



Additional Documents List

Regular City Council Meeting

March 17, 2021

(Uploaded Online on 03/29/2021 @ 6:00 p.m.)

Item No.	Agenda Item Description	Distributor	Document
3	Approve Sponsorship of Legislation (SB 381) Amending the Means by Which Caltrans-owned Properties Along the Former SR 710 Route are Disposed	Lucy Demirjian, Assistant to the City Manager	Memo to provide supplemental information.
19	Adoption of a Resolution of the City Council of the City of South Pasadena Denouncing Hate Crimes and Rhetoric Against Asian Americans and Pacific Islanders, and Reaffirming Our Commitment to Ensure API Americans Feel Safe and Welcome	Sean Joyce, Interim City Manager	Memo updating the proposed resolution.
20	Approval of an Agreement with nexusplex and the South Pasadena Chamber of Commerce for Citywide Local Business Marketing Program for a Not-to-Exceed Amount of \$50,000 and Approval of Appropriation of Funding	Lucy Demirjian, Assistant to the City Manager	Memo to provide additional documents.
21	First Reading and Introduction of an Ordinance to Amend Zoning Code Amendment to South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) Pertaining to Accessory Dwelling Units (ADUs)	Joanna Hankamer, Planning and Community Development Director Elizabeth Bar-El, AICP, Interim Manager for Long Range Planning & Economic Development	Memo adding Staff PowerPoint presentation; Memo from Fire Chief Riddle; Memo re: recommendation addition

22	Adoption of Fiscal Year 2020-2021	Elaine Aguilar, Interim Assistant City Manager	Memo adding Staff PowerPoint presentation.
PC	Emailed Public Comment for: Closed Session “B”; Regular Session Agenda Item Nos. #2, 3, 12, 19, and 21	Maria E. Ayala, Chief City Clerk	Emailed Public Comments



**City of South Pasadena
Management Services
Department**

Memo

Date: March 12, 2021

To: The Honorable City Council

Via: Sean Joyce, Interim City Manager

From: Lucy Demirjian, Assistant to the City Manager

Re: March 17, 2021, City Council Meeting Item No. 3 Additional Document –
Approve Sponsorship of Legislation (SB 381) Amending the Means by Which
Caltrans-owned Properties Along the Former SR 710 Route are Disposed

The attached document of SB 381 Fact Sheet is supplemental information received after the staff report was published.

SB 381 (Portantino) Surplus residential property: priorities and procedures: City of South Pasadena.

BACKGROUND

California Department of Transportation (Caltrans) currently owns approximately 460 properties in the State Route 710 (SR 710) corridor, including 330 homes and 103 multi-family housing units. These properties were originally purchased in the corridor with the intent to eventually remove the structures and construct an extension to the existing SR 710 freeway to close a 4.5-mile unconstructed gap between the City of Alhambra and the City of Pasadena.

Early in 2017, Caltrans began dispensing of properties as required by SB 416 (Liu, 2013) and the Roberti Act. SB 416 and the Roberti Act govern the sale of surplus property and outline the priority order of who can purchase. In 2019, the Governor signed SB 7 (Portantino), which put the final nail in the coffin of the SR 710 extension project.

To date, Caltrans has sold less than 15 properties and will be looking to move forward with the disposition of the other approximately 445 properties this year.

These approximately 445 properties include both occupied and unoccupied (vacant) residential single-family units, multi-family units, and nonresidential/commercial properties.

PROBLEM

Now that it has been determined that the SR710 freeway gap between Alhambra and Pasadena can no longer be built, cities in the corridor have expressed a need for legislative changes to the current sales process. These changes will allow for a more direct intervention by cities in purchasing properties, thereby allowing them to increase the supply and quality affordable housing outcome in their jurisdiction.

Current statute allows cities to purchase only occupied and unoccupied multi-family units, but cities must still compete with other Housing Related Entities (HREs) to win the bid.

Additionally, current statute sets the sales price for cities at a “reasonable price”, determined by various factors. However, a substantial number of these homes need significant repairs and at the same time must be rented or sold at amounts based upon affordable income criteria.

SB 381 proposes changes in the disposition process to make it economically viable for cities in the SR 710 corridor to purchase, substantially rehabilitate, maintain, and administer an affordable housing program and help address the local housing crisis and blight that has been going on in their communities for decades.

Office of Senator Anthony J. Portantino
SB 381– Fact Sheet

Contact: Kristi Lopez– (909) 599-7351 or Kristi.Lopez@sen.ca.gov

SUMMARY

This bill* would:

- 1) Expeditiously offer to current tenants of single-family and other surplus residential properties, including multi-family residences, the opportunity to purchase the property as provided in the existing regulations applicable to the SR 710 Affordable Sales Program.
- 2) Expeditiously offer unoccupied properties to the City at the original acquisition price paid by Caltrans.
- 3) Allow the City to purchase properties at their acquisition price after current tenants reject or do not qualify to purchase the properties in which they reside.
- 4) Allow the City to establish and transfer ownership to a city-approved non-profit housing related entity that would act as a steward over the portfolio of surplus properties and ensure high-quality property maintenance and property management practices.
- 5) All properties would be purchased at acquisition price with a 55-year covenant on the land.
- 6) Proceeds from the subsequent sales would be reinvested into the City of South Pasadena to maintain affordable housing.

*includes urgency clause.

EXISTING LAW

Under existing law, specified single-family residences must first be offered to their former owners or present occupants, as specified. Existing law then requires the property to be offered to housing-related entities, as provided, prior to placing the property up for sale for fair-market value.

Existing law establishes priorities and procedures for the disposition of surplus residential properties in the SR 710 corridor, giving priority to current owners at fair market value, current occupants that meet certain income-qualifications “at an affordable price,” housing-related public and private affordable housing entities at a price necessary to maintain affordability, as specified, and then to occupants and persons who intend to be owner occupants at fair market value. With respect to properties offered to specified income-qualified buyers, Caltrans must provide repairs required by lenders and government housing assistance programs prior to the sale or provide the occupants with a replacement dwelling.

Existing law also requires Caltrans to give priority to purchase surplus nonresidential property at market value in use to tenants in good standing who currently rent, lease, or otherwise legally occupy the property.

Existing law, known as the Administrative Procedure Act, governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law establishes procedures for the adoption of emergency regulations, including requiring that the state agency make a

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finding that the adoption of a regulation or order of repeal is necessary to address an emergency, as defined. Under existing law, a regulation, amendment, or repeal adopted as an emergency regulatory action may only remain in effect for up to 180 days, unless the adopting agency complies with specified requirements relating to notice of regulatory action and public comment.

SUPPORT

City of South Pasadena (Sponsor)

OPPOSITION

None

Version: 3/12/2021



Office of Senator Anthony J. Portantino
SB 381– Fact Sheet
Contact: Kristi Lopez– (909) 599-7351 or Kristi.Lopez@sen.ca.gov



City of South Pasadena Management Services

Memo

Date: March 15, 2021

To: Mayor and Members of the City Council

From: Sean Joyce, Interim City Manager

Re: March 17, 2021 Additional Document for Item No. 19 Additional Document – Resolution of the City of Council of the City of South Pasadena Denouncing Hate Crimes and Rhetoric Against Asian Americans and Pacific Islanders, and Reaffirming Our Commitment to Ensure API Americans Feel Safe and Welcome

The Resolution of the City of Council of the City of South Pasadena Denouncing Hate Crimes and Rhetoric Against Asian Americans and Pacific Islanders, and Reaffirming Our Commitment to Ensure API Americans Feel Safe and Welcome has been updated to add the new language below and strikes the duplicate language on agenda page 19-4.

WHEREAS, South Pasadena’s proud and active Asian-American community makes up approximately 30% of our population. Our Asian-American neighbors are an integral component of that which makes South Pasadena so special. All of our lives are enriched by those in our presence that bring diversity to our life experiences; and

~~**WHEREAS**, the Asian Pacific Policy and Planning Council and Chinese for Affirmative Action launched a hate incident reporting internet website, “Stop AAPI Hate,” at the beginning of the COVID-19 outbreak in March of 2020; and~~

RESOLUTION NO. XXXX

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
DENOUNCE HATE CRIMES AND RHETORIC AGAINST ASIAN AMERICANS
AND PACIFIC ISLANDERS, AND REAFFIRM OUR COMMITMENT TO
ENSURE API AMERICANS FEEL SAFE AND WELCOME**

WHEREAS, South Pasadena's proud and active Asian-American community makes up approximately 30% of our population. Our Asian-American neighbors are an integral component of that which makes South Pasadena so special. All of our lives are enriched by those in our presence that bring diversity to our life experiences; and

~~**WHEREAS**, the Asian Pacific Policy and Planning Council and Chinese for Affirmative Action launched a hate incident-reporting internet website, "Stop AAPI Hate," at the beginning of the COVID-19 outbreak in March of 2020; and~~

WHEREAS, the Asian Pacific Policy and Planning Council and Chinese for Affirmative Action launched a hate incident-reporting internet website, "Stop AAPI Hate," at the beginning of the COVID-19 outbreak in March of 2020; and

WHEREAS, the Stop AAPI Hate Reporting Center reported over 2,800 hate incidents against Asian Pacific Islander (API) Americans in 2020; and

WHEREAS, racism, hate crimes and negative rhetoric toward APIs has been exacerbated by the COVID-19 pandemic; and

WHEREAS, politically charged and culturally insensitive language referring to COVID-19 as the "Chinese virus" or "kung flu" further encouraged racism, prejudice and hate crimes toward APIs; and

WHEREAS, the promotion of such language by former President Donald Trump during his term further propagated anti-API sentiment in light of COVID-19; and

WHEREAS, Asian Americans in the State of California are increasingly concerned about their safety and well-being, given the rise of hate crimes and other racially motivated attacks; and

WHEREAS, Asian Americans in the State of California are more concerned about the safety of themselves and their families that are currently at high risk of being targeted; and

WHEREAS, in 2020, the California State Legislature’s API Legislative Caucus spoke out against anti-API hate crimes in an effort to stand up for immigrant and refugee individuals.

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

SECTION 1. The South Pasadena City Council, on behalf of the City and all residents thereof, denounce hate crimes, hateful rhetoric and hateful acts against Asian Americans and Pacific Islanders, and reaffirm our commitment to ensure that API Americans feel safe and welcome, both during this COVID-19 pandemic and beyond; and

SECTION 2. That the Clerk of the Board of Supervisors transmit copies of this resolution to Governor Gavin Newsom, U.S. Senators Alex Padilla and Dianne Feinstein, Congressman Adam Schiff, State Senator Anthony Portantino, State Assemblymember Christopher Holden.

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 17nd day of March 2021.

Diana Mahmud, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria E. Ayala, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 17th day of March 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Maria E. Ayala, City Clerk
(seal)



**City of South Pasadena
Management Services
Department**

Memo

Date: March 17, 2021

To: Mayor and Members of the City Council

From: Sean Joyce, Interim City Manager

Prepared By: Lucy Demirjian, Assistant to the City Manager

Re: **Additional Document for Item No. 20
Approval of an Agreement with nexusplex and the South Pasadena
Chamber of Commerce for Citywide Local Business Marketing Program
for a Not-to-Exceed Amount of \$50,000 and Approval of Appropriation of
Funding**

Please see the attached proposed agreement between the City, the Chamber, and nexusplex, including:

Attachment 1 Scope of work (redlined)

Attachment 2 Budget

Attachment 3 Detailed scope of work for the Chamber of Commerce

Attachment 4 Nexusplex City-wide Business Ad Program

LIMITED SCOPE AGREEMENT FOR MARKETING SERVICES
(City of South Pasadena / Chamber of Commerce /
Nexusplex)

Identification

This Agreement for Marketing Services (“Agreement”) is entered into by and among City of South Pasadena, a California municipal corporation (“City”), South Pasadena Chamber of Commerce, a private non-profit corporation (“Chamber”), and Nexusplex, a private for-profit corporation (“Consultant”) (collectively, “Parties”).

Recitals

The City requires the professional services of a sales and marketing consultant for a comprehensive citywide local business marketing program to assist in local economic recovery efforts.

Chamber represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Chamber further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in the Agreement.

Consultant represents that it is fully qualified to perform such professional services by virtue of its training, education, experience, and expertise. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, The Parties agree as follows:

1. Term

The term of this Agreement shall commence when the Agreement is signed by the last of the parties to do so.

The term of this Agreement expires upon payment of the total compensation by the City. Notwithstanding the foregoing sentence, the term of this Agreement expires one year from the commencement of the term of this Agreement.

2. Consultant’s Scope of Services

Consultant agrees to perform the services identified specifically for their performance in the “Scope of Work & Metrics” attached hereto as **Attachment 1** and provide the marketing packages detailed in the “City-wide Business Ad Program” attached hereto as **Attachment 4**.

Consultant shall coordinate and cooperate with Chamber in providing their different services to the City by regularly consulting one another, sharing content and ideas, and referring candidate businesses to each other for services.

Consultant shall use Chamber's graphics, logos, and taglines in its services, advertisements, outreach, and marketing program as appropriate with the Chamber's style guide and with the consent of the client-businesses.

Consultant shall provide analysis, conclusions, and opinions regarding the Project and as more fully described and set forth in the Scope of work & Metrics attached hereto as **Attachment 1**. Such analysis includes, but is not limited to, businesses contacted, target businesses engaged, quantitative goals for each business, and regular surveys of businesses on the results of the advertisement program.

Consultant may include the Chamber's promotions and advertisements on its website.

Consultant shall participate in telephone conferences, meetings, site visits, and other similar activities as may be requested by City Manager. City may request, in writing, changes in the Scope of Services. Any such change, and any corresponding increase or decrease in compensation, must be mutually agreed upon by City, and Consultant, and shall be incorporated by written amendment to this Agreement.

Consultant will act as an independent consultant. All of Consultant's reports, advice, and testimony will be objective and impartial, based upon Consultant's good faith analysis and professional conclusions and opinions.

Consultant shall perform all work to the highest standards of Consultant's profession and in a manner reasonably satisfactory to the City. Consultant shall comply with all applicable federal, state and local laws and regulations. Consultant shall obtain, at their sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement. Consultant shall not assign or transfer their interest in this Agreement or subcontract any services to be performed without amending this Agreement.

3. Chamber's Scope of Services

Chamber agrees to perform the services identified specifically for their performance in the "Scope of Work & Metrics" attached hereto as **Attachment 1** and "Chamber of Commerce Detailed Scope of Work" attached hereto as **Attachment 3**.

Chamber may include the Consultant's promotions and advertisements on its website.

Chamber shall coordinate and cooperate with Consultant in providing their different services to the City by regularly consulting one another, sharing content and ideas, and referring candidate businesses to each other for services.

Chamber shall encourage City businesses to consider the advertising program offered by Consultant as part of its Scope of Services and alert Consultant of any businesses which are considering the program.

Chamber shall coordinate and cooperate with Consultant in providing their different services to the City by regularly consulting one another, sharing content and ideas, and

referring candidate businesses to each other for services. Chamber shall include information on Consultant's services in the Chamber's Newsflash email blast and on its social media profiles.

Chamber shall provide Consultant with Chamber graphics, logos, and taglines along with a style guide for their use in Consultant's services.

Chamber shall provide analysis, conclusions, and opinions regarding the Project and as more fully described and set forth in the Scope of Services attached hereto as **Attachment 1**. Such analysis includes, but is not limited to, monthly reports, outreach events, promoting and advertising al fresco "Eat-Shop-Enjoy South Pasadena" shopping days, measuring increases in social media followers and feedback among businesses, monthly surveys of businesses, and measuring increases in traffic and sales in local businesses.

Chamber shall participate in telephone conferences, meetings, site visits, and other similar activities as may be requested by City Manager.

City may request, in writing, changes in the Scope of Services. Any such change, and any corresponding increase or decrease in compensation, must be mutually agreed upon by City, and Chamber, and shall be incorporated by written amendment to this Agreement.

Chamber will act as an independent consultant. All of Chamber's reports, advice, and testimony will be objective and impartial, based upon Chamber's good faith analysis and professional conclusions and opinions.

Chamber shall perform all work to the highest standards of Chamber's profession and in a manner reasonably satisfactory to the City. Chamber shall comply with all applicable federal, state and local laws and regulations. Chamber shall obtain, at their sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement. Chamber shall not assign or transfer their interest in this Agreement or subcontract any services to be performed without amending this Agreement.

4. Compensation

The City agrees to compensate Chamber and Consultant each \$25,000 for the services provided under this Agreement, and Chamber and Consultant agrees to accept payment in full satisfaction for such services.

Chamber and Consultant will each receive an initial \$10,000 allocation of the funds to help them perform their services, as set forth in Attachment 1. The balance of the funds will be provided upon the City's receipt of the first monthly report detailing expenditures.

