy new year. Commissioner Lesak bid farewell to the fellow Commissioners, Staff, and the public. Vice Chair Padilla and Chair Dahl commended Commissioner Lesak's service on the Planning Commission.

14. Comments from Staff

Deputy Community Development Director Becker thanked Commissioner Lesak for his duty on the Planning Commission.

ADJOURNMENT:

15. Adjournment to the Regular Planning Commission meeting scheduled on February 13, 2024 at 6:30 pm:

There being no further matters, Chair Dahl adjourned the meeting at 7:25 p.m.

Laura Dahl, Chair



Community Development
Department

Memo

DATE: May 14, 2024

TO: Planning Commission

FROM: Angelica Frausto-Lupo, Community Development Director
Matt Chang, Planning Manager

PREPARED BY: Robert (Dean) Flores, Senior Planner

RE: Item No. 7. Project No. 2461-HDP/DRX/VAR located at
2089 Hanscom Drive (APN: 5308-022-010)

This item was continued from the regularly scheduled March 12, 2024, Planning Commission meeting.

Staff is recommending continuing this item to a future Planning Commission meeting on a date to be determined.



Planning Commission Agenda Report

ITEM NO. 8

DATE: May 14, 2024

FROM: Angelica Frausto-Lupo, Community Development Director
Matt Chang, Planning Manager

PREPARED BY: Braulio M. Madrid, Associate Planner

SUBJECT: **Project No. CUP24-0002 – A request for a Conditional Use Permit (CUP) for the off-sale of beer, wine, and distilled spirits (Type-21 ABC license) for a proposed supermarket (Trader Joe’s) located at 1129 Fair Oaks Avenue (APN: 5315-004-084). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).**

Recommendation

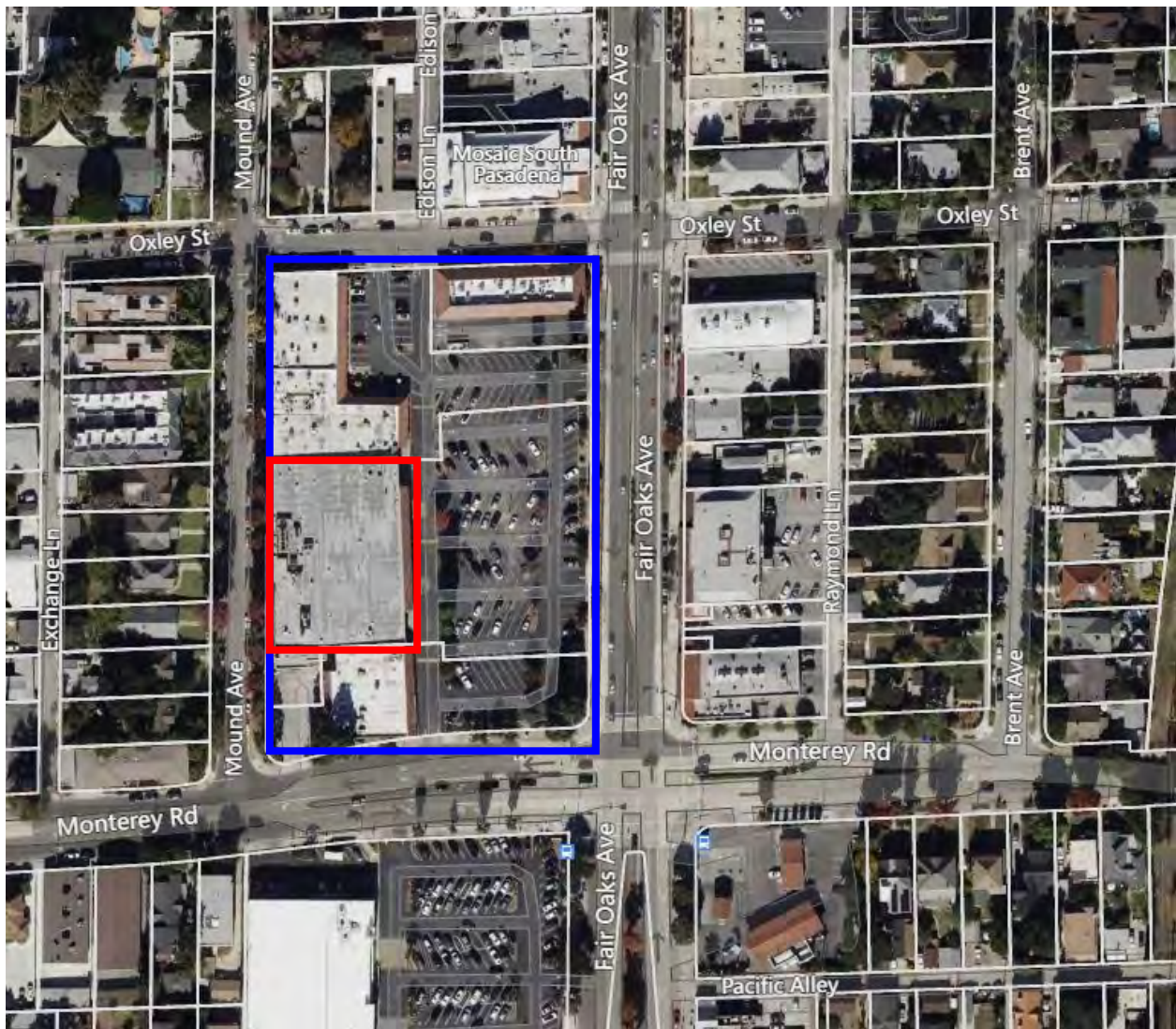
It is recommended that the Planning Commission adopt a Resolution:

1. Finding the project exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1 – Existing Facilities.
2. Approving Project No. CUP24-0002 (Conditional Use Permit) for off-sale of beer, wine, and distilled spirits (Type-21 ABC license) for a proposed supermarket located at 1129 Fair Oaks Avenue, subject to the conditions of approval (**Attachment 1 - Conditions of Approval**).

Background

The subject project site, 1129 Fair Oaks Avenue, is a multi-tenant shopping center with various restaurants and retail businesses. The property is located on the west side of Fair Oaks Avenue, between Oxley Street and Monterey Road. (**Figure 1 - Aerial View**). The shopping center and subject building was originally developed in 1978 and since then has pulled various permits for tenant improvements, exterior renovations, new signage, mechanical, electrical and other miscellaneous permits.

Figure 1: Aerial View of Subject Site & Building



The subject building measures approximately 28,000 square feet and was previously operated as the Von's Grocery Store.

On November 2, 2023, the Design Review Board approved Design Review Permits for façade remodel and an updated master sign program for this shopping center. The property owner has obtained the necessary building permits for the project.

Surrounding Land Use Characteristics

The property is zoned Fair Oaks Corridor (FOC) under the Downtown Specific Plan (DTSP) and is surrounded by commercial/retail uses to the north, south, and east; and

multi-family residential uses to the west of the property. **Table 1** describes the surrounding properties.

Table 1: Surrounding Properties

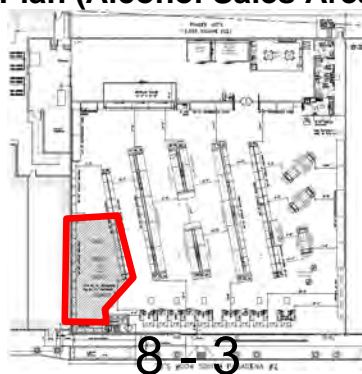
Direction	General Plan	Zoning	Existing Land Use
North	Fair Oaks Corridor	Downtown Specific Plan	Rialto Theater
South	Fair Oaks Corridor	Downtown Specific Plan	Pavilion’s Shopping Center
East	Fair Oaks Corridor	Downtown Specific Plan	Multi-tenant Commercial
West	Medium Density Neighborhood	Medium Density Residential (RM)	Multi-family Residential

Project Description

The applicant, Trader Joe’s, is requesting a Conditional Use Permit (CUP) to allow off-sale of beer, wine, and distilled spirits (Type-21 ABC license) at the proposed supermarket. The existing 28,000 sq. ft. building shell (formerly Vons tenant space) will be split into a muti tenant building, Trader Joe’s will occupy 19,098 square feet. No other requests are proposed as part of this CUP. The hours of operation of the supermarket are 8:00 a.m. to 9:00 p.m. daily. Tenant improvements for the building shell are ongoing, as the use of a supermarket is an allowed use by right. **(Attachment 2 – Project Narrative)**

The Type-21 license is regulated by the California Department of Alcoholic Beverage Control (ABC). The primary license holder (Trader Joe’s) will be allowed the sale of beer, wine, and distilled spirits for off-site consumption within regular hours of operation. The display of alcohol is proposed at a 1,438 square feet area, as illustrated in the floor plan. **(Attachment 3 – Project Plans)** Conditions are also included to require appropriate location for display of alcohol to prevent “grab and run” thefts of alcohol, and installation of security cameras. **(Figure 2 - Floor Plan)**

Figure 2: Floor Plan (Alcohol Sales Area Callout in Red)



Project Analysis

General Plan Consistency

The General Plan land use designation of the site is Fair Oaks Corridor, which per the General Plan, is the major north-south connector with direct drop-off from the 110 Freeway. The corridor is a gateway into the City and downtown area. The corridor is home to several significant retail anchors. This area provides for a variety of retail, service, office establishments, and convenience goods to residents in the immediate neighborhood. The proposed project conforms to the following goals, policies, and actions of the General Plan:

Goal: Build the City's Fiscal Capacity to Create and Sustain Public Amenities and Services.

Policy: P2.6: Foster a targeted amount of new growth within the Ostrich Farm district, Huntington corridor, Mission Street, and Fair Oaks Avenue to support the City's tax base.

Action: A2.6b: Encourage redevelopment of large single use retail sites along Fair Oaks Avenue to include a mix of uses.

Action: A2.6c: Promote infill development on vacant and underutilized sites.

Goal: Build the City's Fiscal Capacity to Create and Sustain Public Amenities and Services.

Policy: P2.7: Strengthen and grow the City's retail offerings

Action: A2.7a: Create a retail and restaurant destination by attracting specialty stores and unique food and beverage places through targeted branding and engagement with desired businesses.

Action: A2.7b: Seek a mix of national credit retailers and independent businesses that can both meet the City's retail needs and adhere to quality design standards to seamlessly fit into a walkable urban environment.

The proposed project is a full-service supermarket, serving the immediate neighborhood and the greater community of South Pasadena. Additionally, the proposed project maintains the character of South Pasadena's "main street" commercial, strengthens retail, and encourages convenience commercial; therefore, the request is consistent with the General Plan.

Zoning Code Compliance

The project is zoned Fair Oaks Corridor (FOC) within the Downtown Specific plan (DTSP), which is intended for a wide-range of commercial retail and service land uses. The land use of a supermarket is a permitted use by right in the FOC zoning designation. However, the sale of alcoholic beverages is permitted in the FOC zone with the approval of a CUP. The purpose of the CUP process is to allow for activities whose

effect on a site and its surrounding uses can only be determined after the review of the configuration, design, location, and potential impacts of the proposed use and suitability of the use to the site. **(Figure 3 - Street view of the project building)**.

Figure 3: Street View of Project Building



The proposed establishment, maintenance, and operation of a supermarket with the request of an off-sale alcohol license (Type-21) as an ancillary use to the market operation would not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood.

The previous tenant, Vons, operated with a Type-21 Off-Sale General License for close to 45 years. The applicant, Trader Joe's, has also maintained longstanding operations in South Pasadena at 613 Mission Street. The project also does not involve any expansion to the size of the existing retail building or any roadway modifications. Therefore, the project site is adequate in size and has sufficient access to existing streets in order to continue accommodating the supermarket use with a Type-21 Off-Sale General License.

Thus, both the establishment and location of the requested ABC license are appropriate and will not be detrimental to the surrounding neighborhood and other retail establishments.

Conditional Use Permit

Pursuant to SPMC Section 36.410.060(D), the Planning Commission may grant a Conditional Use Permit (CUP) for any use listed in Article 2 of Chapter 36 (Zoning) or the DTSP as requiring a CUP. The sale of alcoholic beverages for "off-site" consumption is subject to a CUP pursuant to the DTSP Table C3.1 (Land Use Table).

Pursuant to Section 36.350.040 of SPMC, the considerations required to be reviewed for alcohol sales are the following:

1. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages.
2. The distance of the proposed use from the following:
 - a. Residential uses;
 - b. Religious facilities, schools, libraries, public parks and playgrounds, and other similar uses; and
 - c. Other establishments dispensing alcoholic beverages.
3. Whether the noise levels generated by the operation of the establishment would exceed the level of background noise normally found in the area or would otherwise be intrusive.
4. Whether the signs and other advertising on the exterior of the premises would be compatible with the character of the area.

1. Undue Concentration

The subject building is located within census tract 4805.00, as illustrated in **Figure 4**. The red box indicates the location of the newly proposed Trader Joe's.

Figure 4: 4805 Census Tract Boundary (Subject Site)



The Department of Alcoholic Beverage Control (ABC) puts a limit on the number of on-site and off-site licenses it uses, based on the population of people within a given census tract. **Table 2** shows the number of on-sale and off-sale licenses authorized by ABC.

Table 2: Authorized Licenses by ABC in Census Tract 4805.00

Census Tract Population	On-sale Licenses Authorized	Off-sale Licenses Authorized
5,543	5	3

According to ABC Licensing Reports, Census Tract 4805.00 currently holds five (5) active on-site licenses and zero (0) off-site licenses; however, based on the number of active on-sale retail licenses in the area, staff believes there are additional active licenses within the census tract have not yet been recorded. **Table 3** list all know active ABC licenses on Census Tract 4805.00.

Table 3: Active Alcohol Licenses in Census Tract 4805.00

Type	Business Name	Address
47 – On-Sale General Eating Place	Shiro Restaurant	1505-1507 Mission Street
47 – On-Sale General Eating Place	Ai Japanese Restaurant	1013 Fair Oaks Avenue
47 – On-Sale General Eating Place	Huntington Catering Company	1929 Huntington Drive
58 – Caterer’s Permit	Huntington Catering Company	1929 Huntington Drive
41 – On-Sale Beer & Wine - Eating Place	Silverlake Ramen	1105 Fair Oaks Avenue
41 – On-Sale Beer & Wine - Eating Place	Blaze Pizza	1100 Fair Oaks Avenue, STE 1
41 – On-Sale Beer & Wine - Eating Place	Chipotle Mexican Grill	901 Fair Oaks Avenue
41 – On-Sale Beer & Wine - Eating Place	Golden China	1115 Fair Oaks Avenue
TOTAL:	Nine (9) On-Sale License Types	

The previous tenant, Vons, also had the Type-21 ABC license as part of their operations. The ABC license was issued in 1978 and it is staff’s understanding that a CUP was not required at that time.