Chamber and Consultant shall submit to City invoices for services performed pursuant to this Agreement on a monthly basis. Each invoice must be in a form satisfactory to the City Manager or their designee. For the billing period it covers, each invoice shall itemize the services rendered, administrative costs of the services, out-of-pocket expenses incurred, the amount due, and a report including analytics measuring the success of the marketing services rendered. Chamber and Consultant shall maintain an accurate log of its time and costs incurred,

and City shall be entitled to inspect a copy thereof upon request. The Parties agree to the budget for the services set forth in the “Budget” attached hereto as **Attachment 2**.

City agrees to pay the amount due shown on a given invoice within 45 days after City receives an invoice in a form satisfactory to the City Manager or their designee.

Total compensation to Chamber and Consultant under this Agreement shall not exceed \$50,000 without the written approval of City given before performance of the work for which the excess compensation is sought.

5. Ownership of Written Products

All reports, documents, or other written material, and all electronic files developed by Chamber or Consultant in the performance of this Agreement (such materials are collectively known as “written products”) shall be and remain the City’s property until and only if City decides to make these materials public. Chamber or Consultant may take and retain copies of its written products as desired, but no written products shall be the subject of a copyright application by Consultant or Chamber.

6. Relationship of Parties

Consultant is and shall at all times remain, as to Chamber and the City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of Chamber or the City or otherwise to act on behalf of Chamber or the City as an agent. Chamber, the City and their respective agents shall have no control over Consultant’s conduct, except as set forth in this Agreement. Consultant shall not represent that it is, in any manner, an employee of Chamber or the City.

Chamber is and shall at all times remain, as to Consultant and the City, a wholly independent contractor. Chamber shall have no power to incur any debt, obligation, or liability on behalf of Consultant or the City or otherwise to act on behalf of Consultant or the City as an agent. Consultant, the City and their respective agents shall have no control over Chamber’s conduct, except as set forth in this Agreement. Chamber shall not represent that it is, in any manner, an employee of Consultant or the City.

Consultant, Chamber, and the City represent that none of them is aware of any prior or existing relationship that reasonably appears to create any conflict of interest for Consultant and Chamber to provide the services described in this Agreement.

The City Manager will establish the timetable for the completion of service under this Agreement and any interim milestones.

7. Confidentiality

All data, documents, discussion, or other information developed or received by Consultant and/or Chamber or provided through performance of this Agreement are confidential and shall not be disclosed by Consultant and/or Chamber without prior written consent by the City. The City shall grant such consent if disclosure is legally required. Upon request, all information

of the City shall be returned to the City, as the case may be, upon the termination or expiration of this Agreement.

Consultant and/or Chamber will not discuss its work under this Agreement or share its written products with anyone other than the City except as authorized by the City.

8. Indemnification

To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and defend the City, its officers, agents, employees, and volunteers, from and against any and all claims, losses, costs, and expenses due to injury to any person or property resulting from any intentional, reckless, negligent, or otherwise wrongful acts, errors, or omissions of Consultant in the performance of this Agreement. Such costs and expenses include reasonable attorney's fees incurred by counsel of the City's choice.

To the fullest extent permitted by law, Chamber shall indemnify, hold harmless, and defend the City, its officers, agents, employees, and volunteers, from and against any and all claims, losses, costs, and expenses due to injury to any person or property resulting from any intentional, reckless, negligent, or otherwise wrongful acts, errors, or omissions of Chamber in the performance of this Agreement. Such costs and expenses include reasonable attorney's fees incurred by counsel of the City's choice.

The provisions of this indemnity provision are intended by the Parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant and Chamber acknowledge that the City would not enter into this Agreement in the absence of Consultant and Chamber's commitment to indemnify and protect the City as set forth herein.

9. Termination

The City may terminate this Agreement without cause at any time. Upon any termination, Chamber and Consultant shall immediately return to City any uncharged deposit, but City shall pay to Chamber and/or Consultant all earned fees and incurred costs upon submission of a satisfactory monthly invoice.

Chamber or Consultant may terminate this Agreement without cause at any time by providing the City 30 days' written notice of such termination.

10. Surviving Covenants

The Parties agree that the covenants contained in Section 5, Section 7, and Section 8 of this Agreement shall survive the expiration or termination of this Agreement.

11. Notices

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, email or overnight courier service during regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below.

<p>If to THE CITY:</p> <p>Sean Joyce Interim City Manager South Pasadena 1414 Mission Street South Pasadena, CA 91030 Email: sjoyce@southpasadenaca.gov</p>	<p>If to Chamber:</p> <p>Laurie Wheeler President/CEO Chamber of Commerce 1121 Mission Street South Pasadena, CA 91030 Email: info@southpasadena.net</p>	<p>If to Consultant:</p> <p>Steven Lawrence Nexusplex 1127 Mission Street South Pasadena, CA, 91030 Email: Steven@SouthPasadenan.com</p>
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12. Governing Law

This Agreement shall be construed and enforced in accordance with the laws of the State of California.

13. Arbitration

Any dispute regarding this Agreement shall be resolved by binding arbitration, in Los Angeles County, California, by ADR Services, Inc., in accordance with its commercial arbitration rules. YOU SHOULD CONSIDER THIS PARAGRAPH CAREFULLY AND CONSULT INDEPENDENT LEGAL ADVICE REGARDING IT, AS ALL THREE PARTIES HERE ARE GIVING UP IMPORTANT RIGHTS, INCLUDING THE RIGHT TO JURY TRIAL, IN THE EVENT OF A DISPUTE BETWEEN OR AMONG THEM REGARDING THIS AGREEMENT.

14. Severability

If any term or provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law. To this end, the provisions of this Agreement are severable.

15. Counterparts

This Agreement may be executed in counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same Agreement. The Parties further agree that this Agreement may be transmitted by facsimile or other electronic means and that the reproduction of signatures by facsimile or other electronic means will be binding as if originals.

16. General Provisions

The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are for convenience only. Should there be any conflict between such heading and the section or paragraph at the head of which it appears, the section or paragraph, as the case may be, and not such heading, shall control. Masculine or feminine pronouns shall be substituted

for the neuter and vice versa, and the plural shall be substituted for the singular and vice versa, in any place or places herein in which the context requires.

The waiver by a party of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by a party unless in writing.

All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the provisions of this Agreement and those of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between the Parties with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the Parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed on behalf of the City, Chamber, and Consultant.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

Nexusplex

South Pasadena Chamber of Commerce

By: _____

By: _____

Its:

Its:

Date: _____

Date: _____

City of South Pasadena

By: _____

Sean Joyce
Interim City Manager, South Pasadena

Date: _____

Attachment 1

Scope of Work & Metrics

A. Summary of Scope of Work

1. Chamber of Commerce. The Chamber will promote businesses in South Pasadena with content creation, ad buys, and public relations around its “Eat Shop Enjoy South Pasadena” campaign through social media, online and print publications, through public relations efforts and outreach events (e.g., Farmer’s Market). It will also create and share with the public an online resource library with approximately 25 videos on social media, marketing, e-commerce and HR issues and supported by a marketing consultant who will provide free consultation to individual businesses on developing their marketing efforts. In creating and publishing the Eat Shop Enjoy South Pasadena content, the Chamber will highlight and incorporate content about individual businesses and groups of businesses who are identified by the Chamber ~~in consultation with nexusplex~~ as a good fit for the Eat Shop Enjoy campaign.
2. nexusplex. nexusplex will engage the city’s small businesses by providing a pre-set service package offering nexusplex marketing expert assistance to each engaged business to develop, execute and support their print, online, social media advertising. nexusplex will also provide support for e-commerce development. nexusplex will develop content for individual business ads according to its service package specifications and will refer businesses seeking additional support beyond the scope of its commitment under this contract to the Chamber for access to the resource library and the marketing consultant’s guided assistance with the Chamber’s library resources. nexusplex will provide to each business client the available analytics on its marketing efforts and results.

B. Cooperative efforts

1. The Chamber and nexusplex will coordinate and cooperate in providing their different service offerings to South Pasadena businesses by regularly consulting with each other, sharing content and ideas, referring candidate businesses to each other for services.
2. The Chamber will include information on the nexusplex ad program in the Chamber’s Newsflash e-mail blast, and on social media.
3. nexusplex will include Chamber graphics, logos and taglines in its ads, outreach and marketing as appropriate and with the consent of the client-businesses; The Chamber will provide such content to nexusplex with style guides.

4. As the Chamber is engaging with the businesses in its daily outreach, it will encourage businesses to consider the ad program offered by nexusplex, forwarding those potential leads to nexusplex.
5. Option of sharing ads – the nexusplex ads can be included on the Chamber’s website, the Chamber’s promotions included on the nexusplex site.
6. nexusplex will support the Chamber’s development of its resources library and will provide qualified businesses access to its own marketing resources library.
- 6.7. As nexusplex is engaging with the businesses on the ad program, ti will encourage businesses to connect with the Chamber to avail themselves of the outreach and resources provided by the Chamber.

C. **Metrics for performance**

1. Chamber of Commerce

- a. Monthly reporting on outcomes, events and progress to city staff and/or City Council, per an agreement
- b. *Target 20% increase* in social media followers among the businesses, on average, would be measured by merchant responses garnered from the merchants through surveys, e-mails, individual feedback, etc.
- c. *Measurable increase in traffic/sales* in stores/restaurants, measured through monthly merchant surveys, questionnaires, individual feedback.
- d. *Monthly survey* will be developed and distributed to business owners
- e. *Eat Shop Enjoy South Pasadena campaign will incorporate and enhance the ongoing Al Fresco Shopping Days promoted and advertised throughout the business district on a South Pasadena monthly event.basis*
- f. *Feedback from businesses* will be solicited through various approaches, including in person contacts, announcements in the Newsflash, etc.
- g. *Monthly reports* and analytics from the Chamber’s social media and website site visits
- h. *Outreach events* – as COVID conditions allow, events will be planned in collaboration and partnership with businesses, organizations and groups.

2. nexusplex:

- a. 500+ businesses contacted, with follow-up outreach as needed
- b. target 250 engaged, quantitative goal for each business (10,000 “impressions”)
- c. Regular business surveys of businesses on results of ad program.
Reports may be redacted for client confidentiality.

Attachment 2

Budget

FUNDING ALLOCATION			
	Chamber	NexusPlex	
Social Media/Website			
Campaign and strategy development	\$ 4,000		
Engagement	\$ 3,500		
3 posts/week on FB and insta			
2 video bursts/month			
Ads, targeting	\$ 1,500		
Weekly e-mail blasts - targeted	\$ -	\$ -	
Print/Online Newspaper			
Monthly ads in local print newspaper	\$ 2,000		
Business ad program - NexusPlex		\$ 25,000	
Ads in regional papers	\$ 1,000		
Resource Library			
Micro-Learning	\$ 3,000		
Development/Interface	\$ 2,500		
Graphics, Design	\$ 2,000		
Public Relations			
Press releases - 1/month	\$ 2,000		
Publicity and Outreach at events	\$ 500		
Video highlighting South Pasadena			
Campaign Management			
Merchant Collaboration			
Providing content for postings			
Logistical Support	\$ 1,000		
Collateral - window posters, stickers	\$ 1,000		
Promotions/Events	\$ 1,000		
Grand "reopening" celebration			
TOTAL	\$ 25,000	\$ 25,000	\$ 50,000

ATTACHMENT 3

CHAMBER OF COMMERCE

DETAILED SCOPE OF WORK

The goal of this campaign is to create a sustainable program that will support the businesses individually, and encourage people to visit South Pasadena businesses, through on-line shopping and ordering as well as in-person experiences.

NOTES TO THE LINE ITEMS IN THE REVISED BUDGET/TIMELINE:

- A. **Social Media:** The campaign and strategy development includes developing and monitoring the overall plan for social media (schedules, targets, metrics, ad purchase plans, etc.). The engagement includes the Chamber creating the posts and allowing those posts to be shared by businesses and across several platforms (Facebook, Instagram, etc.). The Chamber would also provide key elements (logos, tag lines, videos, event announcements) to businesses to use on their own platforms, developing target.
 - a. **2 social media posts per week** on the Chamber's social media featuring individual merchants/restaurants, and other South Pasadena businesses
 - b. **2 videos per month** that would feature individual businesses/industry segments/blocks
 - c. **Monthly Al Fresco "Eat-Shop-Enjoy South Pasadena" Shopping** days that would be promoted on social media, in the ads and on websites
 - d. **Ad purchases** would broaden the reach of the chamber and each participating business.

- B. **Newspapers:** The publishers of two regional newspaper groups (including the publisher of the South Pasadena Review) have provided written proposals for advertising packages across the spectrum of their respective suites of print and on-line newspaper editions. Ads would promote the "Eat/Shop/Enjoy South Pasadena message" primarily, showcasing events and activities that would attract people to patronize the businesses.
 - a. **Monthly ads** would be placed across the suite of communities served by these publishers
 - b. These publishers include cities and communities from the west (Burbank, Glendale) to the San Gabriel Valley and foothill communities, including La Canada, Pasadena, Monrovia, San Dimas, etc.
 - c. Total circulation of the suites combined is over **150,000 people** (print and on-line editions). Many of these SGV communities are along the Gold Line route, making it easy for residents to take the train into South Pasadena.

- C. **Resource Library:** This concept came from the merchants in recognition that each merchant has different levels of expertise in various elements of business (almost a "Master Class" type program).
 - a. "How-to" videos will be produced by experts in social media, marketing, e-commerce, HR issues, etc. The budget included approx. 25 videos
 - b. The "expert" would be available for a consultation with a business to get into more specifics for that business. If further work is needed, the business could contract with the expert for more detailed, ongoing services.
 - c. The development/interface is the tech support to make sure the videos would be formatted and made available through the Chamber's website

- d. A compilation of outside organizations/agencies that offer support for services would be available at one place for easy access to business owners.
- D. Graphic Design: This would be the creation of the ads, and other graphics used for the campaign.
- E. Public Relations: Writing and distribution of press releases sent to media, City, other organizations for respective publications, outreach at events such as the Farmers' Market (when Covid guidelines allow such events)

Metrics

- A. **Monthly reporting** on outcomes, events and progress to city staff and/or City Council, per an agreement
- B. **20% increase** in social media followers among the businesses, on average, would be measured by merchant responses garnered from the merchants through surveys, e-mails, individual feedback, etc.
- C. **Measurable increase in traffic/sales** in stores/restaurants, measured through monthly merchant surveys, questionnaires, individual feedback.
- D. **Monthly survey** will be developed and distributed to business owners
- E. **Al Fresco Shopping Days** promoted and advertised throughout the business district on a monthly basis
- F. **Feedback from businesses** will be solicited through various approaches, including in person contacts, announcements in the Newsflash, etc.
- G. **Monthly reports** and analytics from the Chamber's social media and website site visits
- H. **Outreach events** – as COVID conditions allow, events will be planned in collaboration and partnership with businesses, organizations and groups.

Collaboration with NexusPlex:

- The Chamber will include information on the NexusPlex ad program in the Newsflash e-mail blast, and on social media.
- Graphics, logos, tag lines developed by the Chamber will be shared with NexusPlex, with style guides, to be used in their ads, outreach and marketing as appropriate.
- As the Chamber is engaging with the businesses in its daily outreach, it will encourage businesses to consider the ad program offered by NexusPlex, forwarding those potential leads to NexusPlex.
- Option of sharing ads – the NexusPlex ads can be included on the Chamber's website, the Chamber's promotions included on the NexusPlex site.

Clarifying notes 1 and 2 below relate to the first two categories on the original timeline and were included to demonstrate the progression and continuity of the Chamber's efforts to support the businesses, and the development of the 'eat-shop-enjoy South Pasadena' message.

1. This **\$8,350** of funding was an allocation of council discretionary funds that was made in October, 2020, to support the businesses and enhance shoppers' experiences during the holidays. The allocation funded a number of events and activities, including the décor of the holiday tree, additional lights on trees and promo events for merchants. The Chamber coordinated a merchant task force to develop the holiday events/campaigns/activities.
2. The **\$18,000** in this line item was a direct sponsorship campaign by the Chamber to local companies and individuals to support "shop South Pasadena". These funds allowed the design

and production of over-the-street banners, window signage, development of a 'logo/tagline' to "Eat/Shop/Enjoy South Pasadena", and other collateral items. (Ongoing)



Contact: Steven Lawrence 626.421.2780 Steven@SouthPasadenan.com

The South Pasadenan News | Produced by NEXUSPLEX
1127 Mission Street · South Pasadena · California · 91030
SouthPasadenan.com | 800.420.9280

Attachment 4

CITY-WIDE BUSINESS AD PROGRAM

SPONSORED BY THE CITY OF SOUTH PASADENA | PRODUCED & EXECUTED BY NEXUSPLEX

"Cheat Sheet for City Councilmembers"

HOW IT WORKS

for the participating businesses

- 1) Visit: AdSpace.LA, Create an account, must be a South Pas. Business
- 2) Choose a package: A, B, or C, enter special unique code at checkout
- 3) Upload graphics (logo, photos, completed ads, etc.)
- 4) Receive confirmation from nexusplex/South Pasadenan staff via phone or email
- 5) Business can change out graphics bi-weekly if desired
- 6) Traffic & Click reports available on their account for the web ads

Business Support: nexusplex & South Pasadenan News staff are available via phone, email, and by appointment. We work with the businesses who want/need assistance.

ROLLOUT TIMELINE

WEEK 1

Business Outreach
Business Intake
OnBoarding
Scheduling

WEEKS 2 thru 9

Campaigns Run
(8-weeks)

WEEK 10

Latecomers
Outreach/Wrap-up
Data Collection/Performance
Analytics Reports
Traffic Reports to Businesses
Detailed Project Report to City



PACKAGES

A

WEB FOCUSED

80% WEB / 20% PRINT

SOCIAL MEDIA INCLUDE
ALL CHANNELS

FACEBOOK INSTAGRAM TWITTER
PINTEREST YOUTUBE

B

BALANCED

50% WEB / 50% PRINT

SOCIAL MEDIA INCLUDE
ALL CHANNELS

FACEBOOK INSTAGRAM TWITTER
PINTEREST YOUTUBE

C

PRINT FOCUSED

80% PRINT / 20% WEB

SOCIAL MEDIA INCLUDE
ALL CHANNELS

FACEBOOK INSTAGRAM TWITTER
PINTEREST YOUTUBE

The Big List of Available Ad Elements to Build Packages

WEB ADS | Desktop, Laptop, Tablet, & Mobile

Web Graphic Ad RT Column Standard 300x250

Web Graphic Ad 300x500

Web Graphic Ad 728x90

Social Media Push All Channels

Graphic Design Web Ad 3-Sizes

Graphic Design Re-Work Existing Graphic

Newsletter Ad Include 1-Week

Social Media | Create Facebook Event and Promote

Stock Content | Provide Graphic, Photo, or Template

eNewsletter Ad Placement

Client Submitted Press Release Published Online

PRINT ADS & PRINTED COLLATERAL

PRINT Ad 'Promo Exclusive - Color 1-Weekly Issue Include

PRINT Ad 'Double Banner' - Color 1-Weekly Issue Include

PRINT Ad 'Quarter Page' - Color 1-Weekly Issue Include

POST CARDS

FLIERS

WINDOW SIGNS

ADDED BONUS TO LOCAL BUSINESSES

BUSINESS DIRECTORY LISTINGS | Live OnLine

SouthPasadenan.com/directory-listing

NO COST TO LIST

Live interactive map search

900+ South Pasadena Businesses Loaded

Easy 'Claim Your Business'

Business can load their own photos, logos,

video, service details, social media pages

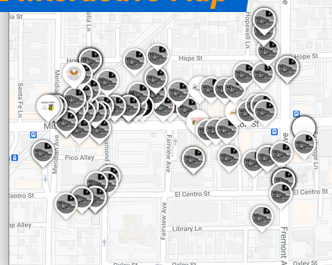
Shareable, SEO optimized, and more

Replace with
business
photo or logo



SouthPasadenan.com
BUSINESS DIRECTORY

LIVE Interactive Map



(PLACEHOLDER GRAPHIC)



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

Memo

Date: March 15, 2021

To: Mayor and Members of the City Council

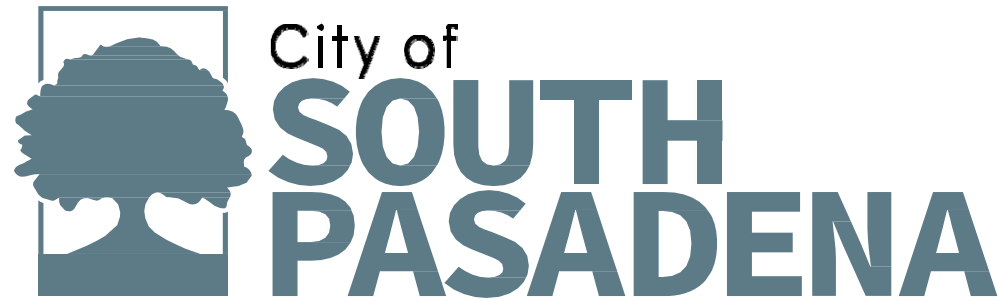
From: Sean Joyce, Interim City Manager

Prepared By: Joanna Hankamer, Planning and Community Development Director
Elizabeth Bar-El, AICP, Interim Manager for Long Range Planning & Economic Development

Re: Additional Document for **Item No. 21** – ADU Ordinance staff presentation

The staff presentation for Item No. 21, First Reading and Introduction of an Ordinance to Amend Zoning Code Amendment to South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) Pertaining to Accessory Dwelling Units (ADUs).

March 17, 2021



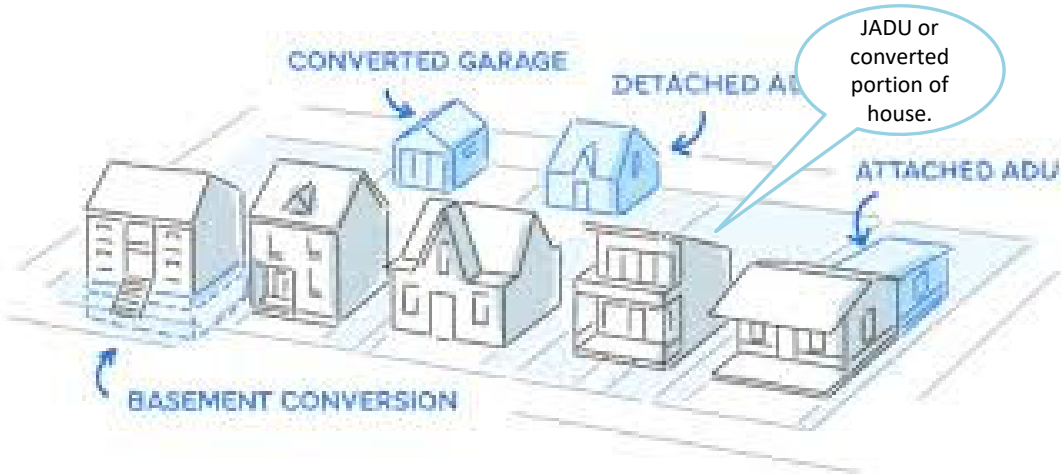
City Council Hearing: Adoption of
Amendment to SPMC 36.350.200
(Residential Uses - Accessory Dwelling
Units)

Joanna Hankamer, *Director*

Elizabeth Bar-El, *MEP*

Interim Long Range Planning & Economic Development Manager

ACCESSORY DWELLING UNITS



Single-Family

ADUs are smaller, independent residential dwelling units located on the same lot as an existing single-family or multi-family building. They may be detached or attached to the primary building.

What is an ADU?



ACCESSORY DWELLING UNITS



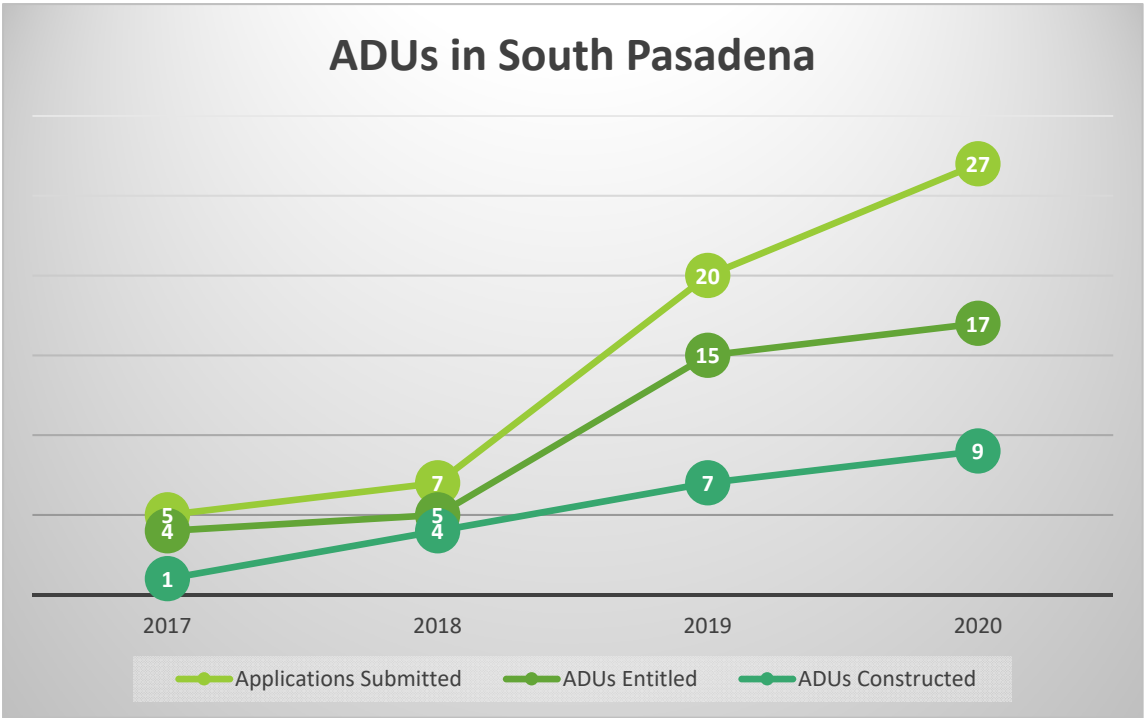
Multi-Family

ADUs are smaller, independent residential dwelling units located on the same lot as an existing single-family or multi-family building. They may be detached or attached to the primary building.

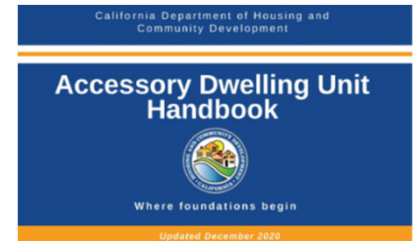
What is an ADU?



SOUTH PASADENA ADUS 2017-2020



Purpose of Code Amendment: To Facilitate production of ADUs



- Clarify process, requirements
- Permit new ADU forms with standards
 - Two-story
 - Front of primary dwelling
 - Objective standards
- Address public safety concerns in high fire areas
- Comply with State law and recent interpretations
- Preservation; Create standards & process for ADUs on historic properties (Phase 2)*



You are invited! Upcoming Community Meeting
Wednesday, February 10, 2021



ACCESSORY DWELLING UNITS:
ZONING CODE UPDATE

Building an
ADU in South
Pasadena



The Planning Process

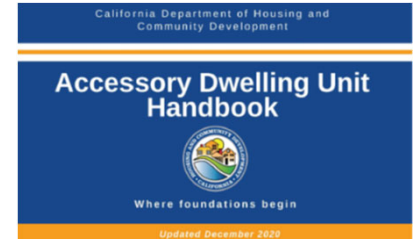
○ South Pasadena Housing Initiatives

- Supporting 2021-2029 Housing Element and Regional Housing Needs Assessment (RHNA) compliance
- Compliance with State ADU laws, including HCD interpretation in handbook

○ Input from the Community

- Workshops and Planning Commission study sessions in 2019 & 2020
- 1st ADU Code update to comply with State law
- Staff experience, interaction with applicants and proposed plans
- Planning Commission study session (August 11, 2020)
- DRB Sub-committee
- Virtual Community Meeting, February 10, 2021
- Fire Department, high risk fire area concerns
- → ***Planning Commission unanimous recommendation (February 23, 2021)***





Post Planning Commission

- Staff review and edits based on Commission and public comments
- HCD courtesy review of revised draft
- Final version with responses to comments



Proposed ADU Ordinance

SPMC 36.350.200



36.350.180 Residential Uses—Courtyard Housing 582-4
36.350.190 Residential Uses—Multi-family Project Standards
36.350.200 Residential Uses—Accessory Dwelling Units
36.350.205 Residential Uses—Private Sports Courts

Overview of Draft Ordinance

PROPOSED OUTLINE

- A. Definitions
- B. Applicability
- C. Applications
- D. Ownership
- E. Development Standard: SF
- F. Development Standards: MF & MU properties
- G. Development Standards: All ADUs
- H. Parking
- I. High Risk Fire Areas
- J. Short-term rentals
- K. Fees
- L. Certificate of Occupancy

SECTIONS ADDED/REMOVED

- **Added:** New Section A: Definitions
 - Specific terms for ADU Code section
 - High Risk Fire Areas
- **Removed:**
 - Sub-section R. Permit termination
 - Sub-section S. Permit revocation



Proposed changes

HIGHLIGHTS



Applicability (B)



CITY OF SOUTH PASADENA
PLANNING & BUILDING DEPARTMENT
1414 Mission Street · South Pasadena, CA · 91030 · (626) 403-7220

ACCESSORY DWELLING UNIT

**Accessory Dwelling Unit (ADU)
APPLICATION FORM**

Applicability

- Any property in a district that allows residential uses
- Section takes precedence in case of conflict with other Code sections

Purpose: State law/clarity

Purpose: clarity





Applications (C)

Applications: Require approval within 60 days of application deemed complete

- ADU/JADU Application deemed complete AFTER:
 - If attached, approval for any concurrent primary dwelling application
 - Additions to existing house (Attached ADU/JADU)
 - Demolition permit (if needed)
 - Hillside development permit (if needed)
 - Tree removal permit (if needed)
 - Certificate of Appropriateness (if needed)
- No delay to deem complete for concurrent:
 - Detached ADU concurrent w/additions to existing house
 - Conversion of accessory structure (incl. garage)

Purpose: clarity



Location (E.1)



ADU Location

- **Hillside:** May be located under dwelling or other structure on sloped properties
- **Front of existing house** (if 50% or more is in rear 1/3 of property)
 - By right: One-story; 850 sf for one bedroom, 1,000 sf for 2+ bedrooms
 - DRB approval: Two story or up to 1,200sf
- **Historic Property**
 - Rear of the property; at least 50% of the ADU's front facing plane is behind the existing structure.
 - May not block visibility of the historic resource from the public right of way or compete with character-defining features

Purpose: Clarity, preservation



Floor Area (E.2)



Floor Area

- **JADU:** 500 sf (no change) – clarifies that newly constructed bathroom shared with the house is included in the 500sf.
- **Detached:** 1200 sf (no change)
 - No bedroom limitation
- **Attached:**
 - 850 sf for up to one bedroom
 - 1,000 sf for 2+ bedrooms

Relationship with Lot Coverage/FAR

New: Up to 800 sf may exceed lot coverage/FAR

Conversion: Up to 150 sf additional exempt for ingress/egress

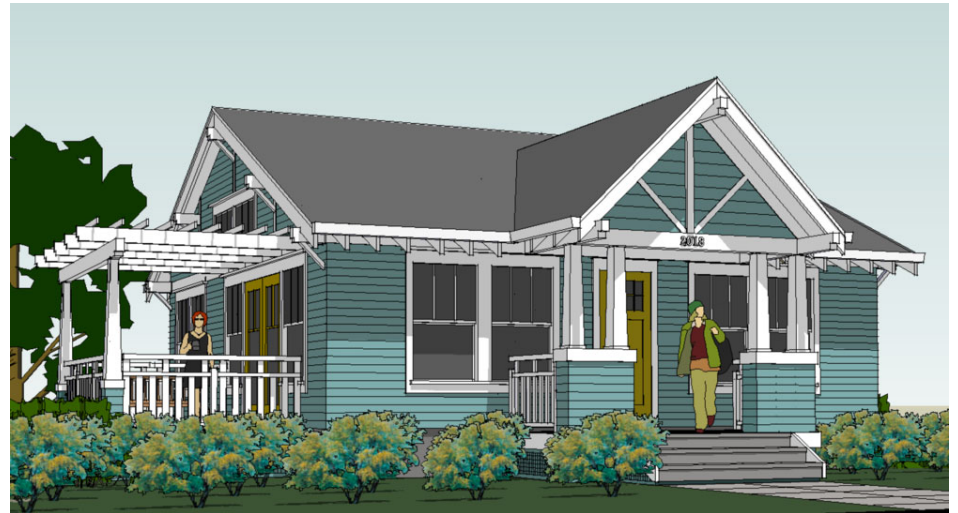
Purpose: State law



Standards for ADUs in Front (E.1.e)

- Front setback: same as district
- Front-facing Entry and covered porch/awning
- Landscaping and no new driveways or parking in front of ADU
- Minimum 20sf of window area; no exposed vinyl material windows on front/corner elevations
- Pitched roof if one or more adjacent properties have pitched roof.
- Garage (if included) set back 10' from front

Purpose: Clarity, permit new forms w/ standards



Credit: adudesigns.com



ADU Height Limits (E.3) (F.3)



- **One-story:** 16 feet
- **Two-story:**
 - Flat roof: 18 feet
 - Pitched roof: 22 feet
- **Conversion of two-story accessory structure:**
 - Allowed within existing structure at existing height.
- **Historic property**
 - One-story, 16' to top of pitched roof, (unless converting existing two-story structure);
 - *Consideration for two-story – Phase 2.*

Purpose: Clarity, permit new forms w/ standards



Setbacks & Building Separation (E.5, E.6)

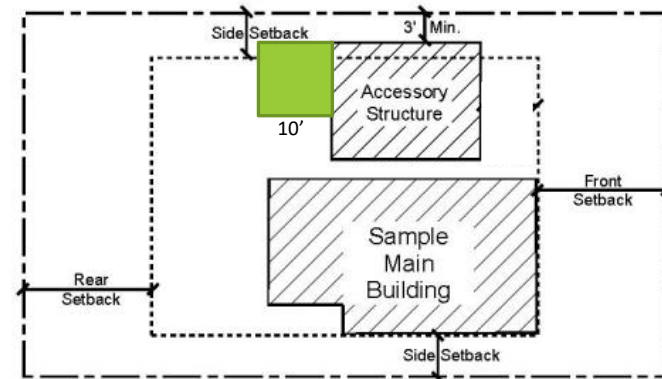
Setbacks

- **Side and Rear Yard:** 4 feet
- **Additions to non-conforming accessory structures:**
 - Non-conforming wall may be extended for an additional 10 feet at the same setback, if:
 - At least 3 feet from side property line
 - At least 4 feet from the rear property line

Building Separation

- 10 feet from other structures if ADU >800sf

Purpose: Clarity, facilitation of design



Standards for Two-Story ADUs (G.1)

- **Windows:** On 2nd floor elevations facing adjacent residential parcels, the bottom of windows must be at least five feet from the floor, unless glass is obscured (such as frosted).
- **Balconies:** allowed on elevations facing interior of property (front, interior side)
- **Setbacks for 2nd floor:** 4' from the side/rear property line
 - Above existing garage can maintain the same setback as existing wall if it is at least 3 feet from property line.
- **Articulation:** 30% of the side and rear wall plane above the first floor must be articulated with minimum 18" recesses.