Trader Joe’s has also been responsibly operating with its Type-21 ABC license at its current location; 613 Mission Street. The proposed project is compatible with existing and future commercial uses in the vicinity, and the proposed CUP would not result in land use changes. Since the requested ABC license for Trader Joe’s will replace the surrendered license from the Von’s Grocery Store, the approval of this CUP can be considered a previously legal use being formally approved for the new tenant.

Alcoholic beverages are common products sold at full-service supermarkets and the applicant has been operating responsibly within the city with a Type-21 License. It is staff's opinion that approving the CUP for the sale of alcoholic beverages for "off-site" consumption promotes a public convenience as it will lead to a reduction of trips, as customers are able to shop for food, household goods, and alcoholic beverages all at one location.

Additionally, the South Pasadena Police Department has also reviewed the application materials and has no objections to the proposal. Compliance with building and fire codes have been addressed in the plan check process. City staff will continue to monitor and inspect the on going construction activities.

2. Distance of Other Uses

As mentioned previously, one of the considerations for reviewing a CUP application for alcohol sales is the distance between the subject premises and certain uses such as residential, religious facilities, schools, libraries, public parks and playgrounds, and other similar uses as well as other establishments dispensing alcoholic beverages. **Table 4** below shows the distance between the subject premises and the aforementioned uses.

Table 4: Distance Between Premises and Closest Other Uses

Use/Business	Address	Approximate Distance
Multi-family Residential	1121 Mound Avenue	70 feet
Mosaic Church	1023 Fair Oaks Avenue	260 feet
Calvary Preschool	1013 Mound Avenue	370 feet
South Pasadena Library	1100 Oxley Street	1,150 feet
Garfield Park	806 Park Avenue	1,975 feet
Pavillions (Off-Sale)	1213 Fair Oaks Avenue	260 feet

3. Noise

As stated previously, the proposed CUP application will take place within an existing building shell that previously operated as a grocery store. The proposal for alcohol sales will also take place entirely indoors and is considered an ancillary use. A condition of approval has been included to ensure that the applicant continues to adhere to the City's Noise Ordinance pursuant to Chapter 19A of the SPMC.

4. Delivery Hours

Per the project narrative, the applicant is requesting delivery hours for the new Trader Joe's from 5:00 a.m. to 10:00 p.m. Although the DTSP and Zoning Code do not address permitted hours of deliveries for grocery stores or supermarkets, the required findings for a Conditional Use Permit aims to ensure that the establishment, maintenance, or

operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. Staff also researched previous CUP approvals for Type-21 ABC licenses in connection with grocery stores. Conditions for delivery hours were included in those previous CUP approvals which limited the time frame for delivery hours, specifically when close proximity to residential uses.

The subject site is surrounded by residential properties to the west. Additionally, in the past, the city has received noise complaints from the surrounding residents regarding off-hour deliveries and excessive noise for both the Pavillions' and the subject property. As such, based on site history, proximity to residential uses, and existing operations of other similar businesses within the city, staff recommends adjusting the requested delivery times to 6:00 a.m. to 10:00 p.m., daily. **Table 5** below includes all grocery stores with a Type-21 ABC License, located within the city.

Table 5: Store and Delivery Hours for Groceries in South Pasadena

Business	Store Hours	Delivery Hours
Pavillions	6:00 a.m. – 11:00 p.m.	6:00 a.m. – 9:00 p.m.
Grocery Outlet	7:00 a.m. – 10:00 p.m.	6:00 a.m. – 10:00 p.m.
Bristol Farms <i>(No CUP on file)</i>	6:00 a.m. – 10:00 p.m.	7:00 a.m. – 4:00 p.m. (M-F)
Existing Trader Joe's <i>(No CUP on file)</i>	8:00 a.m. – 9:00 p.m.	7:00 a.m. – 10:00 p.m.
New Trader Joe's	8:00 a.m. – 9:00 p.m.	Proposed: 5:00 a.m. – 10:00 p.m. Recommended: 6:00 a.m. – 10:00 p.m.

Staff makes the recommendation, based on previous history, proximity to residential, and other existing similar businesses within the city, to adjust the requested delivery time frame. Thus, staff has included a condition to limit deliveries hours between 6:00 A.M. to 10:00 P.M., seven days a week, and further restriction of the hours may be reduced in response to complaints of noise or other disturbance to the adjacent properties.

5. Signage

The last consideration for compliance with the City's alcoholic beverage standards concerns the compatibility of signage and other advertising with the surrounding neighborhood. Since the property has a master sign program, the proposal will continue to be compatible with the standards listed within the Master Sign Program.

Environmental Analysis

This item is exempt from the California Environmental Quality Act (CEQA) based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing use. Based on this analysis, no significant environmental effects would result from this project and the use of a categorical exemption is appropriate.

Findings/Recommendation

Based on the discussion above, staff recommends that the Planning Commission make the findings for approval as described in more detail in the attached Resolution (**Attachment 1**), pursuant to SPMC Section 36.410.060. Thus, staff recommends approval of the proposed CUP for the sale of beer, wine, and distilled spirits for off-site consumption at the new Trader Joe's store.

Alternatives to Consider

If the Planning Commission does not agree with Staff's recommendation, the following options are available:

1. The Planning Commission may approve the project with modified/added conditions; or
2. The Planning Commission may continue the project to address comments discussed; or
3. The Planning Commission may deny the project.

Public Noticing

A Public Hearing Notice was published on May 3, 2024 in the South Pasadena Review. Hearing notices were sent to all properties within a 300-foot radius on May 2, 2024. In addition, the public was made aware that this item was to be considered at a public hearing by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

Next Steps

If the Planning Commission approves the project, a 15-day appeal period will commence in which any person affected by the decision may appeal the decision for a public hearing by the City Council. Should there be no appeals during this 15-day period, the applicant may proceed processing the application with ABC and shall comply with Conditions of Approval.

Attachments

1. Draft Resolution and Conditions of Approval
2. Project Narrative
3. Project Plans
4. Site Pictures

ATTACHMENT 1

Draft Resolution and Conditions of Approval

P.C. RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING PROJECT NO. CUP24-0002 FOR A CONDITIONAL USE PERMIT FOR OFF-SALE OF BEER, WINE, AND DISTILLED SPIRITS (TYPE-21 ABC LICENSE) AT 1129 FAIR OAKS AVENUE (APN: 5315-004-084)

WHEREAS, on January 8, 2024, a representative of Trader Joe's (applicant), submitted an application for a Conditional Use Permit (CUP) to allow the off-sale of beer, wine, and distilled spirits (Type-21 ABC License) at 1129 Fair Oaks Avenue (Assessor's Parcel Number: 5315-004-084); and

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 – Existing Facilities; and

WHEREAS, the Planning Division evaluated the project for consistency with the City's General Plan, Downtown Specific Plan (DTSP), South Pasadena Municipal Code (SPMC), and all other applicable state and local regulations; and

WHEREAS, on May 2, 2024, the public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of SPMC declaring the project review by the Planning Commission for the hearing on May 14, 2024; and

WHEREAS, on May 3, 2024, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. CUP24-0002; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on May 14, 2024, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. CUP24-0002 and considered the proposed Conditional Use Permit for the off-sale of beer, wine, and distilled spirits at 1129 Fair Oaks Avenue.

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

SECTION 1: ACKNOWLEDGEMENTS

The foregoing recitals are true and correct and are incorporated and made an operative part of this resolution.

SECTION 2: ENVIRONMENTAL REVIEW FINDING

The Planning Commission has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15301, Class 1 (Existing Facilities), of the State CEQA Guidelines. The Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing use. Based on its review and analysis, the Planning Commission hereby finds that no significant environmental effects would result from this project and the use of the categorical exemption is appropriate.

SECTION 3: CONDITIONAL USE PERMIT FINDINGS

The Planning Commission finds that the proposed project is consistent with all applicable findings for approval of a Conditional Use Permit pursuant to SPMC Section 36.410.060, as follows:

- 1. The proposed use is allowed with Conditional Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;**

The project site is zoned Fair Oaks Corridor (FOC) within the Downtown Specific Plan (DTSP), which is intended for a wide-range of commercial retail and service land uses. The land use of a supermarket is a permitted use in the FOC zoning designation. However, the sale of alcoholic beverages is permitted in the FOC zone with the approval of a CUP. The proposed CUP is an ancillary use to the main retail business and the project meets all the standards in the underlining Zoning Code.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan.**

The General Plan land use designation of the site is Fair Oaks Corridor, which per the General Plan, is the major north-south connector with direct drop-off from the 110 Freeway. The corridor is home to several significant retail anchors. This area provides for a variety of retail, service, office establishments, and convenience goods to residents in the immediate neighborhood. The proposed project conforms to the following goals, policies, and actions of the General Plan:

Goal: Build the City's Fiscal Capacity to Create and Sustain Public Amenities and Services.

Policy: P2.6: Foster a targeted amount of new growth within the Ostrich Farm district, Huntington corridor, Mission Street, and Fair Oaks Avenue to support the City's tax base.

Action: A2.6b: Encourage redevelopment of large single use retail sites along Fair Oaks Avenue to include a mix of uses.

Action: A2.6c: Promote infill development on vacant and underutilized sites.

Goal: Build the City's Fiscal Capacity to Create and Sustain Public Amenities and Services.

Policy: P2.7: Strengthen and grow the City's retail offerings

Action: A2.7a: Create a retail and restaurant destination by attracting specialty stores and unique food and beverage places through targeted branding and engagement with desired businesses.

Action: A2.7b: Seek a mix of national credit retailers and independent businesses that can both meet the City's retail needs and adhere to quality design standards to seamlessly fit into a walkable urban environment

The proposed project is a full-service supermarket, serving the immediate neighborhood and the greater community of South Pasadena. Additionally, the proposed project maintains the character of South Pasadena's "main street" commercial, strengthens retail, and encourages convenience commercial; therefore, the request is consistent with the General Plan.

3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The proposed establishment, maintenance, and operation of a supermarket with the request of an off-sale alcohol license (Type-21) is an ancillary use to the market operation. Although the DTSP and Zoning Code do not address permitted hours of deliveries for grocery stores, the required findings for a Conditional Use Permit aims to ensure that the establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

A condition is included to limit deliveries to the hours of 6:00 AM to 10:00 PM, seven days a week, and further restriction of the hours may be reduced in response to complaints of noise or other disturbance to the adjacent properties. Conditions are also included to require appropriate location for display of alcohol to prevent "grab and run" thefts of alcohol, and installation of security cameras. The project also does not involve any expansion to the size of the existing retail building or any roadway modifications. Therefore, the project site is adequate in size and has sufficient access to existing streets in order to continue accommodating the supermarket use with a Type-21 Off-Sale General License.

- 4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.**

The approval of the Conditional Use Permit, as conditioned, would not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City. The previous tenant, Vons' had been operating with a Type-21 ABC license. The existing Trader Joe's on Mission Street has also maintained longstanding operations in South Pasadena.

- 5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use.**

The previous tenant, Vons, had been in operation for 45 years with an off-sale alcohol license (Type-21). The project does not involve any expansion to the size of the existing retail building or any roadway modifications. Therefore, the project site is adequate in size and has sufficient access to existing streets in order to continue accommodating the retail use with the proposed conditional use permit for the sale of alcoholic beverages for off-site consumption.

- 6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, impacts on neighboring properties.**

The proposed CUP application does not include any modifications to the exterior of the building or additional square footage. Current interior modifications of the tenant space have been reviewed for building and fire compliance during the building plan check process. Trader Joe's has operated responsibly with an off-sale general license (Type-21) at a different South Pasadena location. The previous operator of the building was also a supermarket with the sale of alcoholic beverages for off-sale, and the proposed CUP would not result in land use changes. The new operator will continue the commercial retail land use in terms of character, scale, and impacts on neighboring properties. As such, the proposed project is compatible with existing and future land uses in the vicinity.

SECTION 4: RECORD OF PROCEEDING

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Community Development Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

SECTION 5: DETERMINATION

Based upon the findings outlined in Sections 2 through 3 above and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby approves Project No. CUP24-0002 consisting of a Conditional Use Permit for the off-sale of beer, wine, and distilled spirits at 1129 Fair Oaks Avenue, subject to the Conditions of Approval attached hereto as Exhibit "A."

SECTION 6: APPEALS

Any interested person may appeal this decision or any portion of this decision to the City Council. Pursuant to the South Pasadena Municipal Code, any such appeal must be filed with the City, in writing, and with appropriate appeal fee, no later than 15 days, following the date of the Planning Commission's final action.

SECTION 7: CERTIFICATION OF THE RESOLUTION

The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 14th day of May 2024.

PASSED, APPROVED, AND ADOPTED this 14th day of May 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Lisa Padilla, Chair

Mark Gallatin, Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
PROJECT NO. CUP24-0002
1129 Fair Oaks Avenue (APN: 5315-004-084)

PLANNING DIVISION:

- P-1. The following approvals are granted as described below and as shown on the development plans submitted to and approved by the Planning Commission on May 14, 2024:
- A. **Conditional Use Permit** for off-sale of beer, wine, and distilled spirits (Type-21 ABC License) at 1129 Fair Oaks Avenue for a grocery store (Trader Joe's).
- P-2. This approval and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission unless the use is established. The off-sale license (Type 21) shall be acquired by the applicant from the California Department of Alcoholic Beverage Control (ABC) prior to the termination period.
- P-3. Approval by the Planning Commission does not constitute a building permit.
- P-4. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-5. Compliance with and execution of all appropriate conditions listed herein shall be necessary prior to obtaining any occupancy inspection clearance and/or prior to obtaining any occupancy clearance.
- P-6. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or Planning Commission concerning this approval. In the event of any claim or lawsuit, the applicant and/or successor shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
- P-7. Operation of the supermarket shall adhere to the City's Noise Ordinance pursuant to Chapter 19A of the SPMC.
- P-8. The hours of operation for the store shall be limited to the hours of 8:00 am to 9:00 pm, daily.
- P-9. All deliveries shall occur only during the hours of 6:00 am to 10:00 pm, daily. These hours for deliveries may be reduced by the Planning Commission in response to complaints of noise or other disturbance to the adjacent properties.
- P-10. All alcohol sales cases/displays shall be located in such a manner to prevent "grab-and-run" thefts of alcohol. The sales cases/displays shall be located in sight of the sales counter at all times, if possible. The floor area of the alcohol for sale and display and the circulation area will be limited to the proposed 1,438 square feet or no more than 15% of the floor area, if reconfigured. Approval for a reconfiguration shall be obtained from the Community Development Department, or the Planning Commission, if it involves an increase that exceeds more than 15% of the total floor area.
- P-11. No advertising for alcoholic beverages may be displayed in store windows or outside of the store.
- P-12. Any individuals discovered loitering on the property shall immediately be informed to leave the premises, by the business and/or property owner. Should the owners fail to abate the problems, the South Pasadena Police Department and/or other enforcement agencies reserve the right to take appropriate enforcement actions to abate the problem, and the permit/alcohol licenses may be subject to revocation.

- P-13. A surveillance monitoring system shall be installed to monitor the entrances and exits to prevent robbery and loitering. The locations of the cameras for the exterior of the building shall be to the satisfaction of the Police Chief. Cameras shall be installed inside the store with special attention to the alcoholic beverage display area and check stands. The alarm system shall be maintained in a manner that would prevent any accidental/false activation. Training for the proper use of the alarm system shall be provided to all employees of the business to eliminate any accidental activation. This system would assist law enforcement in identifying subjects possibly involved in criminal activity on the premises.

ATTACHMENT 2

Project Narrative

PROJECT NARRATIVE

Project Name: TRADER JOE'S STORE #004

Applicant: TRADER JOE'S COMPANY

Representative: Dan Kramer Law Group; Attn: Dan Kramer;
350 Sansome Street, Suite 400, San Francisco, CA 94104

Project Address: 1129 Fair Oaks Ave., South Pasadena, CA 91030

Trader Joe's Company ("Trader Joe's") is requesting a Conditional Use Permit ("AUP") to allow the sale of beer, wine and spirits for off-site consumption in connection with an approximately 19,098 square feet grocery store. The store will be located in the Fair Oaks Corridor, a downtown commercial area in the City of South Pasadena, Los Angeles County. Trader Joe's will sell alcohol under a Type-21 license issued by the Department of Alcoholic Beverage Control ("ABC"). Hours of operation will be from 8:00 am to 9:00 pm daily. The total floor area for alcohol storage, display and sales is 1174 square feet for permanent storage and displays, and 264 square feet for temporary displays. The Store will employ approximately 120 employees. While the lease allows for deliveries 24 hours a day, 7 days a week, typical deliveries will occur around 5am for perishable goods and around 8pm to 9pm for dry and frozen goods, 7 days a week.

Trader Joe's has been operating nationwide for almost 70 years. The company has transformed from a small chain of convenience stores to a national chain of more than 475 neighborhood grocery stores. It offers a complete selection of goods, including fresh meats and fish, produce, dry goods, and other items. Trader Joe's specializes in unique items that are often unavailable at other stores, serving the communities in which it is located with high-quality commodities and outstanding services. Trader Joe's wide variety of products will enhance the diverse retail options in the City of South Pasadena.

All of Trader Joe's stores offer a selection of specialty alcoholic beverages, including beer, wines, and distilled spirits. Selling alcoholic beverages is an incidental but critical element of Trader Joe's business model. It functions as a convenience to shoppers who seek unique brands of alcohol from around the world.

The Store will be located at 1129 Fair Oaks Avenue. This property has a General Plan designation of Commercial General (CG), in the Fair Oaks Corridor Zone of the Downtown Specific Plan. Trader Joe's operation as a grocery store is consistent with this zoning classification. While the store is located within an area classified as having an "undue" concentration of licenses, this is not unusual for licensed establishments located within heavily commercial census tracts. In addition, alcoholic beverages have been sold at this location by the previous tenant since 1978. Accordingly, Trader Joe's respectfully requests that the City make a Determination of Public Convenience or Necessity in connection with the issuance of the CUP.

Granting Trader Joe's a CUP is also consistent with the City of South Pasadena's General Plan. For example, Trader Joe's business model will contribute to P2.6 of the Downtown Specific Plan

- which aims to promote new development that supports existing market opportunities and strengths. Additionally, Trader Joe's will have a positive effect on the local economy by creating employment opportunities and generating tax revenue for the City.

Trader Joe's is committed to selling alcoholic beverages in a safe manner and fully understands its responsibilities to the general public as a licensed business. Trader Joe's maintains an excellent compliance record with the ABC and local police departments and has a number of procedures and policies in place to ensure that alcohol is sold in compliance with State and local laws.

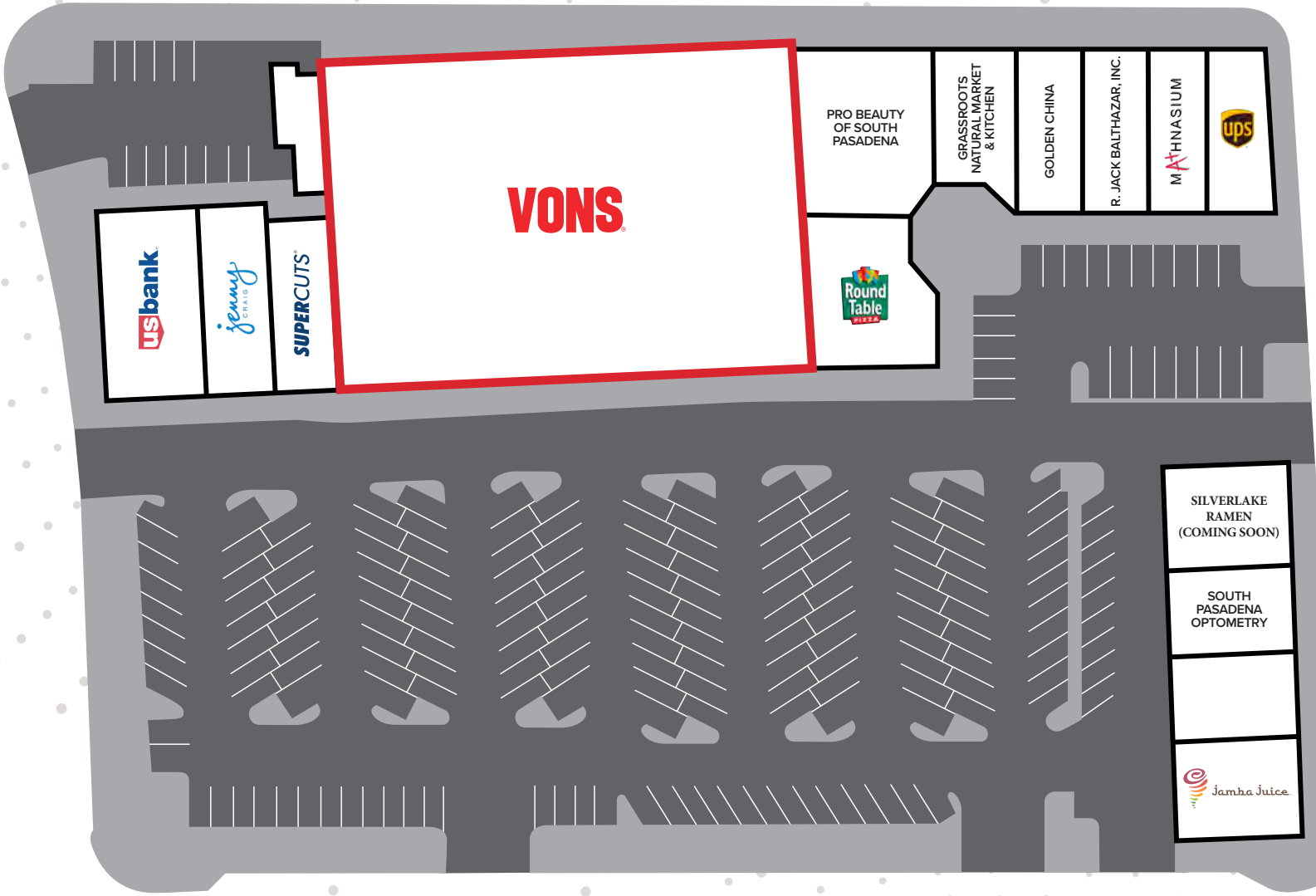
ATTACHMENT 3

Project Plans



MONTEREY RD.

OXLEY ST.



VONS

usbank

jenny
CRAIG

SUPERCUTS

PRO BEAUTY
OF SOUTH
PASADENA

Round
Table
PIZZA

GRASSROOTS
NATURAL MARKET
& KITCHEN

GOLDEN CHINA

R. JACK BALTHAZAR, INC.

MATHNASIUM

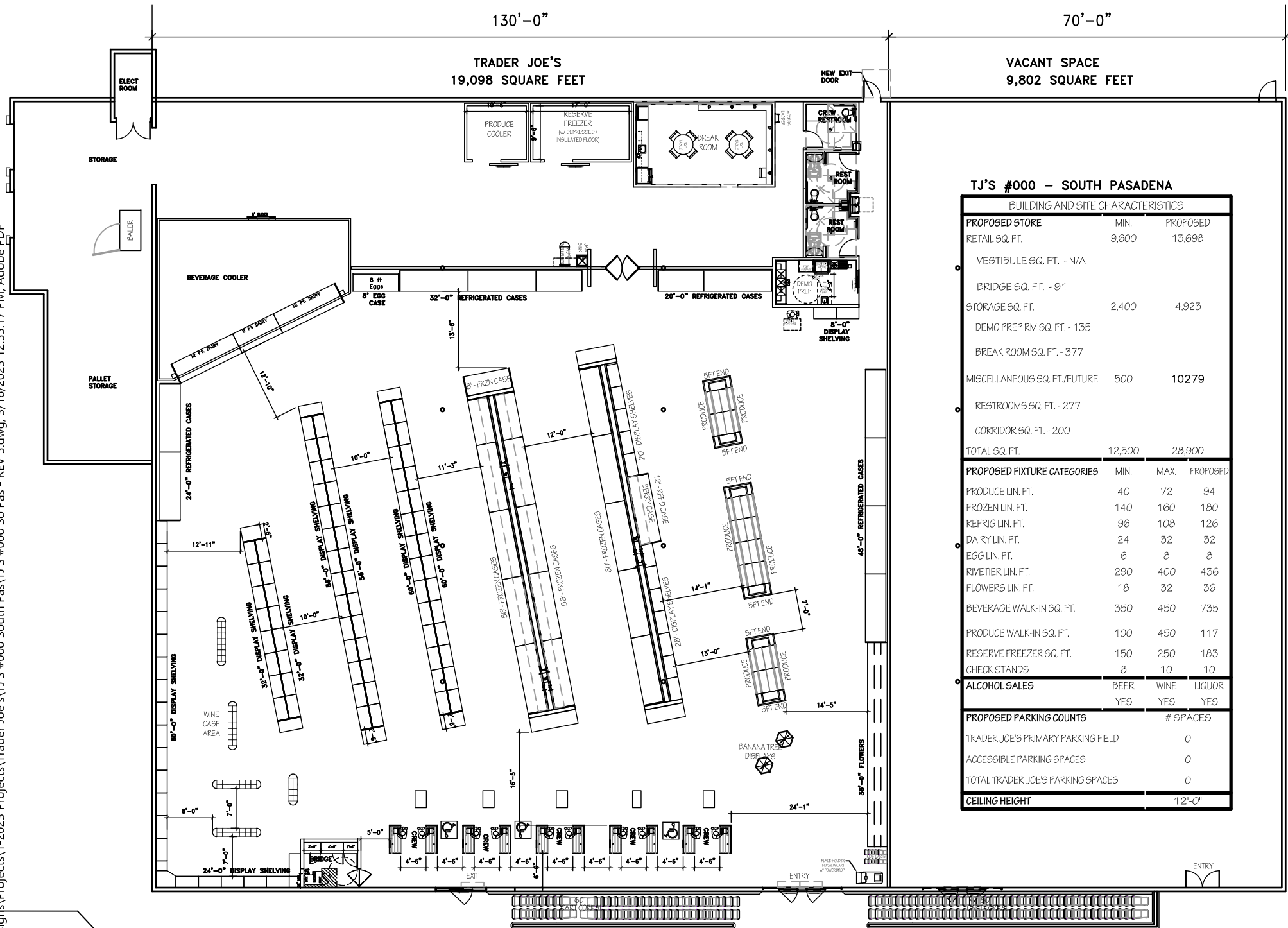
ups

SILVERLAKE
RAMEN
(COMING SOON)

SOUTH
PASADENA
OPTOMETRY

Jamba Juice.

FAIR OAKS AVE.