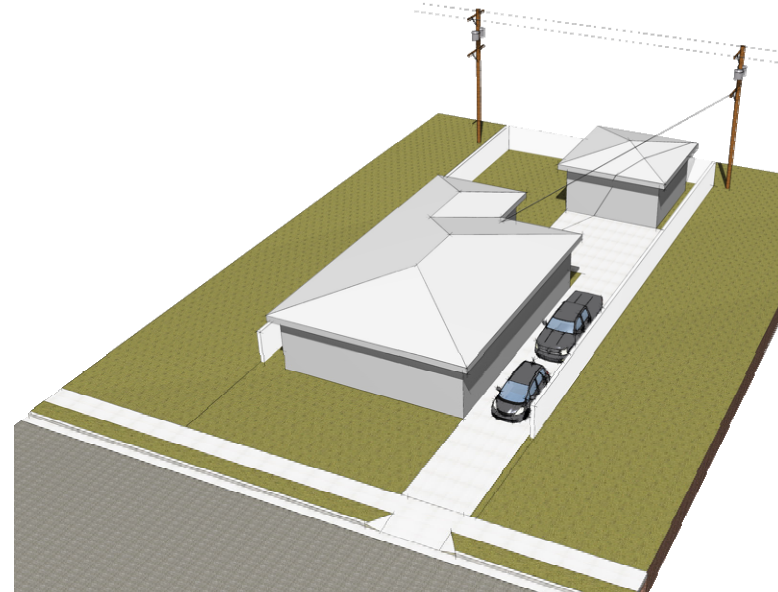
Purpose: Clarity, permit new forms w/ standards

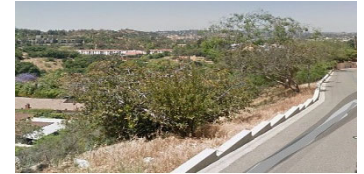


Parking Requirements/Exemptions (H)

- **One parking space unless exempt if:**
 - Within ½ mile walking distance of bus stop or light rail station
 - Within Historic District
 - Within existing or proposed primary dwelling unit or existing accessory structure.
 - Within one block of a carshare vehicle
- No exemption from parking requirement if property is on streets <28 feet wide in high risk fire area.
- **Multi-family:** One space per three ADUs, or fraction thereof.

Purpose: State law; public safety





Standards for ADUs in High Risk Fire Area (I)

Purpose: For public safety purposes, the High Risk Fire Area (south of Monterey Road and west of Meridian Avenue) is defined in SPMC Chapter 14.

■ **Parking issues:**

- Generally, narrow streets in this area have limited parking, so can't accommodate more and provide adequate emergency vehicle access.
- A map will be developed so applicants can determine whether their properties are included.

- **Location:** Maximum 150' from front P/L
 - Flag lots: May provide a dry standpipe w/in 100' of ADU
- **Fire Sprinklers**
 - Will be required for all ADUs even if existing home does not have sprinklers
- **Parking**
 - **Affected properties:** Properties adjacent to streets with <28-foot width in High Risk Fire Area
 - One parking space in addition to parking for primary residence
 - If there is an existing guest parking space, that would meet requirement

Purpose: public safety



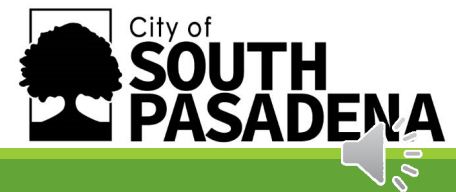
A note on Phase 2 (facilitating and guiding ADUs on historic properties)

- ❑ Process “Kick-off” presented in February to CHC and Planning Commission
- ❑ Funded through a CLG (Certified Local Government) Grant from the State Office of Historic Preservation.
- ❑ Grant awarded to research and develop a model ordinance for other cities that balances the goals of promoting both preservation and the ADU housing supply.
- ❑ Highlights the struggle and the role of local government in facilitating and guiding these processes to support ADU construction while maintaining architectural character.



Recommendation

Staff recommends that the City Council read by title only for first reading, waiving further reading, and introduce an Ordinance amending South Pasadena Municipal Code (SPMC) Section 36.350.200 (Residential Uses – Accessory Dwelling Units).





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

Memo

Date: March 17, 2021

To: Mayor and Members of the City Council

From: Sean Joyce, Interim City Manager

Prepared By: Joanna Hankamer, Planning and Community Development Director
Elizabeth Bar-El, AICP, Interim Manager for Long Range Planning & Economic Development

Re: **Additional Document #2 for Item No. 21 – Memo from Fire Chief Paul Riddle**

Please see the attached memo from Fire Chief Paul Riddle expanding on information provided to the Planning Commission in regard to the High Risk Fire Area standards (Attachment 8 to staff report).



CITY OF SOUTH PASADENA

FIRE DEPARTMENT
817 MOUND AVENUE, SOUTH PASADENA, CA 91030
TEL: 626.403.7300 ■ FAX: 626.403.7301
WWW.CI.SOUTH-PASADENA.CA.US

To: City Council
From: Paul Riddle, Fire Chief
Date: March 17, 2021
Re: ADUs in High Fire Risk Areas

Honorable City Council,

As stated in my letter of findings to the Planning Commission regarding ADUs in the High Risk Fire Area, I support the recommendation for constructing ADUs in the High Risk Fire Area of the City if additional standards are required to ensure public safety. In addition to re-confirming my support, I also want to provide clarity for the specific provisions that require ADU's to be within 150' from the property line, or 100' from a dry standpipe on flag lots as well as the provisions regarding clear passage for emergency access on narrow streets.

The specific provisions requiring ADUs to be within 150' of the front property line, or 100' from a dry standpipe on flag lots, are required to ensure that responding fire apparatus and suppression crews can quickly and adequately reach and defend occupants and structures. Responding fire apparatus are equipped with industry-standard, pre-connected, 250' hoselines. The 150' provision allows suppression crews to quickly extend these hose lines to the ADU and have 100' of remaining hose to extinguish fire in and around the structure. Fire apparatus are also equipped with industry standard 100' hose packs that are used in the case of flag lots. Firefighters can carry two hose packs at a time which are connected to the end of the dry standpipe. This allows for 100' of firehose to reach the ADU and an additional 100' of firehose to extinguish fire in and around the structure.

The other provisions proposed in the letter sent to Planning Commission in regard to maintaining clear passage on narrow streets are necessary for emergency access. It would be hazardous if existing on-site parking spaces for the primary dwelling were converted to build an ADU and not replaced with on-site resulting in vehicles being regularly parked on the identified narrow streets, thereby blocking emergency access.

It is my opinion as Fire Chief that these standards are necessary and the minimum required to ensure that the future residents of accessory dwelling units can be served and protected; and that existing residents and structures in the High Risk Fire Area can be accessed and defended.

Paul Riddle

Fire Chief, South Pasadena Fire Department



City of South Pasadena Planning and Community Development Department

Memo

Date: March 17, 2021

To: Mayor and Members of the City Council

From: Sean Joyce, Interim City Manager

Prepared By: Joanna Hankamer, Planning and Community Development Director
Elizabeth Bar-El, AICP, Interim Manager for Long Range Planning & Economic Development

Re: **Additional Document #3 for Item No. 21 – Recommendation addition**

The proposed ADU ordinance has been structured to comply with State law while protecting local policies as expressed in the City's Zoning Ordinance to preserve open space. This is expressed in the construction of floor area calculations and exemptions. However, after further consideration of public comment received regarding an inadvertent impact of the proposed floor area language (Subsection E.2) on homeowners who convert their garages to an ADU, staff is recommending to include the following language in red to more closely align with the Zoning Code's exemption of a garage up to 500 square feet from FAR calculation. (See Council Agenda Packet page 21-21.)

36.350.200.E.2 Floor area

Floor area of an ADU that exceeds the property's lot coverage and floor area ratio (FAR) requirements shall be permitted as required by Government Code Section 65852 and as specified in this sub-section. An ADU which is proposed to exceed lot coverage and floor area ratio (FAR) as described below shall not be approved, unless the size is reduced to comply with this sub-section. For purposes of development of other structures on the property, the floor area of an existing ADU shall be counted in the calculation of the property's total lot coverage and floor area ratio **except that when an existing garage has been converted or partially converted to an ADU and no other garage has been or is proposed to be constructed onsite, up to 500 square feet of such garage conversion shall not be counted toward lot coverage and floor area ratio.**

Staff will present a slide with the proposed addition to the recommendation and a revised motion for the Council's consideration at the meeting.



**City of South Pasadena
Finance Department**

Memo

Date: March 16, 2021

To: Mayor and Members of the City Council

From: Sean Joyce, Interim City Manager

Prepared By: Elaine Aguilar, Interim Assistant City Manager

Re: March 17, 2021 Additional Document for Item No. 22 – Adoption of Fiscal Year 2020-2021

Please see the attached presentation for Agenda Item 22 Adoption of Fiscal Year 2020-2021 Budget.

PROPOSED FY 2021 BUDGET

JULY 1, 2020 TO JUNE 30, 2021

HOW WAS BUDGET PREPARED?

- Waited for completion of FY 2019 CAFR; used financial information from FY 2019 CAFR for fund balances, actual FY 2019 expenditures, etc.
- Used pre-audit revenue and expenditures for FY 2020, for “Estimated 2020” Budget numbers. (Emphasize that these are pre-Audit numbers. There will be audit adjustments.)
- Reviewed department expenditures for period of July to January to develop estimated expenditures for the current fiscal year.
- Reviewed revenues received for the period of July to January/February to develop estimated revenues.

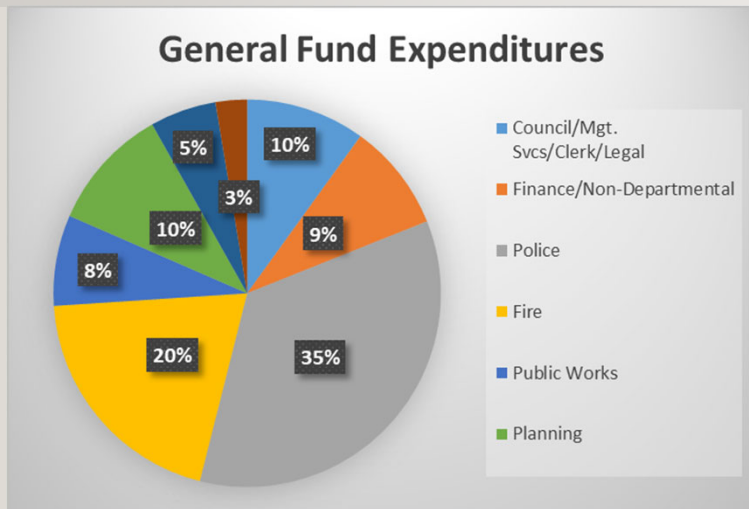
GENERAL FUND REVENUES

General Fund Analysis

Revenue Category	Actual 2016/17	Actual 2017/18	Actual 2018/19	Adopted 2019/20	Estimated 2019/20	Proposed 2020/21
Property Taxes	13,236,932	14,135,844	15,368,198	15,414,035	15,212,909	15,566,000
Assessments & Special Taxes	309,886	317,141	330,941	326,729	340,161	350,008
Sales Taxes	2,456,665	2,501,264	2,563,117	2,430,802	2,761,651	4,750,720 ←
Utility Users Taxes	3,381,948	3,345,582	3,228,320	3,485,000	3,362,889	3,177,105
Franchise Fees	1,019,207	951,196	1,132,910	1,048,900	1,050,130	1,002,000
License & Permits	1,056,357	935,633	892,560	1,023,900	860,073	751,780
Fines & Forfeitures	397,690	388,061	339,636	382,700	265,216	265,000
Use of Money & Property	541,750	579,006	1,057,074	647,750	1,075,458	4,794,718 ←
Other Agencies	93,130	6,993	711,179	58,100	36,195	676,500 ←
Current Services	2,913,979	3,115,558	3,082,342	3,013,750	2,985,033	3,006,550
All Other Revenues	465,204	280,271	(2,130,764)	286,000	126,752	455,719 ←
Reimbursement From Other Funds	483,384		483,384	483,384	483,384	483,384
Total GF Revenues	26,356,133	26,556,549	27,058,897	28,601,050	28,559,852	35,279,484

* Not including transfers in/out

GENERAL FUND EXPENDITURES



General Fund Expenditures (Without Transfers)

Council/Mgt. Svcs/Clerk/Legal	\$	2,822,208
Finance/Non-Departmental	\$	2,548,142
Police	\$	9,914,669
Fire	\$	5,706,632
Public Works	\$	2,146,603
Planning	\$	2,920,719
Library	\$	1,568,181
Community Services	\$	743,356
Total	\$	28,370,510

28,370,509

GENERAL FUND EXPENDITURE HISTORY

Department	Actual FY19	Estimated FY20	Proposed FY 21
City Council	\$41,990	\$45,401	\$47,119
Mgt. Svcs./CC/HR/Legal/Info. Svcs	\$1,142,872	\$1,444,460	\$1,245,370
Finance/Treasurer/Non-Dept.	\$2,135,787	\$1,818,598	\$2,548,142\$
Police	\$8,391,436	\$9,782,356	\$9,914,669
Fire/Emergency Svcs.	\$5,081,759	\$5,359,634	\$5,706,632
Public Works	\$1,791,628	\$1,794,865	\$2,146,603
Planning & Building	\$1,116,412	\$1,450,961	\$2,920,719
Library	\$1,672,375	\$1,490,895	\$1,568,181
Community Services	\$1,325,205	\$1,128,355	\$743,355
Totals	\$24,457,694	\$26,018,689	\$28,370,510

GENERAL FUND SURPLUS/(DEFICIT)

Revenues	\$	35,279,494
From Reserves to Revenue	\$	1,410,000
Est. Year End Revenues	\$	36,689,484
Expenditures	\$	28,370,510
Transfers	\$	3,887,198
Est. Year End Expenditures	\$	32,257,708
Surplus (Revenues – Expenditures)	\$	4,431,776

NOTE: General Fund Surplus of \$4,431,776 includes **one-time** revenue from cell tower master lease in the amount of \$4,374,439.

Budget draft as presented, adjusted surplus is \$57,337.

City Council to consider use or designation of the one-time cell tower lease funds.

GENERAL FUND RESTRICTED FUNDS

<i>Total - All Revenues</i>	
<i>Revenues</i>	
General Fund	<u>\$ 36,689,484</u>
Restricted Funds	<u>\$ 26,897,226</u>
	<u>\$ 63,586,710</u>

<i>Total - All Funds</i>	
<i>Expenditures</i>	
General Funds	<u>\$ 32,257,708</u>
Restricted Funds	<u>\$ 27,382,173</u>
	<u>\$ 59,639,881</u>

* Note: Includes transfers and CRA

RESTRICTED FUNDS/ENTERPRISE FUNDS

- Largest restricted funding source is the City's Water Fund, with an estimated \$11,062,625 in revenues and \$12,664,742 in expenditures for FY 2021. Expenditure total includes \$6.6 million in Capital Outlay.
- Second largest restricted fund, is the Sewer Fund, with an estimated \$2 million in revenue, and \$1.9 million in expenditures estimated for the current fiscal year.