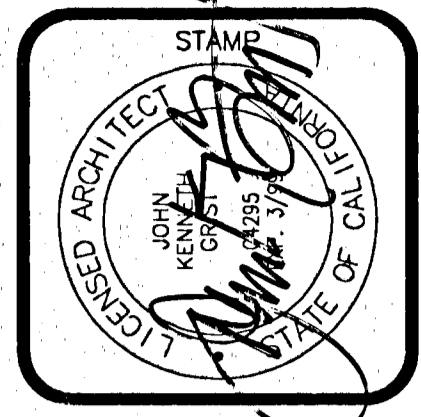
TRADER JOE'S
19,098 SQUARE FEET

VACANT SPACE
9,802 SQUARE FEET

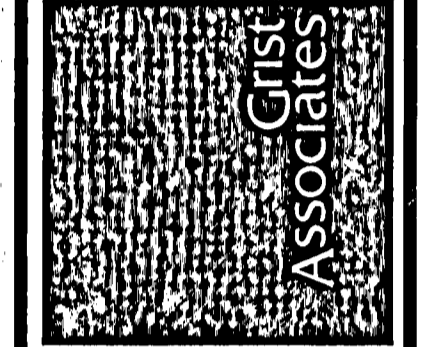
TJ'S #000 - SOUTH PASADENA

BUILDING AND SITE CHARACTERISTICS			
PROPOSED STORE	MIN.	PROPOSED	
RETAIL SQ. FT.	9,600	13,698	
VESTIBULE SQ. FT. - N/A			
BRIDGE SQ. FT. - 91			
STORAGE SQ. FT.	2,400	4,923	
DEMO PREP RM SQ. FT. - 135			
BREAK ROOM SQ. FT. - 377			
MISCELLANEOUS SQ. FT./FUTURE	500	10279	
RESTROOMS SQ. FT. - 277			
CORRIDOR SQ. FT. - 200			
TOTAL SQ. FT.	12,500	28,900	
PROPOSED FIXTURE CATEGORIES			
PRODUCE LIN. FT.	40	72	94
FROZEN LIN. FT.	140	160	180
REFRIG LIN. FT.	96	108	126
DAIRY LIN. FT.	24	32	32
EGG LIN. FT.	6	8	8
RIVETIER LIN. FT.	290	400	436
FLOWERS LIN. FT.	18	32	36
BEVERAGE WALK-IN SQ. FT.	350	450	735
PRODUCE WALK-IN SQ. FT.	100	450	117
RESERVE FREEZER SQ. FT.	150	250	183
CHECK STANDS	8	10	10
ALCOHOL SALES			
	BEER	WINE	LIQUOR
	YES	YES	YES
PROPOSED PARKING COUNTS			# SPACES
TRADER JOE'S PRIMARY PARKING FIELD			0
ACCESSIBLE PARKING SPACES			0
TOTAL TRADER JOE'S PARKING SPACES			0
CEILING HEIGHT			12'-0"

TJ'S #000 SOUTH PASADENA
8 - 26



1450 West Colorado Blvd.
 Suite 200
 Pasadena, California 91105
 Tel: 626/304-0733
 Fax: 626/795-0961



ARCHITECTURE
 DESIGN
 PLANNING

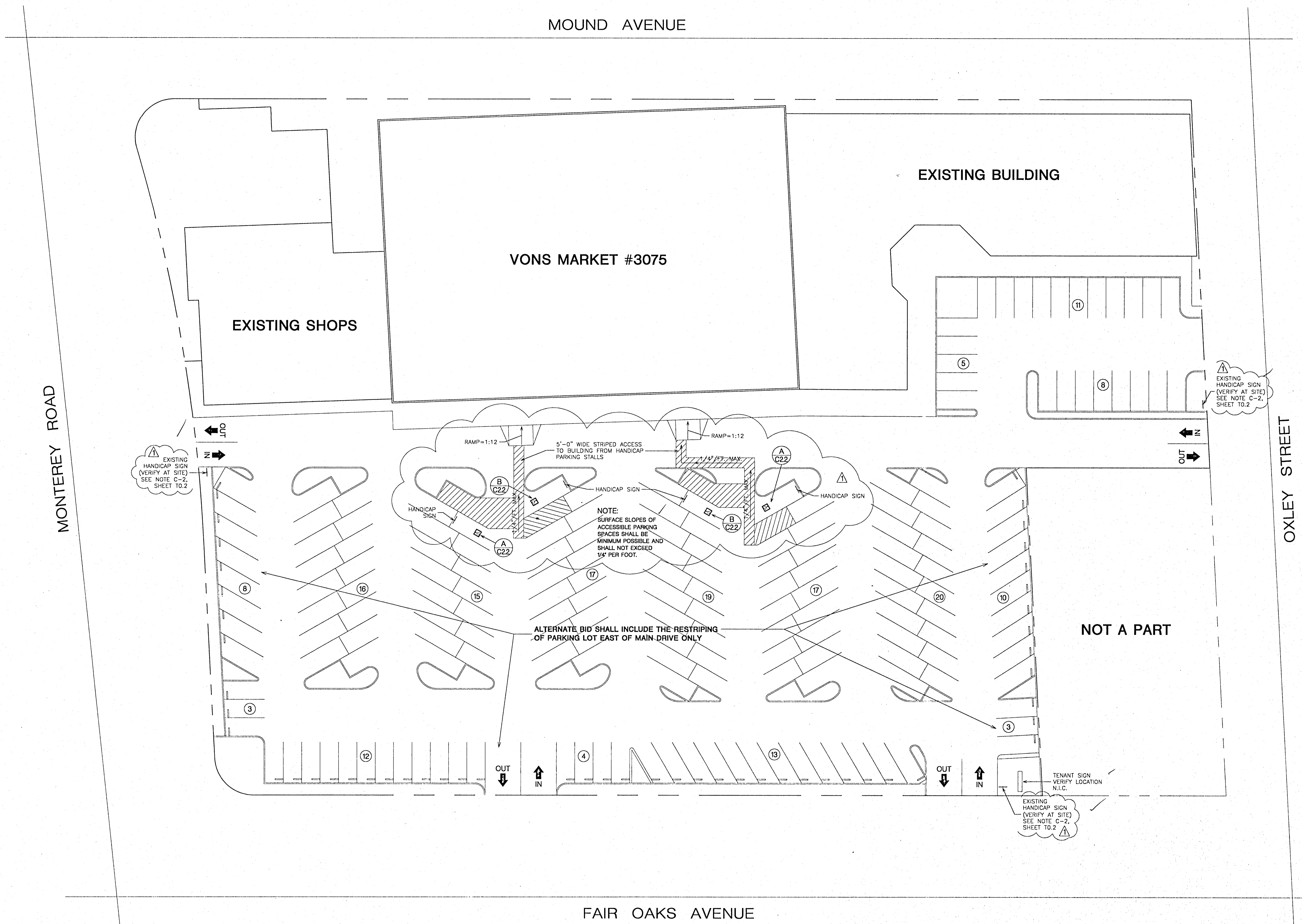
REVISIONS:

FINAL BID	1/8/99
HEALTH DEPT.	2/1/99
BIDDING DEPT.	2/1/99

VONS MARKET #3075
 1129 FAIR OAKS AVENUE
 SOUTH PASADENA, CA

SHEET TITLE
SITE PLAN

SHEET NO.
C1.1
 VONS #3075



HANDICAP STALL NOTES :

- 1 Each parking space reserved for persons with physical disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than 70 square inches in area and, when in a path of travel, shall be posted at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground or sidewalk.
- 2 Van-accessible parking spaces shall have an additional sign stating "Van-Accessible" mounted below the symbol of accessibility.

SITE PLAN
 SCALE: 1" = 20'-0"

WORK PROVIDED BY OTHERS:

The work, noted below, will be N.I.C. and will be the responsibility of the Landlord or Vons representative.

1. Fill cracks in parking lot. Slurry seal and re-stripe the parking lot.
2. Paint the exterior of building.
3. Replace Vons cart return signs.
4. Install Vons logo across the front of the bulkhead.
5. Paint the storefront mullions.

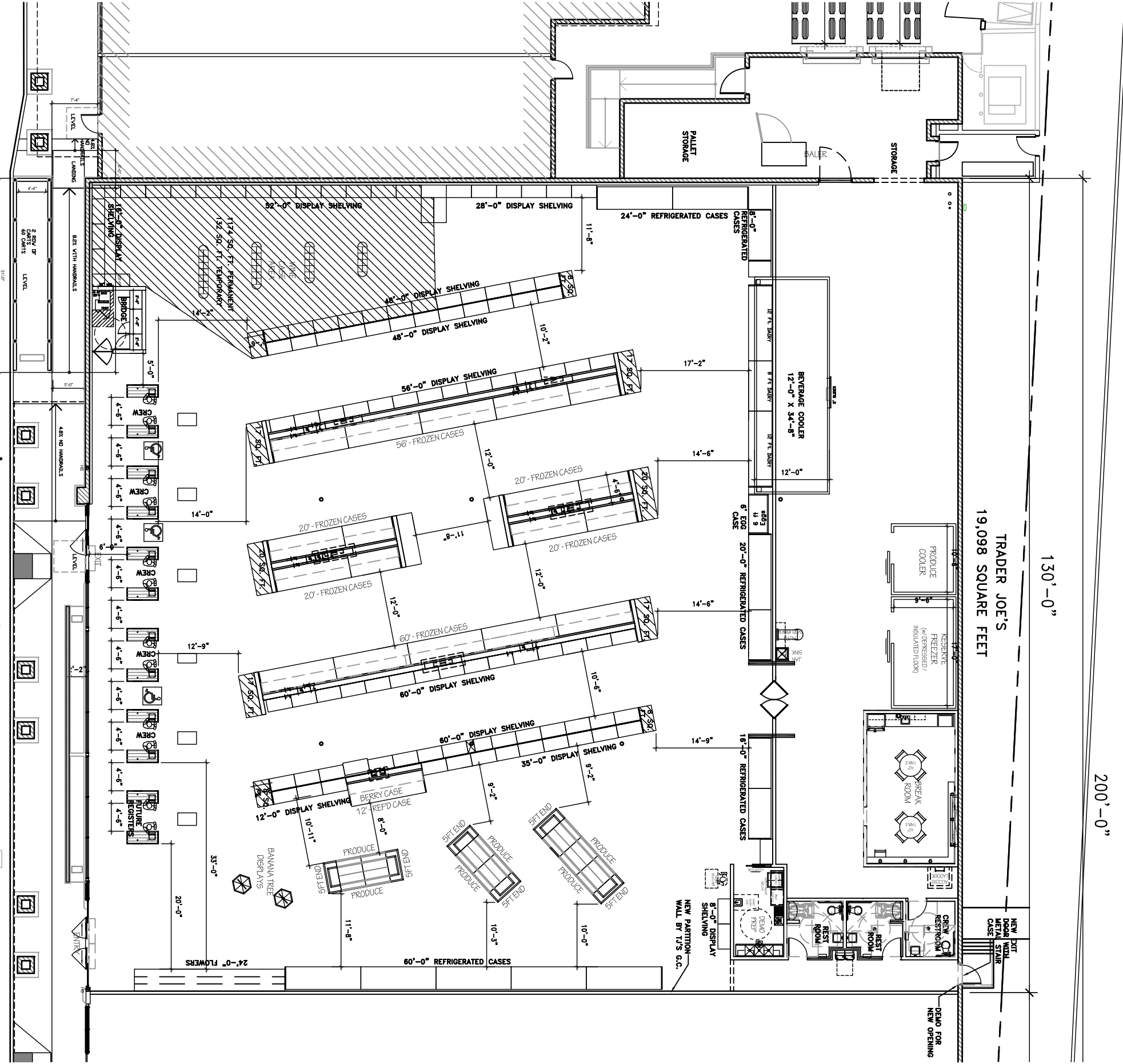
ALTERNATE BID:

General Contractor shall submit a separate, ALTERNATE, bid to include

- a. Fill cracks in parking lot, and applying slurry seal and restriping parking lot (see scope noted on plan).
- b. Painting exterior of Vons building.

THESE PLANS WERE REVIEWED FOR
 SUBSTANTIAL COMPLIANCE WITH THE
 FOLLOWING CODE(S) ONLY:
 VONS FIRE OTHER
 ALL WORK WARRANTEE SHALL BE IN ACCORDANCE WITH THE
 CODE(S) LISTED ABOVE. THE REVIEWER'S REVIEW IS LIMITED TO THE
 INFORMATION PROVIDED BY THE SUBMITTER.
 THE REVIEWER'S REVIEW DOES NOT CONSTITUTE AN ENDORSEMENT OR
 GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR ANY OTHER
 INFORMATION PROVIDED BY THE SUBMITTER. THE REVIEWER'S REVIEW IS LIMITED
 TO THE INFORMATION PROVIDED BY THE SUBMITTER. THE REVIEWER'S REVIEW IS LIMITED
 TO THE INFORMATION PROVIDED BY THE SUBMITTER.
 REVIEWED BY: [Signature]
 DATE: 2/1/99

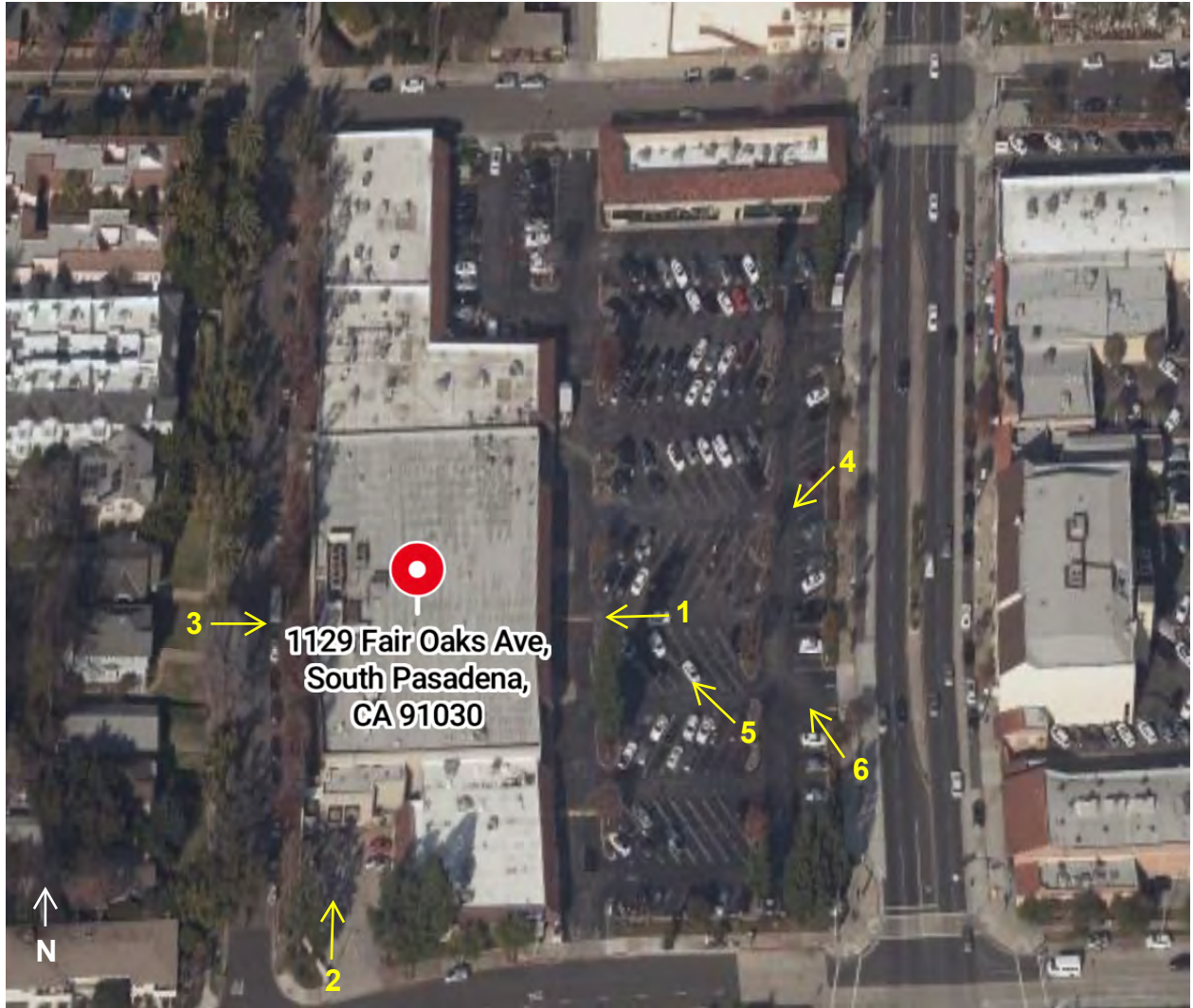
TJ'S #004 SOUTH PASADENA #2
REV-9



ATTACHMENT 4

Site Pictures

Photo Key – CUP Application
1129 Fair Oaks Ave., South Pasadena, CA 91030



1. Store Front



2. Loading Dock



3. Building Rear



4. Adjacent Businesses – South



5. Adjacent Businesses – North



6. Nearby Buildings – North





Planning Commission Agenda Report

ITEM NO. 9

DATE: May 14, 2024

FROM: Angelica Frausto-Lupo, Community Development Director

PREPARED BY: Ben Jarvis, AICP, Interim Senior Planner

SUBJECT: **Recommendation to City Council to Adopt Downtown Specific Plan and Zoning Text Amendments to Implement the City's 2021-2029 (6th Cycle) Housing Element.**

Recommendation

It is recommended that the Planning Commission conduct a Public Hearing, take public testimony, close the Public Hearing, and adopt Resolution P.C. 24-05 recommending the following to the City Council:

1. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, specifically, an exemption from public art requirements as shown in Exhibit A; and
2. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g) as shown in Exhibit C; and
3. Adopt an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones as shown in Exhibit B.

Background

On May 30, 2023, the City Council adopted the 2021-2029 (6th Cycle) Housing Element. Since that time, the City has diligently worked to implement the housing programs contained in the Housing Element. In the past eleven months, the City adopted an

updated General Plan, created the Downtown Specific Plan (DTSP), and adopted Zoning Code amendments in support of the Housing Element. Most recently, on March 20, 2024, the City Council adopted the Housing Opportunity Overlay for certain parcels in the Ostrich Farm and Huntington Drive Mixed Use Areas, as required by Housing Element Program 3.a (Rezone and Redesignate Sites to Meet RHNA).

On February 13, 2024, the California Department of Housing and Community Development (HCD) sent a letter to the City listing outstanding items that needed to be addressed before the State could certify the Housing Element. That letter is included in this report as Attachment 1. The City worked with HCD and identified specific amendments to the Downtown Specific Plan and Zoning Code to address the identified issues. On April 29, 2024, HCD informed the Community Development Director that the City's proposed text changes to the Downtown Specific Plan (DTSP) and South Pasadena Municipal Code (SPMC) would address all the comments in HCD's February 13, 2024, letter and allow for HCD's certification of the City's adopted 2021-2029 Housing Element. Based on that information, staff is bringing forward DTSP and SPMC amendments for consideration.

Discussion

HCD's letter dated February 13, 2024, outlined specific items for the City to address in order to comply with State housing regulations. When the City received the letter, staff was already processing the Housing Opportunity Overlay Zone in order to address the Settlement Agreement in the Californians for Homeownership lawsuit. The issues being considered by the Planning Commission as part of this agenda item further address HCD's concerns and should allow the Housing Element to be officially certified by the state.

Project Initiation

Zoning Text Amendments may only be adopted subject to provisions listed in South Pasadena Municipal Code (SPMC) Section 36.620.030. For the purposes of this agenda item, the City Council's adoption of the Housing Element, inclusive of Housing Element Program 3.a, served to initiate this potential action (Resolution 7817). Specific Plan Amendments are subject to SPMC Section 36.440.070(C), and do not require project initiation by the City Council.

Project Location

The proposed DTSP Amendment would apply to properties in the DTSP area, consisting roughly of the Mission Street and Fair Oaks Avenue corridors, generally bounded by the SR-110 freeway on the north, Indiana Avenue on the west, Lyndon Street on the south, and Brent Avenue on the east. The Zoning Text Amendment would apply City-wide, and specifically addresses issues raised by HCD in support of Housing Element certification.

Project Description

The project consists of a Downtown Specific Plan Amendment and Zoning Text Amendment to address issues raised by HCD regarding the City's adopted 2021-2029 Housing Element. Specifically, the amendments are in response to HCD's requirement to further clarify that any property listed in Housing Element Table VI-50 and Table VI-51

require a minimum density of 20 units per acre. The amendments also address the requirement for ministerial review of qualifying projects that contain at least 20% affordable housing, and memorializes the City's existing policy that allows for 100% residential projects in mixed-use areas. Changes are proposed to both the SPMC and the DTSP to accommodate the State's requirements. As part of the Specific Plan Amendment, staff is also seeking authorization to reformat the DTSP document to accommodate the additional required text amendments. This would involve putting page numbers into a chapter-based format, allowing an easier process to revise the document.

The project is described below:

Specific Plan Amendment (SPA)

Certain sections of the Downtown Specific Plan would be amended to address HCD's issues. The proposed changes are shown below. **Red type** shows the proposed revisions, with **red strike through** type depicting text that will be deleted, and **red underline** type showing proposed text revisions. Black text indicates verbiage that would remain unchanged. The following changes to the DTSP are proposed:

1. Amend DTSP Section C2.2 paragraph A (Regulating Plan)

Add a new subparagraph 6 as follows:

6. Any project located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element that reserves at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of Article 3 of Chapter 36 of the City Code.

2. Amend DTSP Section C2.2 (Summary of Zoning Districts)

Mixed-use Core Zone

General Use: Buildings are occupied with ground floor retail, cultural, entertainment, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.

Fair Oaks Corridor Zone

General Use: Buildings are occupied with ground floor commercial, retail, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development.

100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.

3. Add paragraph B to DTSP Section C3.1 Land Use Standards;

B. In compliance with State law, any property that is included in the 2021-2029 Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre.

4. Amend DTSP Section C4.2 (Applicability)

All proposed buildings and related improvements shall be designed in compliance with the development standards of this Section for the applicable zone, except for public and institutional buildings, which because of their unique disposition and application are not required to comply with these requirements. 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. Mixed Use development is permitted in the following building types (see DTSP Chapter C5 Building Standards): Stacked Flats, Flex Building, Liner, and Hybrid Court.

5. Amend DTSP Section C4.3.A (Mixed Use Core—Purpose)

A. Purpose

The Mixed-Use Core Zone permits community serving retail, office, cultural, and transit-oriented residential mixed-uses ~~up to~~ with between 20 and 70 dwelling units per acre. Uses include small-scale commercial activities that are typically located along the main street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area.

6. Amend DTSP Section C4.4.A (Fair Oaks Avenue Zone—Purpose)

A. Purpose

The Fair Oaks Avenue Zone permits regional and community serving retail, office, cultural and residential mixed-uses ~~up to~~ with between 20 and 110 dwelling units per acre. Uses include larger-scale commercial uses that are typically located along this busy commercial street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area. The buildings located along the edges that back-up to residential districts require very careful residential scale massing and articulation.”

7. Amend DTSP Section C5.2 (Building Types)

A. Stacked Flats

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

B. Flex Building

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

C. Liner

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

D. Hybrid Court

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

In addition to the text changes listed above, staff is also taking this opportunity to propose changing the pagination format of the DTSP document. Currently, the document's pages are numbered sequentially, meaning a change in the front part of the document would potentially impact every page that comes afterward. Staff proposes going to a chapter-based page numbering system that would allow a particular section of the DTSP to be revised, with additional or fewer pages not affecting subsequent pages. Should those changes be authorized, staff would be able to work with a graphic designer to make the revision. While repagination is not a substantive change to the DTSP document, it would make future revisions easier to implement since only specific chapters would need to be revised, not the entire document.

A draft City Council resolution for the Downtown Specific Plan Amendments is included in Exhibit A to Resolution P.C. 24-05.

Zoning Text Amendment (ZTA)

This item also includes Zoning Text Amendments to the SPMC. The changes are listed below. As with the proposed Specific Plan revisions listed above, text that is proposed to be deleted is shown in ~~red strikethrough~~ and text proposed to be added is shown in red underline. Black text would remain unchanged:

1. Amend South Pasadena Municipal Code Section 36.220.020 (Purposes of Residential Districts) C. RM (Residential Medium Density district) as follows:

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, multiplexes, and other attached dwellings on smaller lots. The allowable residential density ranges from 5.1 to 30 dwelling units per acre, except that any property in the RM district that is also included on the Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre. The RM zoning

district is consistent with the Medium Density Neighborhood land use designation of the General Plan.

2. Amend South Pasadena Municipal Code Section 36.220.030, Table 2-2, Employee Housing row as follows:

Land Use	RE	RS	RM	RH	Specific Use Regulations
Employee Housing	P	P	<u>P (but only if established in a legally existing single-family residential structure)</u>	<u>P (but only if established in a legally existing single-family residential structure)</u>	36.650.265

3. Amend South Pasadena Municipal Code Section 36.240. Table 2-7 Note 2 as follows:

(2) Residential development with a density of up to between 20 and 30 dwelling units per acre is allowed on Assessor Parcel No. 5314-003-083 pursuant to the 2021-2029 (6th Cycle) Housing Element. Any project on this parcel that includes least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.

4. Amend Municipal Code Design Review Section 36.410.040 (Design Review) D. (Design Review Authority) 6. (Ministerial Review of qualifying residential projects.) to read as follows:

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. “Qualifying residential projects” are either (a) residential or mixed use projects located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element with at least 20% of the residential units reserved for lower income households, or (b) residential or mixed-use projects that are subject to the Inclusionary Housing requirements of Division 36.375 of this Code. Qualifying residential project pursuant to criterion (a) above shall also qualify for priority processing as

compared to other projects processed by the Community Development Department, and shall be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

A draft City Council ordinance for the proposed revisions can be found in Exhibit B to the Draft Resolution P.C. 24-05.

Specific Plan Amendment Findings

A Specific Plan Amendment may be adopted using the same procedure specified in the SPMC for the adoption of a Specific Plan (SPMC Section 36.440.070(C)). In order to adopt a Specific Plan Amendment, the City Council must find that the proposed amendment is in conformance with the actions, goals, objectives, policies, and programs of the General Plan (SPMC Section 36.440.060(A)). The proposed DTSP Amendment is consistent with the policies and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The following paragraph describes how and why the proposed Downtown Specific Plan Amendments are consistent with the General Plan:

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 Amendments are consistent with the actions, goals, objectives, policies, and programs of both the 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 Amendments 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 General Plan and adopted 2021-2029 Housing Element, therefore, the Planning Commission can make this finding and recommend that the City Council also makes this finding.

Zoning Amendment Findings

SPMC Section 36.620.070(B) stipulates that a Zoning Text 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 Zoning Code Amendments are in conformance with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The Housing Element is one of the

elements required by State law. Therefore, adopting the Zoning Code Amendments that implement the policies and programs of the 2021-2029 Housing Element would be consistent with the General Plan. Further, the proposed Zoning Code Amendments support the following General Plan and Housing Element goals, policies, actions, or programs:

Housing Element Goal 2.0: *Encourage and Assist in the Provision of Affordable Housing.*

Housing Element Goal 3.0: *Provide opportunities to increase housing production.*

Housing Element Program 3.a: *Rezone and Redesignate Sites to Meet RHNA. (“...Additional zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City’s arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...”).*

Housing Element Program 3.n: *Zoning Changes. (“This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program...”)*

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the Planning Commission can make this finding and recommend that the City Council in turn make this finding in support of the Project.

- b. The proposed amendments 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. The amendments also further the goals and policies of the City’s adopted 2021-2029 Housing Element.

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

The proposed Zoning Text Amendments are internally consistent with other applicable provisions of the Zoning Code, and implements the adopted 2021-2029 Housing

Element. Therefore, the Planning Commission can make this finding and recommend the City Council also 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.*

No Zoning Map Amendment is proposed. Therefore, this finding does not apply.

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 Amendment.

Resolution Finding for Government Code 65583.2(g)

The City Council will consider making findings pursuant to Government Code Section 65583.2(g) when the Council considers this item on June 5, 2024. The draft findings are included in this staff report in an effort to provide transparency as well as to keep Planning Commissioners informed:

The City Council hereby finds:

- A. *The existing uses on the non-vacant sites identified in Housing Element Table VI-50 (the site inventory) to accommodate the Regional Housing Needs Allocation (RHNA) are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.*
- B. *The inventory sites relied upon to meet the City's RHNA allocation for lower income housing allow for development densities of at least 30 dwelling units per acre default density pursuant to Government Code Section 65583.2(c)(3)(b), with many such sites allowing up to 70 or 110 dwelling units per acre.*
- C. *Detailed analyses of the sites included in Housing Element Table VI-50, as set forth in Appendix A provides evidence that the existing uses are likely to be discontinued and are not impediments to the planned residential uses of the sites. In addition, a multi-factor analysis was completed for the approximate 1,288 parcels included in Table VI-51, to demonstrate that a sufficient number of sites would be redeveloped during the course of the planning period to accommodate well in excess of the RHNA allocation, resulting in a buffer of approximately 120% (or 2,475) beyond the RHNA requirements of 2,067 units.*
- D. *The Table VI-51 analysis takes into account current zoning, existing units, the maximum allowed density under the Housing Element with zoning implementation actions, historic considerations, commercial utilization, date*

of construction of existing structures, and proximity to transit, to analyze the potential for redevelopment, and as noted above shows a significant buffer beyond the City's RHNA allocations.

The proposed City Council Resolution to make the Government Code Section 65583.2(g) can be found in Exhibit C to Resolution P.C. 24-05.

Environmental Analysis

Pursuant to Government Code Section 65759, "[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article."

In light of this CEQA exemption, impacts associated with the adopted Housing Element and rezoning actions contemplated therein were analyzed in the Housing Element Environmental Assessment (EA), as required by Govt. Code Section 65759(a)(2), that was adopted by the City Council on May 30, 2023. As the proposed amendments would implement programs which was part of the Housing Element adopted in reliance on the EA in 2023, no further analysis is required under the California Environmental Quality Act.