CAPITAL IMPROVEMENTS

- Total CIP \$8.2 million; CIP primarily funded with restricted funds.
 - General Fund \$509,949 Street Improvements
 - Majority of street funding from Measure R (\$962,766), Measure M (\$953,474)
 - Water Fund \$6 million
- FY 2021 Budget shows the \$1.4 million transfer from General Fund Reserves, to provide for the Rogan Fund match requirement, previously approved by the City Council.

GENERAL FUND DESIGNATED RESERVES

- Discussion regarding the potential designation of the one-time cell tower revenues; designation of reserve funds for any other purpose; and/or reallocation of reserve funds?
- Recommend in depth consideration as part of FY 2022 Budget.

Arroyo Golf Course; \$600,000	Library Park Drainage Reserve \$147,000 \$22,000*
Legal Reserve; \$500,000	Tree Replacement; \$50,000 \$0*
Maintenance Yard/Community Center; \$267,067	Stormwater; \$600,000
Library Expansion; \$200,000	Financial Sustainability Reserve; \$900,000
Renewable Energy Source Reserve; \$700,000	Slater Reimbursement Reserve; \$345,876
Retiree Pension Reserve; \$500,000	Vehicle Replacement Reserve; \$100,000
Retiree Medical Reserve; \$500,000	SRI 10 Interchange Project (Rogan Fund Match); \$1,410,000
CalTrans Vacant Lot Purchases; \$392,000	
* Fund balances to be corrected in FY 2020 Audit & Approved FY 2021 Budget (Staff wanted the balances to tie to the FY 2019 Audit)	

LOOKING FORWARD FY 2022

- Updated Financial Policies
- Timing
 - April 7, 2021- Initial discussion with City Council regarding budget process.
 - April 2021 and May 2021 – budget preparation
 - Late May to Early June – on Finance Commission agenda
 - Early to Mid-June – to City Council
 - Formal Council approval by June 30, 2021

Closed Session City Council Meeting
E-mail Public Comment 03/17/2021

AGENDA ITEM B
Conference with Real Property Negotiators

1. Richard and Emilia Fannan
2. Nicholas Glaros

From: Richard Fannan <[REDACTED]>
Sent: Wednesday, March 17, 2021 9:22 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Emilia Lomeli-Fannon <[REDACTED]>; senator.portantino@sen.ca.gov;
carolyn.dabney@dot.ca.gov; Ezra.Philips@dot.ca.gov
Subject: March 17 South Pasadena City Council meeeting

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

With regard to Item B on the closed session agenda items -CalTrans-Owned surplus residential properties within the SR_710 Corridor, -we are the tenants of one of those properties and have been requesting that CalTrans sell us the property for over a decade. We intend to proceed with purchase once CalTrans finalizes regulations for sale (such sale being mandated by state law) and are concerned that the sales to tenants may be sidelined by the negotiations with the City.

Is the City negotiating for purchase of vacant properties or do the negotiations include tenant occupied properties? We would request that all discussions regarding these properties be held in open session so that tenants and other interested parties are not caught off-guard by what the City intends to do. It would be disastorous if the City's plans conflict with the desires and wishes of the tenants and there needs to be total transparency about the City's aims. We also believe that the tenants should be given notice of any discussions with CalTrans about the properties and we would urge the City to pressure CalTrans to go through with sales to existing tenants at the very first possible opportunity.

We would request a meeting with the City Manager to discuss this process.

Richard and Emilia Fannan

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, March 17, 2021 3:44 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: [REDACTED]
Subject: Closed session Agenda Item-B. Conference with real Property Negotiators

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March 17, 2021

Nicholas Glaros
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CITY OF SOUTH PASADENA
CITY COUNCIL SESSION
REGULAR MEETING AGENDA

RE: CLOSED SESSION AGENDA ITEM- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

To Whom It May Concern,

My name is Nicholas Glaros. I reside at 1131 Glendon Way, South Pasadena, CA. I don't know

What real property in on your list, but I wanted to take this opportunity to inform the City Council that we were offered by Caltrans to purchase our home back in December 16, 2016. Our escrow would have closed around the end of August 2018, if our purchase agreement had not been sabotaged by key employees and contractors of Caltrans and CalHFA, for reasons still unknown.

Our suit is still in pretrial hearings. I am not sure how it will all end, as I have been forced to represent myself. I am only just now really beginning to get a grasp on how our judiciary system works.

The entire Affordable Sales Program came to a halt after our home purchase was sabotaged. I believe there are other homes in South Pasadena who have households who have qualified to purchase the homes through the Affordable Sales Program and are still waiting but cannot get any answers from Caltrans.

I recall back in 2007 when Caltrans did another "less than transparent" deal that cut South Pasadena out of opportunity to bid on 11 properties that were consequently sold to private companies. Fortunately, after South Pasadena took Caltrans to court, the court ruled in their favor and ordered all the sales null and void.

I know there are a lot of other households who are weighing what their next move should be.

I just wanted to make you aware of something you may not have been aware of. So now you know.

Lastly, I looked for information on South Pasadena's web site listing the open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate. (Gov. Code §54956.8, second sentence from top). May I kindly request the meeting date of that session?

Regards,

Nicholas Glaros

Regular City Council Meeting
E-mail Public Comment 03/17/2021

AGENDA ITEM NO. 2
General Public Comment

1. Clarence Au-Young
2. Rabbi Jason Rosner
3. Brandon and Andrea Fox
4. Kevin and Cathy Coleman
5. Mary Urquhart

From: Clarence Au-Young <[REDACTED]>
Sent: Sunday, March 7, 2021 11:09 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Increasing aircraft activities over South Pasadena

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

Hello,

I am Clarence Au-Young. I have lived on Amherst Drive in South Pasadena for almost 30 years. Over the past few months, I have noticed a significant increase in aircraft activities over South Pasadena. I would understand if the increased activities were due to Police or Medical service aircraft/helicopters doing their important job, but that is not the case. I have noticed that the far majority of the aircraft activities are by private or commercial airplanes - with some cases of helicopters and a lot of fixed wing aircraft. Many of the fixed wing aircraft seem to be doing lessons or joy rides as they keep going back and forth. They typically go from 6 AM to 10 PM on a daily basis. My question is do these aircraft have to get permission of South Pasadena to fly over the city, and is there any limit on the routes and frequency that these aircraft can fly?

Thank you,
Clarence Au-Young

From: Rabbi Jason Rosner <[REDACTED]>
Sent: Sunday, March 7, 2021 12:22 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: [REDACTED]
Subject: Public Comment Submission - Regarding noise from 1415 Mission St

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

Dear City Council,

I am writing to share information about the loud noise coming from 1415 Mission. The noise has been occurring for some time and can be heard up to 3 blocks away throughout the day and night. It is loud enough to penetrate the walls of my residence at 721 Mound and disrupt sleep. The volume and pitch of the noise are worrying as it sounds like an overloaded transformer or malfunctioning equipment. The building is occupied by AT&T. I contacted the South Pasadena Police Department three times for them to investigate a public noise nuisance but the police were unable to investigate or help. In my third attempt, I asked to file a noise complaint according to city code, so the police might open an investigation. I was informed by an officer that he "did not know where to start," an investigation. I was further informed they did not know who occupied the building, which is directly across from city hall.

Wishing to bring this matter to a rapid conclusion out of concern for health and safety, I investigated the outside of the building, I located an emergency number for AT&T in case of explosions, chemical leaks, etc. I spoke to their environmental services hotline and AT&T sent a technician to investigate. I was able to reach the technician directly after his investigation and he stated that AT&T neglected to install appropriate sound blocking equipment around their compression and ventilation systems, causing the noise. While the technician stated that they would send someone out to attempt to install proper sound buffers, it has caused considerable distress to residents and businesses nearby in the meanwhile. I ask if the council would consider action against AT&T for their negligence and disruption to the wellbeing of our community. In the meantime, I will continue to attempt to follow up with AT&T as a private citizen to bring this matter to a successful resolution.

I would appreciate support from city leadership in continuing to follow up with AT&T in the interest of the health and wellbeing of our citizens, businesses, and children. The number for the AT&T environmental emergency hotline is: 800.566.9347

Very respectfully,

Rabbi Jason Rosner

Warmly,



Jason Rosner, MLitt., M.A.H.L.
Rabbi and Executive Director
[Temple Beth Israel of Highland Park and Eagle Rock](#)



Chaplain, Skirball Hospice | Fundraising Chair, Board of Governors - Sandra Caplan Community
Beit Din | Board of Directors - Pacific Association of Reform Rabbis | Member, Central
Conference of American Rabbis

Email: [REDACTED] | Phone: [REDACTED]



From: Families on Fremont <[REDACTED]>
Sent: Monday, March 15, 2021 9:14 PM
To: Shahid Abbas <sabbas@southpasadenaca.gov>; City Clerk's Division
<CityClerk@southpasadenaca.gov>
Subject: Agenda Item 2, Public Comment General

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

Good evening. Attached is a letter we are planning on reading as part of the Public Comments for the March 17 City Council meeting. We would appreciate it if you would share this letter with the City Council and make this part of the City's records.

Thank you for your assistance.

Brandon and Andrea Fox



Diana Mahmud
Mayor
District 5
1414 Mission Street
South Pasadena, CA 91030

Michael A. Cacciotti
Mayor Pro Tem
District 4
1414 Mission Street
South Pasadena, CA 91030

Jon Primuth
Councilmember
District 3
1414 Mission Street
South Pasadena, CA 91030

Everlyn Zneimer
Councilmember
District 1
1414 Mission Street
South Pasadena, CA 91030

Jack Donovan
Councilmember
District 2
1414 Mission Street
South Pasadena, CA 91030

March 10, 2021

Dear Councilmembers:

We are writing to thank you and the City's Public Works Department for the efforts that have resulted in the City receiving a \$6 million grant from the Metro Active Transportation Program. We believe this is a perfect example of what can happen when the City Council, the City's staff, and the community work together to achieve a goal.

In the last few years, the City Council set policies to prioritize finding ways to calm and improve traffic on Fremont Avenue. Once they were set, Public Works Director Shahid Abbas met with members of Families on Fremont to listen to our concerns. Afterward, he applied for grants seeking funding in order to make improvements to our street, which had been neglected for decades before this effort. To prove to Metro that the City had the support of the community, Mr. Abbas invited Families on Fremont to meet with those considering whether to award the grant. Metro's award of this grant shows that Mr. Abbas's vision worked.

Mr. Abbas has continued to communicate with our organization since Metro awarded the grant. He has promised to work with us on the project to ensure that our voices are heard. Importantly, we believe that the Public Works Department will live up to this promise because of its work in the last several months. After Mr. Abbas engaged with us on short term solutions and presented ideas to the City Council and to the Mobility and Transportation Infrastructure

Commission, we saw improvements in both the north and south corridor, through changing traffic signals, repainting of curb and parking lines, and the installation of new signs.

We believe this grant money is a great start to finally make some needed long-term fixes to our street. Thank you for continuing to support and prioritize improvements on Fremont Avenue. We look forward to working together.

Sincerely,

Families on Fremont

Rafael Lopez & Lisette Carreno

[REDACTED]

Tony & Teri Ryan

[REDACTED]

Brandon & Andrea Fox

[REDACTED]

Brian Bright

[REDACTED]

Erna Ohlsson

[REDACTED]

Lori Barba

[REDACTED]

John Kenyon

[REDACTED]

Will Jong

[REDACTED]

Oren & Alexis Boxer

[REDACTED]

Eugenie & Gilbert Chan

[REDACTED]

Jahmy & Nzinga Graham

[REDACTED]

Cathleen Hoadley

[REDACTED]

Toya Cho

[REDACTED]

Dollie Chapman

[REDACTED]

Anne Dixon

[REDACTED]

From: cathy coleman <[REDACTED]>
Sent: Tuesday, March 16, 2021 10:21 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Journal article on Orange Grove traffic problems

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To City Council

We would like to supplement the comments made by the Rector family on this issue.

Our property extends Orange Grove at the rear.

We were involved with Irving Rector several years ago in asking for a median on Orange Grove.

This was done and has helped calm traffic.

A current issue is the noise factor, not from ordinary traffic but from motorcycles with cut down pipes using the street on weekends. It reminds us of jet plane noise at take off.

This matter has been brought to the Police Dept. and more traffic patrols on weekends would definitely help.

Thank you.

Kevin and Cathy Coleman

From: Mary Urquhart <[REDACTED]>
Sent: Wednesday, March 17, 2021 2:01 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Diana Mahmud <[REDACTED]>; [REDACTED]; [REDACTED]; Michael Cacciotti - Personal <[REDACTED]>; ezneimer <[REDACTED]>
Subject: Public Comment for this evenings City Council Meeting

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PUBLIC COMMENTS FOR AGENDA ITEM NOS.

Three (Proposed Council Support for Senate Bill No. 381) and

Twelve (Hiring Consultant Services of CivicStone, LLC for Implement a Surplus Property Acquisition and Rehabilitation Strategy)

PUBLIC COMMENTS FOR NON-AGENDA ITEM ANIMAL COMMISSION

Dear Mayor and Council Members:

As President of WISPPA, Women Involved In South Pasadena Political Activism, our purpose is to push for accountability, integrity and transparency in the South Pasadena government. My comments are on two agenda items and one non-agenda item.

The non-agenda item is regarding the possible elimination of the animal commission, which was discussed at the January 20th City Council Meeting. Rather than let this commission disappear, there should be a discussion on the subject. It may be that this commission should be eliminated and there should be another option or commission where issues brought to the Animal Commission may be aired. I do believe that this can be resolved with little controversy.

Agenda Item Three, the proposed Council support for Senate Bill N. 381, has not yet provided sufficient time for community input. I believe that for transparency sake, this should be tabled until there is an opportunity for those most affected by this Bill to have a chance to fully understand its repercussions and perhaps a better resolution may be achieved.

Lastly, Agenda Item Twelve, the proposed contract for \$180,000 to implement a surplus property acquisition and rehabilitation strategy. The need for this contract needs to be better understood before this is agreed upon.

Thank you for your consideration,

Mary Urquhart

Regular City Council Meeting
E-mail Public Comment 03/17/2021

AGENDA ITEM NO. 3

**Approve Sponsorship of Legislation (SB 381) Amending
the Means by Which Caltrans-owned Properties Along
the Former SR 710 Route are Disposed**

1. Delaine Shane
2. Sally Takeda
3. Kim Carlson
4. Mary Urquhart
5. Linda Esposito
6. Bianca Richards
7. Megeen McLaughlin; Tim Ivison

From: D. Shane <[REDACTED]>

Sent: Tuesday, March 16, 2021 1:12 PM

To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Maria Ayala <mayala@southpasadenaca.gov>

Cc: Diana Mahmud <dmahmud@southpasadenaca.gov>; Michael Cacciotti <mcacciotti@southpasadenaca.gov>; Evelyn Zneimer <ezneimer@southpasadenaca.gov>; Jon Primuth <jprimuth@southpasadenaca.gov>; Jack Donovan <jdonovan@southpasadenaca.gov>; Sean Joyce <sjoyce@southpasadenaca.gov>; Tamara Binns <tbinns@southpasadenaca.gov>; [REDACTED]; WISPPA <[REDACTED]>; Joanna Hankamer <jhankamer@southpasadenaca.gov>

Subject: Public Comment Submission for March 17, 2021 City Council Meeting: Agenda Item Nos. 3 and 12 (CALTRANS Properties and Consultant)

Importance: High

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Dear Maria:

The message below is for submission to the March 17th City Council meeting for BOTH Agenda Item Nos. 3 and 12.

Thank you so much.

Sincerely,

Delaine Shane
[REDACTED]

**PUBLIC COMMENTS FOR AGENDA ITEM NOS.
Three (Proposed Council Support for Senate Bill No. 381) and
Twelve (Hiring Consultant Services of CivicStone, LLC for Implement a Surplus Property Acquisition
and Rehabilitation Strategy)**

Dear Mayor and Council Members:

I cannot support SB-381 nor the hiring of CivicStone LLC for the following reasons:

1. Why support this proposed state legislation? Existing state law already provides guidance on selling the vacant Caltrans properties affiliated with the 710 project. It's called the Roberti Law, Government Code Section 54235 to 54238.7 and has been available to Caltrans and the City since 1971. The City and Caltrans could prepare and sign an agreement without this newly proposed legislation. We don't have the time to wait for a new bill to wind its way through the State Legislature, as well as adding unforeseen consequences to the existing law. Why not be proactive now? Why "fix" something that is NOT broken with yet another piece of legislation?

2. I am concerned that this proposed legislation will irreparably change the character of the 710 corridor neighborhoods in town (like the Meridian corridor) by demolishing historic structures rather than making attempts to rehabilitate and repair them. Our neighborhood is primarily composed of 1920s and 1930s historic residential units, which are for the most part currently affordable housing. Replacement housing will clearly NOT be affordable and thereby existing tenants could be at real jeopardy of being evicted.
3. This new bill could result in simply trading one slumlord agency (i.e., Caltrans) for possible unscrupulous private HREs managing the properties. Historically, code enforcement within our own city has been spotty and has not been equitable, as well as under staffed. It is not reasonable to assume that the HRE would always do the right thing when there would be virtually little to no oversight by City staff.
4. As I recall a few years ago, former City Manager Stephanie DeWolfe and then City Councilmember Diana Mahmud said South Pasadena had no money to buy these houses. They rejected the idea of side-by-side escrow where you don't need money because that's supplied by the buyer. So where is the money coming from now? The proposed hiring of the consultant for Agenda Item No. 12 is from the "Slater Fund Reserve Account." If that money is in any way related to the 710 funds that the City has, I would rather it go to make our Berkshire vacant lot into the promised pocket park the City has stated it would be for years. Additionally, I'd rather that money go to buying the necessary stop signs and other traffic calming measures for Meridian Avenue to make our street corridor safe again rather than hiring and wasting \$180,000 for yet another "study" on the surplus properties when there is already an established pathway to selling off these houses. These problem issues are the legacy of the ill-fated 710 Project that really need to be resolved now. Hiring consultants for this "strategic planning" effort is wasteful and does not help our community where we shoulder the burden of many vacant Caltrans properties.
5. This new bill was just recently introduced with only one amendment so far (see below). I have reviewed pending state and federal legislation over my long career as an environmental planning professional. The language in the bill will be amended further. From my experience, many bills are not even recognizable after three or four amendments/revisions. I believe it is too soon for the City Council to be stating their support on an evolving bill.

I encourage you to not support this bill nor hire the consultant at this time. Getting more community input, including those neighbors that live adjacent to the Caltrans properties, would be better served at this time. Another option would be to substitute these two motions for the City and Caltrans to begin negotiations per the Roberti Law process to get these properties sold. Doing so would be good for our community and would provide the much needed tax base for the City via property taxes.

Thank you.

Sincerely,

Delaine Shane

██████████

SB-381 Surplus residential property: priorities and procedures: City of South Pas

Text	Votes	History	Bill Analysis	Today's Law As Amended ⓘ	Compare Versions	Status	Comments
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Senate: 1st [Cmt](#)

Assembly:

Bill Status	
Measure:	SB-381
Lead Authors:	Portantino (S)
Principal Coauthors:	-
Coauthors:	-
Topic:	Surplus residential property: priorities and procedures: City of South Pas
31st Day in Print:	03/13/21
Title:	<i>An act to amend Section 54236 of the Government Code, relating to local urgency thereof, to take effect immediately.</i>
House Location:	Senate
Last Amended Date:	03/09/21
Committee Location:	Sen Rules

Type of Measure
Active Bill - In Committee Process
Two Thirds Vote Required
Non-Appropriation
Fiscal Committee
Non-State-Mandated Local Program
Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
03/09/21	From committee with author's amendments. Read second time and amended.
02/22/21	Joint Rule 55 suspended. (Ayes 32. Noes 4.)
02/22/21	(Ayes 32. Noes 4.)
02/22/21	Art. IV. Sec. 8(a) of the Constitution dispensed with.
02/17/21	Referred to Com. on RLS.

From: Sally Takeda <[REDACTED]>
Sent: Wednesday, March 17, 2021 10:13 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Public comment for agenda item #3

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

Good morning,

Please add my public comment for agenda item # 3:
Approve Sponsorship of Legislation (SB 381) Amending the Means by Which Caltrans owned Properties Along the Former SR 710 Route are Disposed Recommendation

Good morning Mr. Joyce,

I hope you are well. Thank you for your follow up email to the neighbors after our initial meeting in January about the CalTrans (CT) properties affecting my neighborhood.

Although I am not an expert in digesting legislative information, I have a few questions/concerns about Senator Portantino's draft SB381:

First, how much community input was taken for this draft of the bill? How much input did the South Pasadena Preservation Foundation have in collaborating with the city, the Ad Hoc committee and with Senator Portantino to develop this bill? Also, I do not recall anyone in my neighborhood being asked to be part of a discussion. Will there be further discussion with additional community members who are directly affected by this bill, both tenants and homeowners who live in neighborhoods that reside in high impact areas, like mine? I am grateful you have been proactive in reaching out to us because no one in our neighborhood had heard about this draft bill until you sent this email. Senator Portantino is proposing that 19 CT properties be allowed to be owned by a "housing related entity" and rented to low-moderate income tenants just on Bonita Drive, Summit Drive and Gillette Crescent (see map). If I include the CT properties on Berkshire and Valley View Road, we are talking about 24 CT properties in a small area in South Pasadena.



Second, how does this bring additional property tax revenue to South Pasadena if it's rented to occupants by "housing related entity"? There is also language in the bill that they may be rented for at least another 55 years. That is of particular concern to me. This sounds eerily similar to our current situation with CT; we would be trading CT for another property management group. Creating homeownership will widen our tax base and was it not the original purpose of the Roberti bill, to create an avenue for homeownership while restoring neighborhoods?

Third, what is the process to bring the vacant, dilapidated, uninhabitable CT properties to habitability and sold to a qualified buyer? As I noted during our January Zoom meeting with the neighbors, these particular properties need financial resources to bring them up to habitability and then sold to a buyer who wants to reside in our neighborhood. I did not see a process in which this happens in the bill and this is vitally

important to lay out. Is there also a consideration to demolish these properties and build multi-unit housing? If this is the case, I am extremely concerned about the impact this will have in my neighborhood. Already, we are "busting out of our seams" in my neighborhood. This is not a NIMBY issue as we already have several multi-unit properties. It's a matter of being able to live comfortably and safely in my neighborhood. Adding housing units, cars parked on the street, wear and tear on the roads and sewer line systems (that are not kept up by the city) is a burden to my neighborhood.

Lastly, how does this create homeownership to current residents within these properties? Tenants who currently occupy CalTrans homes may already qualify as low-moderate income and should have the ability to purchase these properties they consider their home, not trade one landlord for another. They should be provided the ability to access federal loans like the Homestyle Renovation Program or similar loan program where they can work in conjunction with the city to become homeowners in South Pasadena as they are already long standing residents in my neighborhood.

There is no denying there is so much work to be done for our neighborhood to feel safe and to be heard. Mr. Joyce, I believe you when you remarked at the Zoom meeting that you understand the neighbor's plight about these CT properties. We were optimistic that, with your past experience and precedent of the deal at 2002 Berkshire, an agreement can be made with Cal Trans to protect and restore my neighborhood towards rehabilitating these CT properties, move them towards home ownership (not rentals) and to eliminate the blight associated with these properties.

At this current juncture, I cannot support this bill until these questions and others are answered to me and my neighbor's satisfaction before any vote by the council to proceed.

Thank you,
Sally Takeda

████████████████████

From: Kim Carlson [REDACTED] >
Sent: Wednesday, March 17, 2021 12:36 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Sean Joyce <sjoyce@southpasadenaca.gov>
Cc: Sally and Sean Takeda-Teer <[REDACTED]>; Emily Beaghan <[REDACTED]>; Kit Bellamy <[REDACTED]>
Subject: Fwd: Public comment for agenda item #3

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Please add my public comment for agenda item # 3:
Approve Sponsorship of Legislation (SB 381) Amending the Means by Which Caltrans owned Properties Along the Former SR 710 Route are Disposed Recommendation

Mr. Joyce and City Council

This comment is in regards to Senator Portantino's draft SB381 proposing that 19 CT properties be allowed to be owned by a "housing-related entity" and rented to low-moderate income tenants just on Bonita Drive, Summit Drive, and Gillette Crescent.

The proposed legislation does not bring additional property tax revenue to our city by renting out these houses instead of selling them to low-income families.

Additionally, these homes are in disrepair and there are no provisions in this bill for bringing them up to standard. We cannot allow our neighborhood to be further blighted by yet another absentee landlord.

No tax revenue AND no requirements to take care of these homes equates to a BAD deal for South Pasadena.

This should not be our burden to bear. If we do not stand up against this, you are damaging the property values of those that live here in this part of South Pasadena. This not only hurts me and my family directly, it hurts our entire city. I do not support this bill and expect, as our elected representatives, that you also stand up and speak out against this bill.

Thank you,
Kim Carlson
[REDACTED]

--

Kim Carlson



From: Mary Urquhart <[REDACTED]>
Sent: Wednesday, March 17, 2021 2:01 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Diana Mahmud <[REDACTED]>; [REDACTED]; [REDACTED]; Michael Cacciotti - Personal <[REDACTED]>; ezneimer <[REDACTED]>
Subject: Public Comment for this evenings City Council Meeting

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PUBLIC COMMENTS FOR AGENDA ITEM NOS.

Three (Proposed Council Support for Senate Bill No. 381) and

Twelve (Hiring Consultant Services of CivicStone, LLC for Implement a Surplus Property Acquisition and Rehabilitation Strategy)

PUBLIC COMMENTS FOR NON-AGENDA ITEM ANIMAL COMMISSION

Dear Mayor and Council Members:

As President of WISPPA, Women Involved In South Pasadena Political Activism, our purpose is to push for accountability, integrity and transparency in the South Pasadena government. My comments are on two agenda items and one non-agenda item.

The non-agenda item is regarding the possible elimination of the animal commission, which was discussed at the January 20th City Council Meeting. Rather than let this commission disappear, there should be a discussion on the subject. It may be that this commission should be eliminated and there should be another option or commission where issues brought to the Animal Commission may be aired. I do believe that this can be resolved with little controversy.

Agenda Item Three, the proposed Council support for Senate Bill N. 381, has not yet provided sufficient time for community input. I believe that for transparency sake, this should be tabled until there is an opportunity for those most affected by this Bill to have a chance to fully understand its repercussions and perhaps a better resolution may be achieved.

Lastly, Agenda Item Twelve, the proposed contract for \$180,000 to implement a surplus property acquisition and rehabilitation strategy. The need for this contract needs to be better understood before this is agreed upon.

Thank you for your consideration,

Mary Urquhart

From: L Esposito <[REDACTED]>
Sent: Wednesday, March 17, 2021 2:07 PM
To: Sean Joyce <sjoyce@southpasadenaca.gov>; City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: assemblymember.holden@assembly.ca.gov
Subject: Public Comment Submission for March 17, 2021 City Council Meeting: Agenda Item Nos. 3 and 12 (CALTRANS Properties and Consultant)

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March 17, 2021

Dear Mr. Joyce,

Bonita Drive and Meridian Avenue residents oppose SB 381 legislation for numerous reasons. Most pressing is the City's desire to use these CalTrans properties to create "low-moderate income housing" that will disproportionately affect my neighborhood.

At present, there are 24 CalTrans properties in proximity to my home. These structures are either occupied by long-time residents (not willing/interested or able to purchase from CalTrans) or dilapidated, vacant boarded up properties. We want these vacant homes sold to qualified buyers who can rehabilitate these properties as their primary residence, or sold at current market value.

I am a property tax paying homeowner. The City's largest revenue source is property taxes. The market value of homes in South Pasadena continues to increase with the average home valued at \$1.5m. A dearth of representation regarding our neighborhood's plight causes many to wonder why we pay the county and city council and its employees to disregard our concerns.

Case in point:

The April 6th and November 25th, 2020 thwarting of the proposed takeover of our street by a renegade housing activist group was unsuccessful because of our efforts, not due to anyone in City government.

The elected city officials who assisted us in boarding the vacant structures to ward off professional squatters and subsequent CHP patrol of our streets are no longer members of city council. Who represents our interests now? No one has contacted my neighbors or me to discuss options/alternatives to SB 381. Is this a method to increase the city's numbers for affordable housing?

We have waited patiently for City representatives to publicly support us. Would you rather have us contact the media to discuss how the City has disregarded our concerns? Recent news articles spin the narrative that we support housing the

homeless in the vacant CalTrans properties. Homelessness is a humanitarian crises, no doubt. However, this is not the solution. Do you support this proposed action? If so, may I suggest that council members designate your and your neighbor's homes, ADUs, spare bedrooms or sofas as a temporary solution for affordable housing. Regarding the allocation of property taxes; we will gladly pay for the transportation and associated storage fees for this service.

Sincerely,

Linda Esposito

From: Bianca Richards <[REDACTED]>
Sent: Wednesday, March 17, 2021 2:39 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Sean Joyce <sjoyce@southpasadenaca.gov>
Subject: Agenda Items # 3 & 12, City Council Meeting March 17, 2021

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My email comments are in regards to tonight's council meeting and Agenda Item # 3 & 12.

After reading the staff report and agenda packet; I am in support of SB 381 and really feel that Senator Portantino works in the best interest of South Pasadena. I am concerned that if we delay too long he won't have a chance to get this single focused bill approved by the end of May. South Pasadena finally has an opportunity for a comprehensive purchase of Cal Trans properties and get the homes occupied by either qualified buyers or renters.

I would hate to see South Pasadena miss an opportunity to finally do something positive with these properties. SB 381 is a good start and having the City determine a non-profit property/housing authority to manage the properties is a great strategy. Again, I just hope the city doesn't miss an opportunity - haven't we all waited long enough. The neighborhoods deserve new life in the houses either by successful qualified buyers or qualified renters.

I very much support the idea that some of these properties remain as rental units to maintain affordable housing numbers. I also like the idea that the city can create a community land trust with an oversight board of diverse members from the community.

As a reminder, I am a renter and many engaged commissioners, residents, and parents are renters. Renters stabilize neighborhoods too. I have long felt that there is an overt bias against renters in this city.

Sincerely,

Bianca Richards

From: timothy ivison <tttpppiii@gmail.com>

Sent: Wednesday, March 17, 2021 6:00 PM

To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>

Subject: Agenda Item 3 March 17th

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

City Council,

Please see attached, in regards to public comment on agenda item #3 for this evening's City Council meeting.

Best,

Tim Ivison



**United Caltrans Tenants
Wednesday, March 17th 2021**

Re: City Council Agenda Item 3

Esteemed Mayor and City Council Members,

United Caltrans Tenants in El Sereno, South Pasadena, and Pasadena urge you to oppose SB381. We understand that this bill has the interests of the community in mind but both the process and the result are regrettably flawed. After more than sixty years of freeway fighting and broad-based community participation, why has SB381 been crafted in private? Why have tenants and neighbors been kept at arms length on such a crucial issue? In the absence of public dialog, one can't help but think it has something to do with real estate.

When SB51 (originally SB9) was first created, District 24 Chief of Staff Steve Veres came to our meeting and spoke deceptively about the content of his bill. Since that day, we have been marginalized at every turn and Senator Durazo's office has refused to meet with us. Tenants have called in to oppose the bill in numerous committee hearings, we have submitted a series of detailed criticisms of the bill, and we have even reached out to legislators through emails and social media, all of which has been systematically ignored. From the very beginning, these proposed amendments to the Roberti statutes have been rushed through the legislature and sold as a "win-win" solution. But who is winning when the community is excluded from its own future? In the case of SB51, it is clear that the bill has been crafted around a set of incentives for property developers and managers to ensure they get the highest return on investment, even if it is at the expense of Caltrans tenants and the El Sereno community. Please don't let this kind of politics prevail in South Pasadena.

Attached to this letter you will find our arguments against SB51 in detail. However, our arguments against SB381 are simple: it is completely unnecessary. The crisis we are facing right now is not one of inadequate legislation. Caltrans properties in South Pasadena can be sold right now, at fair prices, in partnership with tenants, and in pursuit of affordable housing goals. SB381 would delay this process, and most importantly it would leave Caltrans in control

of a sales program that is now in its fifth year of unmitigated failure. Even after the inflation-adjusted price scandal and the 626 Prospect debacle, this bill fails to protect tenants and the South Pasadena community from Caltrans. A different approach is needed.

The California Transportation Commission has openly discussed divesting Caltrans from the 710 Sales Program and giving it to another agency. We believe that the time and money in care of the South Pasadena City Council could be better spent facilitating this kind of non-legislative solution, whereby the cities of Los Angeles, South Pasadena, and Pasadena take direct control of the corridor and responsibility for and with their tenants and properties. We believe this would lead to a more just, expedient, and amicable solution to a process marked by systemic injustice.

Not only are we faced with ongoing degrading treatment at the hands of the Department of Transportation, we are also faced with four pieces of legislation that now seek to change the language of the Roberti law at the very moment when we need the letter and spirit of this law the most. The lack of dialog is becoming intolerable. United Caltrans Tenants would like to take this opportunity to call for a postponement on these items and for an urgent public forum. We ask that you give time for there to be clarity and space for Caltrans tenants (who are the most affected) to engage with policy-makers and other community stakeholders in a meaningful democratic process.

Sincerely,

Megeen McLaughlin, South Pasadena, United Caltrans Tenants
Tim Ivison, Pasadena, United Caltrans Tenants



UNITED CALTRANS TENANTS OPPOSE SB51

Sunday, January 31st 2021

Esteemed Senators,

In advance of the Senate Transportation Committee meeting this Monday, February 1, 2021, the United Caltrans Tenants, as well as our neighbors and allies, would like to register our strong opposition to SB51. This flawed bill, which has been presented as progressive housing legislation, actually serves to limit the rights and harm the interests of Caltrans tenants and their communities. We urge you to consider the following analysis.