Next Steps

Should the Planning Commission adopt the resolution recommending the City Council approve the proposed project, the following next steps are anticipated:

June 5, 2024: The City Council conducts a Public Hearing, receives a staff presentation, and public testimony on the project, and considers approving the Project by adopting a Resolution to amend the Downtown Specific Plan, considers adopting a Resolution to make the required findings in Government Code Section 65583.2(g), and conducting the First Reading of an Ordinance to amend the Zoning Code.

June 19, 2024: Assuming the project is approved on June 5, 2024, with the First Reading of an Ordinance for a Zoning Text Amendment, conduct a Second Reading of said Ordinance.

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 May 3, 2024. The public was also made aware of the regularly scheduled Public Hearing on May 9, 2024, through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

Attachments

Attachment 1: HCD Letter dated February 13, 2024

Attachment 2: Draft Resolution P.C. 24-05, with exhibits:

Exhibit A: Draft City Council Resolution for DTSP Amendments

Exhibit B: Draft Ordinance for Zoning Text Amendment

Exhibit C: Draft City Council Resolution for Government Code Section
65583.2(g) Findings

ATTACHMENT 1

Housing & Community Development Letter Dated February 13,
2024

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



February 13, 2024

Angelica Frausto-Lupo, Director
Community Development Department
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030

Dear Angelica Frausto-Lupo:

RE: City of South Pasadena's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of South Pasadena's (City) housing element that was adopted on May 30, 2023 and received for review on December 15, 2023. The California Department of Housing and Community Development (HCD) also received various resolutions and ordinances pertaining to rezoning and implementation and informal revisions to the sites inventory for review. Pursuant to Government Code section 65585, subdivision (c), HCD considered comments from Josh Albrekston, South Pasadena Tenants and YIMBY Law. Pursuant to Government Code section 65585, HCD is reporting the results of its review.

On May 16, 2023, HCD found the revised draft to meet the statutory requirements of State Housing Element Law. (Gov. Code, § 65580 et seq.) However, the element could not be found in substantial compliance until the City has completed the necessary rezones to make prior identified sites available or address the shortfall of sites to accommodate the regional housing needs allocation (RHNA) pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021) as described below. Further, to comply with State Housing Element Law, the City must adopt and submit the housing element and be approved by HCD in accordance with Government Code section 65585.

The adopted element was found to be substantially the same as the revised draft element that HCD's May 16, 2023 review determined met statutory requirements. However, the adopted element cannot be found in substantial compliance for various reasons and the element and related documents must be revised, as follows:

Completion of Necessary Rezoning

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline (January 31, 2023) cannot be found in compliance until rezones to make

prior identified sites available or accommodate a shortfall of sites to accommodate the RHNA are completed pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivisions (c), (h) and (i). HCD has reviewed the various resolutions and ordinances related to rezoning, particularly the General Plan Update, Downtown Specific Plan, Mixed-Use Overlay Zone and Increasing Density in the Residential Medium and Residential High Zoning District. These resolutions and ordinances do not appear to meet statutory requirements, including, among other requirements, by-right and appropriate development standards pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivisions (h) and i), as follows:

- *General Plan Update and Downtown Specific Plan:* To the extent necessary to accommodate the lower-income RHNA, sites must be zoned to permit owner-occupied and rental multifamily residential use by-right for developments in which at least 20 percent of the units are affordable to lower-income households during the planning period. The General Plan Update and Downtown Specific Plan do not appear to meet this affordability requirement.

In addition, to the extent necessary to accommodate the lower-income RHNA, rezoning must meet minimum densities and residential only performance standards. Specifically, the rezone must require a minimum density of 20 units per acre and residential only performance standards generally include 50 percent of the lower-income RHNA on residential only zoned sites or the zone allows 100 percent residential uses and requires residential to occupy 50 percent of the total floor area of a mixed-use project. The General Plan Update and Downtown Specific Plan do not appear to meet these requirements.

- *Mixed-Use Overlay:* The Mixed-Use Overlay does not appear to meet the affordability requirement, as described above. In addition, the Mixed-Use Overlay Zone may not meet statutory requirements pursuant to Government Code section 65583.2, subdivisions (c), (h) and (i). Please be aware, the recent California appellate decision in *Martinez v. City of Clovis* found that while overlays can be used in a rezone, when the base zone allows residential development, both the base zone and the overlay zone must comply with the minimum density requirements of Government Code section 65583.2, subdivision (h). The City should consult with its legal counsel regarding the impacts of this decision for the current rezone strategy and adjust its recent rezoning accordingly. *Martinez v. City of Clovis (2023) 90 Cal.App.5th 193, 307 Cal.Rptr.3d 64.*
- *Overlay Zones and Increasing Density in the Residential Medium and Residential High Zoning District:* To the extent necessary to accommodate

the lower-income RHNA, these zones or pending overlay zones (Program 2.j and 2.k) must meet the by-right requirements pursuant to Government Code section, subdivisions (h) and (i), including the recent court decision, as described above. For example, zoning associated with Site 7 (Methodist Church) should meet these by-right requirements. In addition, HCD understands rezoning with the overlays (Program 2.j and 2.k) have not been completed and the element cannot be found in compliance until these rezones are complete.

- *Heights:* Appropriate development standards to facilitate achieving the proposed maximum densities (e.g., 70 and 110 units per acre) are crucial to completing zoning. While Program 2.n (City-wide Height Limit) proposes to revise heights, zoning cannot be deemed complete without appropriate development standards to implement the densities. The City may utilize an interim procedure to meet this requirement. However, the procedure should be written and administrative and should not be subject to special requirements such as demonstrating cost reduction as required by State Density Bonus Law.

To address these requirements, the City should either submit zoning that meets all requirements pursuant to Government Code section 65583.2, subdivisions (c), (h) and (i) or provide additional documentation to demonstrate recent rezoning complies with these statutory requirements. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

Nonvacant Sites and Required Findings

The housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. As a result, the City must find (as part of an adoption resolution), based on substantial evidence, existing uses are not an impediment to additional residential development in the planning period and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). HCD has reviewed Resolution Number 7817, which does not appear to meet this statutory requirement. As a result, the City should re-adopt the housing element with the appropriate findings and submit the resolution, including any pertinent documentation, to HCD.

Effective Implementation

Effective implementation of programs is crucial to the development and conservation of housing for all segments of the community. Based on a cursory review, some programs do not appear consistent with the intent of housing programs or may pose a constraint to development. For example, regarding employee housing, the ordinance appears to exclude employee housing in some residential zones for

existing single-family residences. Also, some design and development standards be constraints on development. For example, setbacks, massing setbacks, distance requirements between buildings and open space requirements may act as a constraint. The City should closely evaluate implementation of programs and make adjustments as appropriate to address constraints and encourage and facilitate a variety of housing types as part of any future submittal of the housing element. Also, while HCD acknowledges the City's progress in implementation, HCD also recognizes many programs are pending or in progress and urges the City to continue diligently implementing programs.

Informal Revisions and Public Participation

The City has submitted informal revisions regarding the sites inventory, particularly revisions to Table IV-51 (Downtown Specific Plan Rezoning Capacity Analysis). The framework for revising the table is preliminarily sufficient to meet statute. However, given the amount of time since HCD's May 2023 review, recent implementation such as the General Plan Update, Downtown Specific Plan and Mixed-Use Overlay Zone and other changing circumstances, the City should re-evaluate the methodology. Particularly, the element should re-evaluate factors and probabilities and make changes, as appropriate. The re-evaluation should at least address enhanced probabilities for densities exceeding 50 units per acre and locations within half mile of a transit stop. As part of this re-evaluation, the element should consider any recent trends or interest in development, build out projections anticipated in the eight-year planning period for the planning horizon of the Downtown Specific Plan and particularly seek to engage the public and development community. Based on the outcomes of this re-evaluation, the element should make adjustments as appropriate.

Further, public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. The City should actively engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. For example, future submittals of the housing element should engage the public and representative organizations as part of re-evaluating the sites inventory and review and adjustment to recently adopted zoning and development standards and other implementation. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

The element will meet the statutory requirements of State Housing Element Law once it and associated documents such as rezoning ordinances have been revised, adopted,

submitted, and reviewed and approved by HCD to comply with the above requirements pursuant to Government Code section 65585.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the City's housing element team provided throughout the housing element review. HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact me at paul.mcdougall@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

ATTACHMENT 2

DRAFT RESOLUTION P.C. 24-05:

Exhibit A: Draft Resolution – Downtown Specific Plan
Amendments

Exhibit B: Draft Ordinance – Zoning Text Amendments

Exhibit C: Draft Resolution – Government Code Section
65583.2(g) Findings

P.C. RESOLUTION NO. 24-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING TEXT AMENDMENTS TO THE SOUTH PASADENA MUNICIPAL CODE CHAPTER 36 (ZONING) RELATED TO MINIMUM DENSITY, DESIGN REVIEW, AND EMPLOYEE HOUSING AND TO ADOPT AMENDMENTS TO THE DOWNTOWN SPECIFIC PLAN IN FURTHERANCE OF HOUSING ELEMENT CERTIFICATION AS SHOWN IN EXHIBITS A, B, AND C.

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, 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, the City of South Pasadena was sued by Californians for Homeownership for non-compliance with State 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, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

WHEREAS, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

WHEREAS, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

WHEREAS, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain Municipal Code Amendments and Downtown Specific Plan (DTSP) Amendments are necessary; and

WHEREAS, on May 14, 2024, the Planning Commission held a duly noticed Public Hearing, wherein the Planning Commission received a staff presentation, staff report, public testimony, and Planning Commission discussion; 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 and DTSP Amendments comply with the Housing Goals in the 2021-2029 (6th Cycle) Housing Element and updated General Plan.

SECTION 3: California Environmental Quality Act. Pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.”

In light of this CEQA exemption, impacts associated with the adopted Housing Element and rezoning actions contemplated therein were analyzed in the Housing Element Environmental Assessment (EA), as required by Govt. Code Section 65759(a)(2), that was adopted by the City Council on May 30, 2023. As the proposed amendments would implement programs which was part of the Housing Element adopted in reliance on the EA in 2023, no further analysis is required under the California Environmental Quality Act.

SECTION 4: Specific Plan Amendment Findings: A Specific Plan Amendment may be adopted using the same procedure specified in the SPMC for the adoption of a Specific Plan (SPMC Section 36.440.070(C)). In order to adopt a Specific Plan Amendment, the City Council must find that the proposed amendment is in conformance with the actions, goals, objectives, policies, and programs of the General Plan (SPMC Section 36.440.060(A)). The proposed DTSP Amendment is consistent with the policies and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The following paragraph describes how and why the proposed Downtown Specific Plan Amendment is consistent with the General Plan:

1. *Findings required for all Specific Plan amendments; 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 Amendments are 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 Amendments 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 General Plan and adopted 2021-2029 Housing Element, therefore, the Planning Commission can make this finding and recommend that the City Council also makes this finding.

SECTION 5: Zoning Amendment Findings. South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that a Zoning Amendment may be approved if the following findings are met:

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

The proposed Zoning 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. Specifically, the amendments would support the following:

Housing Element Goal 2.0: *Encourage and Assist in the Provision of Affordable Housing.*

Housing Element Goal 3.0: *Provide opportunities to increase housing production.*

Housing Element Program 3.a: Rezone and Redesignate Sites to Meet RHNA. (“...Additional zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City’s arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...”).

Housing Element Program 3.n: Zoning Changes. (“This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program...”)

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the Planning Commission can make this finding and recommend that the City Council in turn 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 Amendments would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because they would achieve 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 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. 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. Additional finding for Zoning Code amendments. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Text Amendments are internally consistent with other applicable provisions of the Zoning Code, and implements the adopted 2021-2029 Housing Element. Therefore, the Planning Commission can make this finding and recommend the City Council also 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.*

No Zoning Map Amendment is proposed. Therefore, this finding does not apply.

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 Amendment.

SECTION 6: Based upon the foregoing, the Planning Commission recommends the City Council:

- A. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income

households, specifically, an exemption from public art requirements as shown in Exhibit A; and

- B. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g) as shown in Exhibit C; and
- C. Adopt an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones as shown in Exhibit B.

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

PASSED, APPROVED, AND ADOPTED on this 14th day of May, 2024.

Lisa Padilla, 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. 24-05 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 14th day of May, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mark Perez, Deputy City Clerk

Exhibits:

Exhibit A: Draft Resolution -- Downtown Specific Plan Amendments

Exhibit B: Draft Ordinance -- Zone Text Amendments

Exhibit C: Draft Resolution – Government Code Section 65583.2(g) Findings

[DRAFT] RESOLUTION NO. ____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOUTH PASADENA, CALIFORNIA, AMENDING THE
DOWNTOWN 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, 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, the City of South Pasadena was sued by Californians for Homeownership for non-compliance with State 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, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

WHEREAS, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

WHEREAS, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

WHEREAS, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain DTSP Amendments are necessary; and

WHEREAS, on May 14, 2024, the Planning Commission conducted a duly noticed Public Hearing to consider the DTSP Amendments, and that after receiving the staff report, staff presentation, and public testimony, the Planning Commission, in a ___ vote, adopted Resolution P.C. 24-05 recommending the City Council approve the amendments to the DTSP; and

WHEREAS, on June 5, 2024, the City Council held a duly noticed Public Hearing as prescribed by law, to consider the DTSP Amendments; and

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

NOW, THEREFORE, THE CITY COUNCIL 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 City Council.

SECTION 2. Based upon substantial evidence presented to the City Council during the Public Hearing, including public testimony and written and oral staff reports, and the environmental documentation, the City Council 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 City Council, through Resolution _____, adopts and approves the project.

SECTION 3. California Environmental Quality Act (CEQA) Findings. The City Council finds that pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.” The proposed DTSP Amendments are actions necessary to bring the City’s General Plan, Housing Element, and Zoning into conformance with the Housing Law, and thus are not subject to CEQA. Further, impacts associated with the adopted Housing Element and rezoning actions contemplated therein, were analyzed in the Housing Element Environmental Assessment as required by Government Code Section 65759(a)(2), which was adopted in conjunction with the Housing Element on March 30, 2023, through Resolution 7817.

SECTION 4. Specific Plan Findings. Pursuant to SPMC Sections 36.440.060 and 36.440.070, the City Council may adopt an amendment to the 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 Amendments are consistent with the actions, goals, objectives, policies, and programs of both the 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 Amendments 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 City Council can make this finding.

SECTION 5. Subsection 6 of Section 2.2.A. (“Purpose and Establishment of Regulating Plan”) of Section C2.2 (“Regulating Plan”) of Chapter 2 (“Zones and Regulating Plan”) of Part C (“Code”) of the DTSP is added to read as follows:

“6. Any project located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element that reserves at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of Article 3 of Chapter 36 of the City Code.”

SECTION 6. The cells in the row labeled “General Use” in both the “Mixed-use Core Zone” and “Fair Oaks Corridor Zone” columns in Figure 2.2 (“Summary of Zoning District”) of Section 2.2 (“Regulating Plan”) of Chapter 2 (“Zones and Regulating Plan”) of Part C (“Code”) of the DTSP are amended to read as follows, with all other contents of the table remaining without amendment:

“Mixed-use Core Zone

General Use: Buildings are occupied with ground floor retail, cultural, entertainment, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.”

Fair Oaks Corridor Zone

General Use: Buildings are occupied with ground floor commercial, retail, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.”

SECTION 7. Existing Subsection B. of Section C3.1 (“Land Use Standards”) of Chapter 3 (“Land Use Standards”) of Part C (“Code”) of the DTSP is hereby relettered to

Subsection C, and a new Subsection B is added such that Subsections B and C read as follows, with all other provisions of Section C3.1 remaining without amendment:

“B. In compliance with State law, any property that is included in the 2021-2029 Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre.”

BC. Supplemental Standards for Day Care Uses

Adult Day Care Centers and Child Day Care Centers shall comply with the following standards:

1. The facility shall comply with all State and County licensing and health requirements.
2. A safe pick-up and drop-off area shall be provided, as approved by the Director of Public Works. The preference for passenger loading shall be on-site, but may be allowed in a curbside space if approved by the Director of Public Works, subject to any applicable permits and fees.
3. Potential noise sources shall be identified, and noise attenuation and sound dampening shall be addressed as necessary for compliance with the most recent guidelines of the Noise and Safety Elements of the General Plan.”

SECTION 8. Section C4.2 (“Applicability”) of Chapter 4 (“Development Standards”) of Part C (“Code”) of the DTSP is amended to read as follows:

“C4.2 Applicability. All proposed buildings and related improvements shall be designed in compliance with the development standards of this Section for the applicable zone, except for public and institutional buildings, which because of their unique disposition and application are not required to comply with these requirements. 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. Mixed Use development is permitted in the following building types (see DTSP Chapter C5 Building Standards): Stacked Flats, Flex Building, Liner, and Hybrid Court.”

SECTION 9. Subsection C4.3.A (“Purpose”) of Section C4.3 (“Mixed-Use Core Zone”) of Chapter 4 (“Development Standards”) of Part C (“Code”) of the DTSP is amended to read as follows:

“A. Purpose

The Mixed-Use Core Zone permits community serving retail, office, cultural, and transit-oriented residential mixed-uses ~~up to~~ with between 20 and 70 dwelling units per acre.

Uses include small-scale commercial activities that are typically located along the main street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area."

SECTION 10. Subsection C4.4. A ("Purpose") of Section C4.4 ("Fair Oaks Avenue Zone") of Chapter 4 ("Development Standards") of Part C ("Code") of the DTSP is amended to read as follows:

"A. Purpose

The Fair Oaks Avenue Zone permits regional and community serving retail, office, cultural and residential mixed-uses ~~up to~~ with between 20 and 110 dwelling units per acre. Uses include larger-scale commercial uses that are typically located along this busy commercial street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area. The buildings located along the edges that back-up to residential districts require very careful residential scale massing and articulation."

SECTION 11. Subsections C5.2.A, C5.2.B, C5.2.C, and C5.2.D of C5.2 ("Building Types") of Chapter 5 ("Building Standards") of Part C ("Code") of the DTSP are each amended to include a new paragraph 8 in each subsection to read as follows, with all other provisions in those subsections remaining without amendment:

A. Stacked Flats

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

B. Flex Building

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

C. Liner

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

D. Hybrid Court

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

Section 12: Based upon the foregoing, the City Council:

- A. Adopts the Amendments to the Downtown Specific Plan which are consistent with the General Plan and adopted 2021-2029 Housing Element.

Section 13: This Resolution shall take effect immediately upon its adoption and after the close of the statute of limitations under the California Environmental Quality Act.

Section 14: The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED, APPROVED, AND ADOPTED on this 5th day of June, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Evelyn G. Zneimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

Roxanne Diaz, City Attorney

[DRAFT] CITY OF SOUTH PASADENA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CERTAIN PROVISIONS OF DIVISIONS 36.220, 36.240, 36.410, OF THE CITY CODE OF THE CITY OF SOUTH PASADENA CODE RELATING TO MINIMUM DENSITY, DESIGN REVIEW, AND EMPLOYEE HOUSING

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, 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, the City of South Pasadena was sued by Californians for Homeownership for non-compliance with State 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, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

WHEREAS, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

WHEREAS, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

WHEREAS, in conjunction with adoption, implementation, and certification of the City’s 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain Municipal Code Amendments are necessary; and

WHEREAS, on May 14, 2024, the Planning Commission conducted a duly noticed Public Hearing to consider the Municipal Code Amendments, and that after receiving the staff report, staff presentation, and public testimony, the Planning Commission, in a ___ vote, adopted Resolution P.C. 2024-05 recommending the City Council adopt a Resolution amending the Downtown Specific Plan (DTSP) and to introduce an Ordinance amending the Zoning Code; and

WHEREAS, on June 5, 2024, 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. Based upon substantial evidence presented, including public testimony and written and oral staff reports, and the environmental documentation, the City Council 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 and Programs found in the 2021-2029 (6th Cycle) Housing Element and updated General Plan.

Section 3. California Environmental Quality Act (CEQA) Findings. The City Council finds that pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.” The proposed Zoning Code Amendments are actions necessary to bring the City’s General Plan, Housing Element, and Zoning into conformance with the Housing Law, and thus are not subject to CEQA. Further, impacts associated with the adopted Housing Element and rezoning actions contemplated therein, were analyzed in the Housing Element Environmental Assessment as required by Government Code Section 65759(a)(2), which was adopted in conjunction with the Housing Element on March 30, 2023, through Resolution 7817.

Section 4. Zoning Amendment Findings. South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that Zoning Amendments and Zoning Map Amendments may be approved if the following findings are made:

- 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 Zoning Code Amendments are in conformance with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The Housing Element is one of the elements required by State law. Therefore, adopting the Zoning Code Amendments that implement the policies and programs of the 2021-2029 Housing Element would be consistent with the General Plan. Further, the proposed Zoning Code Amendments support the following General Plan and Housing Element goals, policies, actions, or programs:

Housing Element Goal 2.0: *Encourage and Assist in the Provision of Affordable Housing.*

Housing Element Goal 3.0: *Provide opportunities to increase housing production.*

Housing Element Program 3.a: *Rezone and Redesignate Sites to Meet RHNA. (“...Additional zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City’s arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...”).*

Housing Element Program 3.n: *Zoning Changes. (“This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program...”)*

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the City Council can make this finding in support of the Project.

- b. *The proposed amendments 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. The amendments also further the goals and policies of the City’s adopted 2021-2029 Housing Element.

- 2. The proposed amendments are 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 adopted 2021-2029 Housing Element. Therefore, the City can make this finding.

Section 5. Paragraph C of Section 36.220.020 (“Purposes of Residential Zoning Districts”) 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 amended to read as follows, with all other provisions of Section 36.220.020 remaining without amendment:

“36.220.020 Purposes of Residential Zoning Districts.

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, multiplexes, and other attached dwellings on smaller lots. The allowable residential density ranges from 5.1 to 30 dwelling units per acre, except that any property in the RM district that is also included on the Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre. The RM zoning district is consistent with the Medium Density Neighborhood land use designation of the General Plan.

Section 6. The “Employee Housing” row of 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 amended to read as follows, with all other rows of Table 2-2 remaining without amendment:

Land Use	RE	RS	RM	RH	Specific Use Regulations
“Employee Housing	P	P	<u>P (but only if established in a legally existing single-family residential structure)</u>	<u>P (but only if established in a legally existing single-family residential structure)</u>	36.650.265”

Section 7. Note 2 of Table 2-7 (“Allowed uses and Permit Requirements for Special Purpose Zoning Districts”) in Section 36.240.030 (“ Special Purpose District Land Uses and Permit Requirements.”) of Division 36.240 (“Special Purpose 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 amended to read as follows, with all other provisions of Table 2-7 remaining without amendment:

“(2) Residential development with a density of up to between 20 and 30 dwelling units per acre is allowed on Assessor Parcel No. 5314-003-083 pursuant to the 2021-2029 (6th Cycle) Housing Element. Any project on this parcel that includes least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

Section 8. Paragraph 6 (“Ministerial review of qualifying residential projects”) of Subsection D. (“(Design Review Authority”) of Section 36.410.040 (“Design Review”) of Division 36.410 (“Zoning Approvals or Disapprovals”) of Article 4 (“Zoning Approval Procedures”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Section 36.410.040 remaining without amendment:

“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. “Qualifying residential projects” are either (a) residential or mixed use projects located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element with at least 20% of the residential units reserved for lower income households, or (b) residential or mixed-use projects that are subject to the Inclusionary Housing requirements of Division 36.375 of this Code. Qualifying residential project pursuant to criterion (a) above shall also qualify for priority processing as compared to other projects processed by the Community Development Department, and shall be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

Section 9. 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 10. 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 19th day of June, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Evelyn G. Zneimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

Roxanne Diaz, City Attorney

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 65583.2 FOR THE 2021-2029 GENERAL PLAN HOUSING ELEMENT UPDATE

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, the 2021-2029 General Plan Housing Element Update ("the 2021-2029 Housing Element") was adopted on May 30, 2023.

WHEREAS, pursuant to Government Code §65583.2(g) the City Council must find that the existing uses of nonvacant sites does not constitute an impediment to additional residential development during the period covered by the 2021-2029 Housing Element.

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

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

Section 1. The City Council hereby finds:

- A. The existing uses on the non-vacant sites identified in Housing Element Table VI-50 (the site inventory) to accommodate the Regional Housing Needs Allocation (RHNA) are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.
- B. The inventory sites relied upon to meet the City's RHNA allocation for lower income housing allow for development densities of at least 30 dwelling units per acre default density pursuant to Government Code Section 65583.2(c)(3)(b), with many such sites allowing up to 70 or 110 dwelling units per acre.
- C. Detailed analyses of the sites included in Housing Element Table VI-50, as set forth in Appendix A, provides evidence that the existing uses are likely to be discontinued and are not impediments to the planned residential uses of the sites. In addition, a multi-factor analysis was completed for the approximate 1,288 parcels included in Table VI-51, to demonstrate that a sufficient number of sites would be redeveloped during the course of the planning period to accommodate well in excess of the RHNA allocation, resulting in a buffer of approximately 120% (or 2,475) beyond the RHNA requirements of 2,067 units.

D. The Table VI-51 analysis takes into account current zoning, existing units, the maximum allowed density under the Housing Element with zoning implementation actions, historic considerations, commercial utilization, date of construction of existing structures, and proximity to transit, to analyze the potential for redevelopment, and as noted above shows a significant buffer beyond the City's RHNA allocations.

Section 2. This resolution shall take effect from and after the date of its passage and adoption.

Section 3. The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED, APPROVED AND ADOPTED ON this 5th day of June, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Evelyn G. Zneimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

Roxanne Diaz, City Attorney



Planning Commission Agenda Report

ITEM NO. 10

DATE: May 14, 2024

FROM: Roxanne Diaz, City Attorney

PREPARED BY: Stephanie Cao, Assistant City Attorney

SUBJECT: **Recommendation to City Council to Adopt Proposed Amendments to Chapter 36 (Zoning Code) of the South Pasadena Municipal Code Related to Temporary Signs and Signs on Public Property and Finding the Ordinance to be Exempt Under the California Environmental Quality Act (CEQA).**

Recommendation

It is recommended that the Planning Commission adopt a Resolution recommending the City Council adopt an ordinance amending Chapter 36 (Zoning) of the South Pasadena Municipal Code to update Sign Regulations and Approve a CEQA Exemption Determination.

Background

This report recommends that the Planning Commission recommend that the City Council adopt an ordinance amending the City's sign regulations to establish new regulations for temporary signs posted during election periods.

Division 36.320 (Signs) of the South Pasadena Municipal Code (SPMC) regulates the placement, type, size, and number of signs allowed within the City, and requires the proper maintenance of signs. The purposes of these limitations are to:

- "A. Promote the aesthetic quality of the community by providing for signs that enhance the attractiveness of the City as a place to live, work, and shop;
- B. Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions; [and]
- C. Safeguard and protect the public health, safety, and general welfare."

(SPMC § 36.320.010.)

The sign regulations were last comprehensively updated in 2014.

Pursuant to the First Amendment of the United States Constitution, the City may enact content-neutral time, place, and manner regulations for signs. The City does not impose content-based regulations for signs.

Staff have received feedback over the years from the public regarding several aspects of election signs, as follows:

- **Timing:** Some residents have expressed their belief that election signs should only be allowed to be displayed for a reasonable time period.
- **Public property:** Some residents have expressed concern about allowing election signs on public property, including the public right-of-way such as public parkways and parks.
- **Private property:** Some residents have reported issues about election signs placed on private property without the consent from the property owner.
- **Removal of signs:** Some residents have expressed concerns with the unauthorized removal of election signs without the permission of the sign owner or the property owner.

Each is addressed below.

Timing

Staff recommends that temporary signs be allowed on private property during an election period up to 35 days prior to the ballot submittal deadline, typically election day for government elections. For federal, state, and municipal elections, voters now receive their ballots in the mail more than 30 days before the election and drop off ballot boxes are unlocked 29 days before election day. Staff believe it is reasonable to allow campaigning to begin in advance of when ballots may be submitted. To minimize the aesthetic impact, staff recommends that temporary signs during an election period be removed within two days following an election.

Public Property

As it relates to signs on the public right of way, currently the SPMC provides that no sign can be located within a public right-of-way, except if otherwise allowed by SPMC Division 36.320 (Signs). (See, SPMC § 36.320.060(C)(2).)