This bill is discriminatory. By amending the Roberti Act in only one specific geographic area, SB51 creates a glaring double-standard within the 710 Corridor, which further ingrains existing housing differentials and injustices between El Sereno, South Pasadena, and Pasadena. The bill claims that it is the “unique social, cultural, and economic conditions that necessitate the repair and improvement of the El Sereno neighborhood of the City of Los Angeles.” In fact, the bill interferes with the El Sereno community’s right to self-determination after decades of systematic neglect by Caltrans.

At no point has this bill been subjected to proper and full scrutiny. It entered the Senate last year as a gut-and-amend bill (SB9) and now returns as an emergency bill (SB51). Community input has been extremely limited, both during the creation of the bill and in the legislature. Tenant and community opposition was not properly recorded in the last legislative session, and district office 24 has evaded numerous calls for dialogue and input. For a bill that claims to act on behalf

of the interests of Caltrans tenants, there is a conspicuous lack of support from tenants. *Why*, you may ask?

The legislation claims to “speed up sales” of Caltrans homes but in fact it delays any revised 710 Corridor Sales Program until June 2022 and fails to specify a timeline or completion date for the project. This means years of delay. Caltrans tenants in El Sereno, South Pasadena, and Pasadena have already been waiting for Caltrans to proceed with their 710 Corridor Sales Program for five years. Initial sales were announced in 2016 and so far only ten houses have sold. Despite numerous alibis, the truth is that nothing stands in the way of Caltrans immediately beginning sales procedures for every parcel in the corridor according to existing law. Caltrans should be compelled to take action NOW to address the ongoing housing crisis.

SB51 fails to adequately address concerns about eviction and displacement.

This bill would allow Caltrans – the agency that has been sued repeatedly over their conduct in this corridor – freedom to determine how subsequent regulations are crafted and which tenants count as “tenants in good standing.” This is a mistake. Caltrans has systematically mismanaged record keeping and accounting, leading to a backlog of grievances regarding maintenance, contracts, and illicit debt. Over the years, numerous tenants have complained of being displaced for arbitrary and even retaliatory reasons. With no guarantees against eviction, tenants have no reason to trust this bill.

Importantly, SB51 eliminates the rights of tenant co-operatives and instead prioritizes Housing Related Entities, who are the real beneficiaries of SB51.

This means that many tenants, especially those in apartment complexes and other multi-family dwellings, will have no path to ownership. For decades, they have been promised an opportunity to buy their homes under the Roberti Act but this bill will guarantee that they remain renters for the rest of their lives.

Aside from the fact that HREs clearly stand to benefit from their elimination, **nowhere does the bill justify the exclusion of co-ops.** It has been alleged by the bill’s author that co-ops have not been formed since the 1980s and that they are irrelevant to the concerns of the corridor. This is misleading at best. New

co-operatives have already been planned or established in the 710 corridor in anticipation of 710 sales. In addition, the tenant-controlled co-ops formed in the 1980s to purchase homes in the former State Route 2 corridor in Echo Park and Silverlake still own their properties to this day. That is over 292 units across 76 properties in 5 distinct cooperatives. Cooperatives work, they ensure sustainable local community control, and they offer crucial permanent affordable housing.

Further to this, SB51 is quickly becoming obsolete. Tenants and stakeholders have already lost confidence in the ability of Caltrans to manage the 710 Corridor Sales Program, which has become a crisis of their own making. The agreements reached between Caltrans and the City of Los Angeles following the Reclaimer actions in El Sereno prove that immediate progress can be made where there is political will. Meanwhile, the County of Los Angeles is looking into acquiring Caltrans homes for affordable housing in collaboration with local land trusts. Only last week, the California Transportation Commission publicly questioned the ability of Caltrans to execute the sales program and passed a motion to investigate how to transfer the entire corridor out of Caltrans control.

It is no surprise that SB51 is out of step with the ongoing conversation around the housing crisis in the 710 corridor. The bill authors have resisted input from tenants and stakeholders at every turn. Despite the fact that Senator Durazo and Assemblymember Carrillo are two of our most brave and forward-thinking legislators on issues of labor and immigration, we have been shocked to follow the progress of such misguided housing legislation. **We ask the Senate Transportation Committee to oppose SB51**, and further invite you to join us in supporting local and municipal efforts to take control of the 710 Corridor Sales program and finally resolve this painful chapter. We also call on the Senator and the Assemblymember to join us in this effort.

Sincerely,

United Caltrans Tenants Organizing Committee

Your Rights under Roberti Law vs. Proposals in SB51 (2021 - Durazo)

1. Pathway to Home Ownership Narrowed.

Since 1979, the Roberti Law has been a pathway to home ownership for residential tenants of Caltrans in surplus properties. There are over 440 such properties in the Route 710 corridor in Pasadena, South Pasadena, and El Sereno. SB51 changes a large number of Roberti Law properties into a rent-controlled rental units for 55 years.

2. Income-Based Family Protections Reduced.

Since 1979, the Roberti Law has protected residential tenant families living in Caltrans properties, providing a pathway to home ownership for families of up to 150% of county median income. SB51 (2021 - Durazo) reduces the income protections to 120% of county median income, likely leading to displacements of many long time Caltrans tenant families whose incomes are slightly too high. But the author refuses to amend SB51 with a “no displacement” guarantee.

3. Right to Form Housing Coops Eliminated, But Only for El Sereno.

Since 1979, the Roberti Law has allowed Caltrans tenant families to join together into tenant housing cooperatives to purchase multi-family properties as a group, affording self-determination for these families, and permanent affordable housing. SB51 (2021 - Durazo) abolishes the right to form tenant housing cooperatives, but only in the El Sereno neighborhood of Los Angeles, but without any factual basis allowing tenants in Pasadena and South Pasadena to retain the option to form tenant housing cooperatives.

4. SB51 Discriminates and Violates U.S. and California Fair Housing Laws.

Since 1979, the Roberti Law has treated Caltrans tenant families equally based on where they live. SB51 (2021 - Durazo) discriminates against mostly Latinx families in the El Sereno area of Los Angeles, denying them rights that SB51 preserves for Caltrans tenant families in Pasadena and South Pasadena within the same former freeway corridor. This artificial discrimination in a state housing program violates the U.S. Fair Housing Act, similar California fair housing laws, and also violates the California Constitution’s prohibition on special local legislation.

5. SB51 Affirms Caltrans’ Punitive Landlord Policies.

Since 1999, when Caltrans convinced a federal judge to eliminate language in prior court Route 710 injunctions ordering Caltrans Route 710 properties to “remain occupied,” Caltrans has imposed a de-population program for these rental units, evicting families for trivial reasons, refusing normal repairs, raising rents unfairly, and deeming scores of families “not in good standing.” SB51 (2021 - Durazo) affirms these Caltrans’ abusive practices by allowing Caltrans’ to keep its “not in good standing” punishments imposed on innocent families since 1999 as a tool to de-populate the Route 710 rental units.



SB51 is defective! It makes it harder to own a home, has fewer tenant protections, and more handouts for property managers. Caltrans homes in the 710 Corridor can be sold NOW under existing law. Why are we wasting time, money, and energy on a bill that discriminates against families in El Sereno and risks violating federal and state housing laws? **OPPOSE SB51!**

Roberti Act (1979) Existing Legislation		SB51 (Durazo, 2021) Proposed Legislation	
The Roberti Act protects all Caltrans tenants in the 710 corridor, including renters in Pasadena, South Pasadena, El Sereno, and even parts of Alhambra.	Equal Rights ✓	SB51 rewrites the Roberti Act in only one neighborhood: El Sereno, City of Los Angeles. This violates the U.S. Fair Housing Act, CA fair housing laws, and the CA Constitution prohibition on special local legislation.	Unequal Rights X
Prevents speculation on sales below fair market value by requiring contracts with CalHFA, a state lending agency.	Shared Equity ✓	Enables speculation by selling homes to public <u>and private</u> HREs as low as \$20K each in El Sereno, with reduced covenants and no lien.	Land Grab X
All tenants have a right to buy through either direct sale, cooperative ownership, land trust, or through partnership with CalHFA.	Right to Buy ✓	Tenants in apartments and other multi-family units have NO RIGHT to organize co-ops and thus no right to buy... ONLY in El Sereno!	Denied Right to Buy X
All tenants with household incomes within 150% of the area median have the right to continue renting their homes after sale by Caltrans, whether through a co-operative or through a housing related entity (HRE).	Right to Rent ✓	With Co-ops abolished, HREs will buy the properties and affordable housing will be reduced from permanent to 55yrs. HREs will be under strict covenant to rent only to tenants with AMI below 120%. Tenants making more could now face displacement.	Renters Displaced X

THE 710 CORRIDOR AND THE FIGHT AGAINST SB51 (DURAZO)

THE 710 CORRIDOR

Freeway projects in California can take decades to complete. When Caltrans plans a project, they buy properties along the freeway path in order to demolish them. In the meantime, they rent property before construction starts. Sometimes it never starts. Sometimes projects are cancelled. The 710 freeway extension, planned in 1964 through El Sereno, South Pasadena, and Pasadena was finally cancelled in 2018. Some Caltrans tenants have now lived in their homes for more than fifty years. Some are renting the same house their parents or grandparents started renting in the 60s. Now, Caltrans is required to sell over 440 properties along this corridor. The Roberti act protects Caltrans tenants during this process, making sure that they can stay in their homes when Caltrans leaves. At the last minute, legislators are trying to change these laws, taking rights away from Caltrans tenants in one single neighborhood. Here is how they do it:

RIGHT TO BUY

Under existing law, low- and moderate-income tenants can buy their Caltrans homes at an affordable price, in partnership with CalHFA. The state lender holds a lien on the house but the tenant becomes a homeowner, in many cases saving them from being priced out of their own neighborhood. Tenants in multi-family units (duplexes, apartments) are given first priority to form housing cooperatives in order to do the same.

SB51 would preserve the right of low- and moderate-income tenants in single-family units to buy their homes, but DOES NOT allow renters in multi-family units in the neighborhood of El Sereno to form cooperatives. Their rights to collective ownership are stripped. Instead, the bill gives these homes to Housing Related Entities for as little as \$20,000 each, with no lien, on condition that they are rented as affordable housing for 55 years. This covenant reduces affordable housing, since cooperative ownership would create permanent, rather than limited affordability.

RIGHT TO RENT

Under existing law, tenants making between 120% and 150% of Area Median Income (AMI) can buy their homes, but may also choose to rent from an HRE at an affordable rate.

Due to the covenants in SB51, this bill will abolish this right to rental for tenants making more than 120% AMI, forcing the displacement of many middle-income households, many of whom have lived in their communities for decades. Despite this obvious weakness, there are no eviction protections for tenants in this bill.

EQUAL RIGHTS

Existing laws have treated Caltrans tenant families equally across neighborhoods and cities. Caltrans tenants in Pasadena, South Pasadena, and El Sereno all hold the same rights and protections.

SB51 will rewrite the law only in the neighborhood of El Sereno, discriminating against mostly Latinx families in the City of Los Angeles, denying them the same rights as tenants in Pasadena and South Pasadena. This blatant discrimination in a state housing program violates the U.S. Fair Housing Act, similar California fair housing laws, and also violates the California Constitution's prohibition on special local legislation.

WHAT SHOULD HAPPEN

We want to ensure that Caltrans tenant families in El Sereno have the right to organize cooperatives. We want to ensure that ALL Caltrans tenants are treated equally and that they are able to stay in their homes and in their communities, as the Roberti Act promised. We oppose SB51 and any attempt to challenge the protections afforded to Caltrans tenants under the Roberti Act. SB51 should be opposed and defeated. City and state officials should continue to work with tenants to remove Caltrans from the failed sales process and restore tenants to their local communities through the Roberti Act.

Summary of Expedited 710 Sales Process

1. All the 710 Properties will be assigned by Caltrans immediately to the City where they are located for all purposes of management, control, rental, repair, maintenance and sales. The California Transportation Commission will approve this assignment.
2. The Cities will be in charge of collecting all rent and selling all the 710 Properties under existing laws and regulations on all 710 Properties in their borders, with no involvement of Caltrans staff, but with the approval of the California Transportation Commission.

No legislation is required for this immediate Management and Agency Agreement.

No up front acquisition cost will be incurred by the Cities.

The Cities retain all rents and sales proceeds as compensation for their service to Caltrans in managing, repairing and selling the properties, and the Cities will retain all funds generated.

This is similar to the model suggested by the California Transportation Commission on January 27, 2020, and by former Caltrans District Seven Director John Bulinski in a public forum in November 2019.

Outline for Repair and Sale of Route 710 Caltrans Properties

Step 1: Immediate Management, Control, and Rent Assignment of All 710 Properties.

All of Caltrans' 710 Properties within the Cities of Pasadena (zip code 91105), South Pasadena (91030), and Los Angeles' El Sereno area (90032) shall be placed under the exclusive management and control of the City where the properties are located. The few fragments of 710 properties in the City of Alhambra shall be assigned to Los Angeles or its designee. This shall be pursuant to a **Management and Agency Agreement** submitted to and approved by the California Transportation Commission and by Resolution of the City Council of each City as to 710 properties within its borders and signed by the parties. The Agreement shall list each 710 Property by: (a) street address (if available), (b) Caltrans parcel number, (c) County Assessor Number (if available), (d) total square footage of land, (e) number of structures and units, and (f) how much of the land is used for a road bed or sidewalk. Day to day management of the properties maybe assigned by the City to a related City agency or department. The control by the City will involve all aspects of all the 710 Properties, even though the 710 Properties for some time will remain in nominal Caltrans ownership. Rental rates on the properties shall not be increased on any tenant or occupant.

A fully signed copy of the Management and Agency Agreement shall be recorded with the Los Angeles County Recorder within 15 days of CTC and City Council approval. The tenants and occupants at each property (residential, business, non-profit, local government), if any, shall be sent a Notice of Assignment of Rents signed by both an official of the City and Caltrans Director for District 7, and summarizing the Agreement and its approval by the CTC and the City, and instructing the tenant or occupant to pay all future rent as of a specific date to a named entity and address selected by the City and approved by a City Council Resolution. The rents from the properties shall be placed in a separate (city name) 710 Management bank account controlled by each City or its designee, and the funds in the account shall be used for the payment of management staff, inspections, maintenance, repair, and all related expenses related to the 710 properties within its borders until they are sold. A portion of the rents shall be designed for historic repairs or maintenance pursuant to Public Resources Code section 5028.5 ("Schiff Bill"). The City shall file a governmental exemption from property taxes for the 710 properties in its borders with the LA County Assessor for the properties. To the extent the rental funds are not sufficient for these purposes the City or a related entity may loan funds to the 710 Management account and be repaid later with interest from the proceeds of any future sale of the properties. All proceeds of sales to the immediate purchasers shall be retained by the City or its designee as compensation for services provided to Caltrans for the management, control, inspection, repair, maintenance, and sale of the properties.

Within 15 days of City Council and CTC approval Caltrans shall deliver to the City or its designee in easily readable digital format all rental, financial, inspection, repair, management, maintenance and map records for each 710 property within that City from January 1, 1998 through the date the assignment of rents on that property is scheduled to begin under the Management and Agency Agreement, and Caltrans shall also provide to the City or its designee within 15 days all information related to the date and original acquisition price for each property.

The City or its designee may also request pursuant to the California Public Records Act from the Department of General Services and/or its Direct Construction Unit (agencies not within Caltrans) easily readable digital format all rental, financial, inspection, repair, management and maintenance records for each 710 property within that City from January 1, 1998 through the date the assignment of rents on that property is scheduled to begin under the Management and Agency Agreement.

Step 2: Sale of All Properties

Within 60 days of the recording date of the Management and Agency Agreement the City or its designee shall solicit in writing by U.S. Mail from all tenants and occupants in the 710 properties in its borders (residential, business, non-profit) a response in writing as to whether that tenant or occupant desires to purchase the property under the Roberti Law, and how the tenant or occupant desires to acquire the property: (a) affordable or reduced price basis, and/or (b) market price net cost of repairs (“as is”), and/or (c) market price, and/or (d) pursuant to a tenant-controlled housing cooperative. The tenant or occupant may select more than one response and reserve making a final decision until a later date when more information is known by the tenant or occupant as to: (a) their eligibility to purchase on an affordable or reduced price basis, (b) the market value of the property, (c) assigned cost of repairs to the property on an “as is” basis, (d) the size of the land being sold (some properties involve road beds to be transferred to the City), (e) the historical status of structures on the property, and (f) available financing for the purchase. Tenants and occupants (residential, business, non-profits, local government) occupying a 710 Property on July 1, 2020, shall have an absolute first priority to purchase the property they occupy.