To avoid any ambiguity, a “prohibition” section has been added that expressly prohibits temporary signs on public property or within the public right-of-way, including but not limited to public parkways and parks.

The placement of signs in the right-of-way is contrary to the City’s interest in pedestrian safety and the practice poses a safety hazard as a distraction to drivers and in particular to pedestrians running into the street to place signs in medians where traffic speeds can be 35 mph or higher. Another consideration is aesthetics. During an election period as there can be dozens of election signs on public property and public right-of-way throughout the City, many of which can eventually blow into the street or fall over resulting in a cluttered, unappealing, or hazardous streetscape.

In addition, a new section 35.320.045 is proposed to be added to SPMC Division 36.320 (Signs) regarding signs on public property. This section provides that no person shall place, attach, or

maintain any sign, notice, placard, etc. on any public property including utility poles, utility boxes, trees, signs, traffic signals or traffic control devices or within the public right-of-way unless otherwise permitted under Division 36.320 or is a City-owned sign.

Private Property

Staff recommends that the Municipal Code be amended to expressly require the consent of the property owner or the property owner’s authorized representative before a temporary sign is displayed on private property.

Removal of Signs

Staff recommends that temporary signs legally displayed on private property should only be removed with the permission of the sign owner or the property owner.

CEQA

The proposed ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines. The proposed ordinance updates existing regulations and it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment.

Public Notification of Agenda Item

A Public Hearing Notice was published on May 3, 2024, in the *South Pasadena Review*. In addition, the public was made aware that this item was to be considered at a public hearing by virtue of its inclusion on the legally publicly noticed agenda, and the posting of the same agenda and reports on the City’s website.

Attachment: Resolution with Exhibit “A” – Draft Ordinance

ATTACHMENT 1

Resolution with Exhibit “A” – Draft Ordinance

P.C. RESOLUTION NO. 24-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 36 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF SOUTH PASADENA TO UPDATE SIGN REGULATIONS AND APPROVING A CEQA EXEMPTION DETERMINATION.

WHEREAS, without adequate regulation, signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public. Moreover, excessive signage can damage view corridors, diminish property values, and detrimentally effect the quality of life of City residents and visitors; and

WHEREAS, the proposed Ordinance updates the City's regulations for signs on public property and for temporary signs. The draft Ordinance does not adopt or amend any ordinance or regulation that regulates or prohibits the use of any on-premises advertising display that is more restrictive than existing law; and

WHEREAS, in developing the proposed Ordinance, the City has been mindful of developments in the law since the last amendment of the sign regulations. The City intends that this Ordinance continue the City's long-standing practice of regulating signage to advance the City's interests in traffic safety and community aesthetics; and

WHEREAS, the sign regulations imposed under the proposed Ordinance are a matter of citywide importance and are not directed towards any particular business or property owner; and

WHEREAS, on May 14, 2024, the Planning Commission held a duly noticed Public Hearing 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, 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 that all necessary Public Hearings and opportunities for public testimony and comment have been conducted in compliance with applicable law.

SECTION 3: CEQA. The Planning Commission finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment because the adoption of this Ordinance will update existing regulations for signs on public and private properties and for temporary signs. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations — General Rule, which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment and exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

SECTION 4: ZONING AMENDMENT FINDINGS. South Pasadena City Code (SPCC) Section 36.620.070(B) stipulates that Zoning Amendments and Zoning Map Amendments may be approved if the following findings are made:

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 ZTA is consistent with and supports the following General Plan actions, goals, objectives, policies, and programs:

- | | |
|-----------------------------|--|
| General Plan Policy P1.1: | <i>Maximize the interrelationship between the City’s natural and built infrastructure to benefit people, wildlife, and the economy;</i> |
| General Plan Policy P5.21: | <i>Maximize the economic efficiency and productivity of all park design, construction, and maintenance; and</i> |
| General Plan Action A5.21a: | <i>Expand the function of parks and open spaces beyond recreation, to store and clean water, filter air, help improve public health, and provide habitat and connectivity to increase biodiversity, in essence to become green infrastructure.</i> |

As the proposed Zone Text Amendment is consistent with the General Plan policies, goals, and programs listed above, therefore, the Planning Commission can make this finding in support of the ZTA.

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

The ZTA would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because, without adequate regulation, signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public. Moreover, excessive signage can damage view corridors, diminish property values, and detrimentally effect the quality of life of City residents and visitors. 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 ZTA is internally consistent with other applicable provisions of the Zoning Code. While the ZTA would update the City's regulations for signs on public property and for temporary signs, all other provisions of the Municipal Code would remain in force. 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 ZTA does not include a Zoning Map Amendment. Therefore, this finding does not apply.

As stated above, the Planning Commission can make all of the necessary findings listed in SPCC Section 36.620.070(B) to recommend the City Council adopt the ordinance included in Exhibit "A.:

SECTION 5: Based upon the foregoing and based on the information and findings included in this resolution, the staff report, and testimony received during the public hearing, the Planning Commission of the City of South Pasadena hereby recommends that the City Council adopt an ordinance with the provisions included in Exhibit "A."

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

PASSED, APPROVED, AND ADOPTED on this 14th day of May, 2024.

Lisa Padilla, Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

Mark Perez, Deputy City Clerk

Stephanie Cao, Assistant City Attorney

I HEREBY CERTIFY the foregoing Resolution No. 24-__ was duly adopted by the Planning Commission of the City of South Pasadena, California, at a regular meeting held on the 14th day of May, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mark Perez, Deputy City Clerk

EXHIBIT A
ORDINANCE

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SOUTH PASADENA, CALIFORNIA, AMENDING CHAPTER 36
(ZONING) OF THE CITY CODE OF THE CITY OF SOUTH
PASADENA TO UPDATE SIGN REGULATIONS AND
APPROVING A CEQA EXEMPTION DETERMINATION**

WHEREAS, without adequate regulation, signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public. Moreover, excessive signage can damage view corridors, diminish property values, and detrimentally effect the quality of life of City residents and visitors; and

WHEREAS, this Ordinance updates the City's regulations for signs on public property and for temporary signs. This Ordinance does not adopt or amend any ordinance or regulation that regulates or prohibits the use of any on-premises advertising display that is more restrictive than existing law; and

WHEREAS, in developing this Ordinance, the City Council has been mindful of developments in the law since the last amendment of the sign regulations. The City Council intends that this Ordinance continue the City's long-standing practice of regulating signage to advance the City's interests in traffic safety and community aesthetics; and

WHEREAS, the sign regulations imposed under this Ordinance are a matter of citywide importance and are not directed towards any particular business or property owner; and

WHEREAS, on May 14, 2024, 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. 24-XX recommending that the City Council adopt an Ordinance substantially as set forth herein; and

WHEREAS, on [date], 2024, 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. 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: ZONING AMENDMENT FINDINGS. South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that Zoning Amendments and Zoning Map Amendments may be approved if the following findings are made:

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 ZTA is consistent with and supports the following General Plan actions, goals, objectives, policies, and programs:

General Plan Policy P1.1: *Maximize the interrelationship between the City's natural and built infrastructure to benefit people, wildlife, and the economy;*

General Plan Policy P5.21: *Maximize the economic efficiency and productivity of all park design, construction, and maintenance; and*

General Plan Action A5.21a: *Expand the function of parks and open spaces beyond recreation, to store and clean water, filter air, help improve public health, and provide habitat and connectivity to increase biodiversity, in essence to become green infrastructure.*

As the proposed Zone Text Amendment is consistent with the General Plan policies, goals, and programs listed above, therefore, the City Council can make this finding in support of the ZTA.

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

The ZTA would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because, without adequate regulation, signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public. Moreover, excessive signage can damage view corridors, diminish property values, and detrimentally effect the quality of life of City residents and visitors. Therefore, the City Council can make this finding.

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

The proposed ZTA is internally consistent with other applicable provisions of the Zoning Code. While the ZTA would update the City's regulations for signs on public property and for temporary signs, all other provisions of the Municipal Code would remain in force. Therefore, the City Council 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 ZTA does not include a Zoning Map Amendment. Therefore, this finding does not apply.

SECTION 3. Section 36.320.080 ("Standards for Specific Types of Signs") of Division 36.320 ("Signs") 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 include a new subsection (K) as follows:

"K. Election Periods.

1. Authorized Displays. During the period of a governmental election temporary signs may be displayed on private property subject to the following restrictions.

a. During the period from thirty-five days before the ballot submission deadline for a federal, state, or local government election to two days after such deadline each parcel may display one temporary sign per office or measure to be submitted to the voters at the election."

b. Sign size. Temporary signs shall not exceed an area of 3 square feet per face or a height of 2 feet. If temporary signs are displayed in a window, the total sign area per window shall not exceed 3 square feet.”

2. Prohibitions.

a. Public property. No person shall construct, erect, attach, place, paint, display, or otherwise maintain any temporary sign on public property or within the public right-of-way, including but not limited to public parkways and parks, except as otherwise allowed by this Division. Any sign erected upon public property in violation of this Section may be removed by the Director of Public Works or any authorized representative thereof.

b. Private property. No person shall construct, erect, attach, place, paint, display, or otherwise maintain any temporary sign on private property without the consent of the property owner or the property owner’s authorized representative.

c. No person shall remove, destroy, relocate, or otherwise disturb a temporary sign displayed on private property without the permission of the sign owner or the property owner. This prohibition does not apply to the removal, destruction, relocation, or other disturbance of a temporary sign by a property owner, or the authorized representative of a property owner, when such sign was erected on the property owner’s parcel without permission.”

SECTION 4. A new Section 36.320.045 (“Public Property”) is hereby added to Division 36.320 (“Signs”) of Article 3 (“Site Planning and General Development Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena to read as follows:

“36.320.045. Signs on Public Property. No person shall construct, erect, attach, place, paint or otherwise maintain any sign, notice, placard, poster, sticker, banner, advertising, or other device calculated to attract the attention of the public, on any public property, utility pole, utility box, tree, sign post, traffic signal or other official traffic control device, or within the public right-of-way, except for a City-owned sign or as otherwise provided in this Division. If so placed in violation of this Section, the Director of Public Works or any authorized representative thereof, may cause its removal.”

SECTION 5. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment because the adoption of this Ordinance will update existing regulations for signs on public property and for temporary signs.

It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

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. 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 ____ day of ____, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Evelyn G. Zneimer, 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 XX day of XX, 2024, by the following votes as the same appears on file and of record in the Office of the City Clerk.

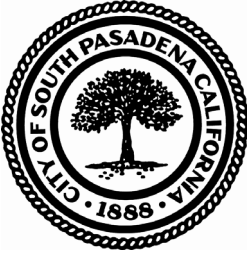
AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Perez
Deputy City Clerk



Planning Commission Agenda Report

ITEM NO 11

DATE: May 14, 2024
TO: Planning Commission
FROM: Angelica Frausto-Lupo, Community Development Director
PREPARED BY: Matt Chang, Planning Manager
SUBJECT: 2024 Annual Commission Report

Recommendation

It is recommended that the Planning Commission discuss and approve 2024 Annual Commission Report.

Discussion

The City Clerk's Office recently provided information to all city commissions regarding the upcoming Annual Commissioner Congress scheduled for Thursday, June 20, 2024. The Commissioner Congress provides an opportunity for City Council to receive a year-end report from each commission on the accomplishments of the previous year and a workplan for the upcoming fiscal year.

A draft 2024 Annual Commission Report for the Planning Commission is provided as **Attachment 1**.

The purpose of this item is for the Commission to discuss and finalize the Annual Commission Report to be presented at the Annual Commissioner Congress.

Attachment

1. Draft 2024 Annual Commission Report

ATTACHMENT 1

Draft 2024 Annual Commission Report



2024 ANNUAL COMMISSION REPORT

City of South Pasadena

(DRAFT)

Planning Commission



Purpose Statement

The Planning Commission is an advisory board to the City Council. The Planning Commission, either upon its own initiative or upon the request of the City Council, investigates and advises on matters pertaining to a civic center, subdivisions, zoning, parks and boulevards, beautification of the city and in general such other subjects as have to do with the orderly and consistent physical development of the city.

DRAFT

Planning Commission

Lisa Padilla	Commission Chair
Amitabh Barthakur	Commission Vice-Chair
Mark Gallatin	Commission Secretary
Jason Claypool	Commissioner
Laura Dahl	Commissioner
Jack Donovan Mayor Pro Tem	City Council Liaison
Matt Chang Planning Manager	Staff Liaison

Planning Commission meetings are held every 2nd Tuesday of the month at 6:30 p.m. Meetings are held at 1424 Mission Street, South Pasadena, CA 91030.

Accomplishments

1. The Planning Commission diligently reviewed the City's General Plan, new Downtown Specific Plan (DTSP), and Zoning Code/Map Amendments, including, but not limited to, creation of a mixed-use overlay zoning district, increased residential density in various zoning districts, and updated inclusionary housing requirements. Several Planning Commission meetings were conducted to review the draft documents. The Commission recommended the City Council to approve the General Plan, DTSP, and Zoning Code/Map Amendments. At its meeting on September 27th, 2023, the City Council approved the General Plan, DTSP, and several Zoning Code/Map Amendments.
2. The Commission reviewed or provided comments to staff on several other long-range planning projects. The Commission recommended City Council to update the General Plan and Zoning Code to create a Housing Opportunity Zone. City Council approved the updated General Plan and Zoning Code in March 2024. The Commission advised and commented on the proposed Inclusionary Housing Ordinance in-lieu fee and the Draft Objective Development Standards for multi-family and mixed-use projects.
3. The Commission considered and approved several Conditional Use Permit (CUP) applications to support local business community while minimizing any potential adverse impact to surrounding area. The approved projects included a new convenience store for a service station at 1400 Mission St., a concert venue at 1020 El Centro St., a new restaurant at 702 Fremont Ave., and several CUPs allowing existing restaurants to serve alcoholic beverages.

ANNUAL WORKPLAN FY 2024-2025

(Planning Commission)



Fiscal Year 2024-2025 Work Plan

1. Implement applicable programs identified in the Adopted Housing Element. Review the latest State laws and update city's Zoning Code accordingly.
2. Review and comment on future Zoning Code Amendments relating to streamline application process for residential or commercial projects.
3. Coordinate with City staff to continue to refine the Draft Objective Development Standards (ODS) for multi-family and mixed-use developments.

DRAFT