Occupied Residential Properties

Residential properties sold to a tenant or occupant on an affordable or reduced price basis shall be subject to a recorded document establishing a lien in favor of the California Housing Finance Agency representing the dollar amount difference between the price paid by the buyer and the market value of the property on that date, and these liens shall be non-recourse and without the power of sale, and the dollar amount they represent shall be collected only upon the future sale of the property at or above the market value. The purchase paid for the sale of residential properties shall be retained by the City or its designee as compensation for the services provided to Caltrans for the management, control, inspection, repair, maintenance, and sale of the properties. This lien shall be subordinated in priority to any first trust deed related to the sale. The City and the tenant or occupant shall consult with the California Housing Finance Agency on possible financing for the purchase and on the wording of any lien retained by the California Housing Finance Agency. The sale price shall not be less than the dollar amount of the original purchase price paid by Caltrans, and no inflation adjustment shall be applied to any sale price. If the property is sold on an “as is” basis (market value minus cost of repairs) or a market value basis there shall be no lien in favor of the California Housing Finance Agency. If any structure or structures on a property is a historic resource listed on any federal, state, or local inventory, appropriate covenants shall be attached to the deed to ensure consistency with historic standards. The City shall strive for a goal of selling not less than five (5) occupied residential properties each month commencing with September 2021 until all such properties are sold. All existing tenants and occupants shall have an absolute priority in purchasing the property where they reside. To the extent an existing tenant or occupant chooses to not purchase the property, the property shall be sold in the same manner as unoccupied residential properties, except that the tenant or occupant shall have the absolute right to rent the property until their demise or when they choose to leave.

Unoccupied Residential Properties

Unoccupied residential properties shall be sold by the City or its designee pursuant to the priorities and restrictions contained in the Roberti Law, Government Code section 54235 to 54238.7 as they existed on December 31, 2020. If sold on an affordable or reduced price basis the property shall be subject to the same terms and restrictions as described above for occupied residential properties. The City or its designee shall draft, circulate for comment, and approve by City Council Resolution a method of selecting persons or families eligible to purchase some or all unoccupied residential properties. Historical resources shall be protected in the same manner as described above for occupied residential properties.

Occupied Properties - Businesses, Non-Profits, Local Government, Community Gardens

710 Properties occupied by a business, non-profit entity, local government, or a garden shall be sold as follows. Properties occupied by a business shall be sold on either a market value basis (with the City or its designee making all lender required or code compliance repairs), or on an “as is” basis (market value minus the cost of lender required or code compliance repairs). 710 Properties occupied by a non-profit entity, a local government or by a community garden or historic garden shall be sold to that tenant entity at the property’s original acquisition price. The price shall not be subject to an adjustment for inflation. The property shall be subject to a permanent lien representing the dollar amount difference between the price paid by the buyer and the market value of the property on that date, and the lien shall be non-recourse and without the power of sale, and the dollar amount they represent shall be collected only upon the future sale of the property at or above the original market value or for a use other than as by the non-profit buyer. The purchase paid for the sale of residential properties shall be retained by the City or its designee as compensation for the services it provided to Caltrans for the management, control, inspection, repair, maintenance, and sale of the properties. Historical resources shall be protected in the same manner as described above for occupied residential properties.

Vacant Land and Road Beds.

All 710 Properties constituting vacant land or portions of 710 Properties occupied by road beds shall be sold as follows. However, vacant lands or other parcels which were fully or partially occupied by a business, non-profit entity, local government, or community garden or historic garden on July 1, 2020, shall be deemed a part of that occupied property and sold to that tenant or occupant as described above. Other vacant lands were severed from another property by Caltrans, and those shall be sold by to the present owner of the land from which it was severed from. Vacant land sold to a business, non-profit entity, local government, community garden or historic garden, or an owner of land from which the vacant land was severed shall be sold at the dollar price originally paid by Caltrans. Vacant land used for road beds shall be sold to the local government entity at the original purchase price, and fragments used as road beds shall be sold at a pro rata percentage price based on square footage.

Cities Retain All Sales Proceeds.

All other land may be sold either as a site for affordable housing or at fair market value by the City in its absolute discretion decides. All proceeds of sales shall be deposited into the City’s 710 Management Account and used for services and activities related to the 710 Properties.

Disposition of Remaining Funds.

After all the 710 Properties within a City are sold, and funds remaining the City’s 710 Management Account may be transferred to the City’s general fund for expenditure on its governmental activities.

Proposed by Christopher Sutton 3-15-2021

Regular City Council Meeting
E-mail Public Comment 03/17/2021

AGENDA ITEM NO. 12
Award Contract to CivicStone, LLC
to Determine, Prepare, and Implement a Surplus
Property Acquisition and Rehabilitation Strategy
in an Amount Not-to-Exceed \$180,000

1. Delaine Shane
2. Mary Urquhart
3. Linda Esposito
4. Bianca Richards

From: D. Shane <[REDACTED]>

Sent: Tuesday, March 16, 2021 1:12 PM

To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Maria Ayala <mayala@southpasadenaca.gov>

Cc: Diana Mahmud <dmahmud@southpasadenaca.gov>; Michael Cacciotti <mcacciotti@southpasadenaca.gov>; Evelyn Zneimer <ezneimer@southpasadenaca.gov>; Jon Primuth <jprimuth@southpasadenaca.gov>; Jack Donovan <jdonovan@southpasadenaca.gov>; Sean Joyce <sjoyce@southpasadenaca.gov>; Tamara Binns <tbinns@southpasadenaca.gov>; [REDACTED]; WISPPA <[REDACTED]>; Joanna Hankamer <jhankamer@southpasadenaca.gov>

Subject: Public Comment Submission for March 17, 2021 City Council Meeting: Agenda Item Nos. 3 and 12 (CALTRANS Properties and Consultant)

Importance: High

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

Dear Maria:

The message below is for submission to the March 17th City Council meeting for BOTH Agenda Item Nos. 3 and 12.

Thank you so much.

Sincerely,

Delaine Shane
[REDACTED]

**PUBLIC COMMENTS FOR AGENDA ITEM NOS.
Three (Proposed Council Support for Senate Bill No. 381) and
Twelve (Hiring Consultant Services of CivicStone, LLC for Implement a Surplus Property Acquisition
and Rehabilitation Strategy)**

Dear Mayor and Council Members:

I cannot support SB-381 nor the hiring of CivicStone LLC for the following reasons:

1. Why support this proposed state legislation? Existing state law already provides guidance on selling the vacant Caltrans properties affiliated with the 710 project. It's called the Roberti Law, Government Code Section 54235 to 54238.7 and has been available to Caltrans and the City since 1971. The City and Caltrans could prepare and sign an agreement without this newly proposed legislation. We don't have the time to wait for a new bill to wind its way through the

State Legislature, as well as adding unforeseen consequences to the existing law. Why not be proactive now? Why “fix” something that is NOT broken with yet another piece of legislation?

2. I am concerned that this proposed legislation will irreparably change the character of the 710 corridor neighborhoods in town (like the Meridian corridor) by demolishing historic structures rather than making attempts to rehabilitate and repair them. Our neighborhood is primarily composed of 1920s and 1930s historic residential units, which are for the most part currently affordable housing. Replacement housing will clearly NOT be affordable and thereby existing tenants could be at real jeopardy of being evicted.
3. This new bill could result in simply trading one slumlord agency (i.e., Caltrans) for possible unscrupulous private HREs managing the properties. Historically, code enforcement within our own city has been spotty and has not been equitable, as well as under staffed. It is not reasonable to assume that the HRE would always do the right thing when there would be virtually little to no oversight by City staff.
4. As I recall a few years ago, former City Manager Stephanie DeWolfe and then City Councilmember Diana Mahmud said South Pasadena had no money to buy these houses. They rejected the idea of side-by-side escrow where you don't need money because that's supplied by the buyer. So where is the money coming from now? The proposed hiring of the consultant for Agenda Item No. 12 is from the “Slater Fund Reserve Account.” If that money is in any way related to the 710 funds that the City has, I would rather it go to make our Berkshire vacant lot into the promised pocket park the City has stated it would be for years. Additionally, I'd rather that money go to buying the necessary stop signs and other traffic calming measures for Meridian Avenue to make our street corridor safe again rather than hiring and wasting \$180,000 for yet another “study” on the surplus properties when there is already an established pathway to selling off these houses. These problem issues are the legacy of the ill-fated 710 Project that really need to be resolved now. Hiring consultants for this “strategic planning” effort is wasteful and does not help our community where we shoulder the burden of many vacant Caltrans properties.
5. This new bill was just recently introduced with only one amendment so far (see below). I have reviewed pending state and federal legislation over my long career as an environmental planning professional. The language in the bill will be amended further. From my experience, many bills are not even recognizable after three or four amendments/revisions. I believe it is too soon for the City Council to be stating their support on an evolving bill.

I encourage you to not support this bill nor hire the consultant at this time. Getting more community input, including those neighbors that live adjacent to the Caltrans properties, would be better served at this time. Another option would be to substitute these two motions for the City and Caltrans to begin negotiations per the Roberti Law process to get these properties sold. Doing so would be good for our community and would provide the much needed tax base for the City via property taxes.

Thank you.

Sincerely,

Delaine Shane



SB-381 Surplus residential property: priorities and procedures: City of South Pas

Text	Votes	History	Bill Analysis	Today's Law As Amended ⓘ	Compare Versions	Status	Comments
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Senate: 1st [Cmt](#)

Assembly:

Bill Status	
Measure:	SB-381
Lead Authors:	Portantino (S)
Principal Coauthors:	-
Coauthors:	-
Topic:	Surplus residential property: priorities and procedures: City of South Pas
31st Day in Print:	03/13/21
Title:	<i>An act to amend Section 54236 of the Government Code, relating to local urgency thereof, to take effect immediately.</i>
House Location:	Senate
Last Amended Date:	03/09/21
Committee Location:	Sen Rules

Type of Measure
Active Bill - In Committee Process
Two Thirds Vote Required
Non-Appropriation
Fiscal Committee
Non-State-Mandated Local Program
Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
03/09/21	From committee with author's amendments. Read second time and amended.
02/22/21	Joint Rule 55 suspended. (Ayes 32. Noes 4.)
02/22/21	(Ayes 32. Noes 4.)
02/22/21	Art. IV. Sec. 8(a) of the Constitution dispensed with.
02/17/21	Referred to Com. on RLS.

From: Mary Urquhart <[REDACTED]>
Sent: Wednesday, March 17, 2021 2:01 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Diana Mahmud <[REDACTED]>; [REDACTED]; [REDACTED]; Michael Cacciotti - Personal <[REDACTED]>; ezneimer <[REDACTED]>
Subject: Public Comment for this evenings City Council Meeting

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PUBLIC COMMENTS FOR AGENDA ITEM NOS.

Three (Proposed Council Support for Senate Bill No. 381) and

Twelve (Hiring Consultant Services of CivicStone, LLC for Implement a Surplus Property Acquisition and Rehabilitation Strategy)

PUBLIC COMMENTS FOR NON-AGENDA ITEM ANIMAL COMMISSION

Dear Mayor and Council Members:

As President of WISPPA, Women Involved In South Pasadena Political Activism, our purpose is to push for accountability, integrity and transparency in the South Pasadena government. My comments are on two agenda items and one non-agenda item.

The non-agenda item is regarding the possible elimination of the animal commission, which was discussed at the January 20th City Council Meeting. Rather than let this commission disappear, there should be a discussion on the subject. It may be that this commission should be eliminated and there should be another option or commission where issues brought to the Animal Commission may be aired. I do believe that this can be resolved with little controversy.

Agenda Item Three, the proposed Council support for Senate Bill N. 381, has not yet provided sufficient time for community input. I believe that for transparency sake, this should be tabled until there is an opportunity for those most affected by this Bill to have a chance to fully understand its repercussions and perhaps a better resolution may be achieved.

Lastly, Agenda Item Twelve, the proposed contract for \$180,000 to implement a surplus property acquisition and rehabilitation strategy. The need for this contract needs to be better understood before this is agreed upon.

Thank you for your consideration,

Mary Urquhart

From: L Esposito [REDACTED] >
Sent: Wednesday, March 17, 2021 2:07 PM
To: Sean Joyce <sjoyce@southpasadenaca.gov>; City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: assemblymember.holden@assembly.ca.gov
Subject: Public Comment Submission for March 17, 2021 City Council Meeting: Agenda Item Nos. 3 and 12 (CALTRANS Properties and Consultant)

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

March 17, 2021

Dear Mr. Joyce,

Bonita Drive and Meridian Avenue residents oppose SB 381 legislation for numerous reasons. Most pressing is the City's desire to use these CalTrans properties to create "low-moderate income housing" that will disproportionately affect my neighborhood.

At present, there are 24 CalTrans properties in proximity to my home. These structures are either occupied by long-time residents (not willing/interested or able to purchase from CalTrans) or dilapidated, vacant boarded up properties. We want these vacant homes sold to qualified buyers who can rehabilitate these properties as their primary residence, or sold at current market value.

I am a property tax paying homeowner. The City's largest revenue source is property taxes. The market value of homes in South Pasadena continues to increase with the average home valued at \$1.5m. A dearth of representation regarding our neighborhood's plight causes many to wonder why we pay the county and city council and its employees to disregard our concerns.

Case in point:

The April 6th and November 25th, 2020 thwarting of the proposed takeover of our street by a renegade housing activist group was unsuccessful because of our efforts, not due to anyone in City government.

The elected city officials who assisted us in boarding the vacant structures to ward off professional squatters and subsequent CHP patrol of our streets are no longer members of city council. Who represents our interests now? No one has contacted my neighbors or me to discuss options/alternatives to SB 381. Is this a method to increase the city's numbers for affordable housing?

We have waited patiently for City representatives to publicly support us. Would you rather have

us contact the media to discuss how the City has disregarded our concerns? Recent news articles spin the narrative that we support housing the homeless in the vacant CalTrans properties. Homelessness is a humanitarian crises, no doubt. However, this is not the solution. Do you support this proposed action? If so, may I suggest that council members designate your and your neighbor's homes, ADUs, spare bedrooms or sofas as a temporary solution for affordable housing. Regarding the allocation of property taxes; we will gladly pay for the transportation and associated storage fees for this service.

Sincerely,

Linda Esposito

From: Bianca Richards <[REDACTED]>
Sent: Wednesday, March 17, 2021 2:39 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Sean Joyce <sjoyce@southpasadenaca.gov>
Subject: Agenda Items # 3 & 12, City Council Meeting March 17, 2021

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

My email comments are in regards to tonight's council meeting and Agenda Item # 3 & 12.

After reading the staff report and agenda packet; I am in support of SB 381 and really feel that Senator Portantino works in the best interest of South Pasadena. I am concerned that if we delay too long he won't have a chance to get this single focused bill approved by the end of May. South Pasadena finally has an opportunity for a comprehensive purchase of Cal Trans properties and get the homes occupied by either qualified buyers or renters.

I would hate to see South Pasadena miss an opportunity to finally do something positive with these properties. SB 381 is a good start and having the City determine a non-profit property/housing authority to manage the properties is a great strategy. Again, I just hope the city doesn't miss an opportunity - haven't we all waited long enough. The neighborhoods deserve new life in the houses either by successful qualified buyers or qualified renters.

I very much support the idea that some of these properties remain as rental units to maintain affordable housing numbers. I also like the idea that the city can create a community land trust with an oversight board of diverse members from the community.

As a reminder, I am a renter and many engaged commissioners, residents, and parents are renters. Renters stabilize neighborhoods too. I have long felt that there is an overt bias against renters in this city.

Sincerely,

Bianca Richards

Regular City Council Meeting
E-mail Public Comment 03/17/2021

AGENDA ITEM NO. 19

Adoption of a Resolution of the City Council
of the City of South Pasadena Denouncing Hate Crimes
and Rhetoric Against Asian Americans and Pacific
Islanders, and Reaffirming Our Commitment to Ensure
API Americans Feel Safe and Welcome

1. El Sereno Community Land Trust
2. Care First South Pasadena

From: El Sereno Community Land Trust <[REDACTED]>
Sent: Wednesday, March 17, 2021 3:44 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: [REDACTED]
Subject: ESCLT Support the UCT Tenants

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

Hello,
Please review attached statement



03/17/20

To the South Pasadena City Council,
Mayor Diana Mahmud
South Pasadena City Council
1414 Mission Street
South Pasadena, Ca 91030

Esteemed Council,

The El Sereno Community Land Trust is committed to Housing Equity, specifically, our mission is to create and enhance affordable housing particularly affordable purchases. Our service area is El Sereno, and its border cities of Alhambra and South Pasadena. We wanted to introduce ourselves and make sure you understood that you have an established, existing Land Trust at your disposal. We agree with the tenants and others; that is, our preference would be to sit down with stakeholders, particularly the tenants and see how we can help you in the development of limited equity housing coops already under the Roberti Law. Lastly, we support any and all efforts to the lawful right of 626 Prospect to the establishment of a housing co-op in order to collectively purchase the apartments at that address.

Sincerely,

Sua Hernandez
Executive Director

From: Care First South Pasadena <[REDACTED]@southpasadenaca.com>
Sent: Wednesday, March 17, 2021 3:50 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Maria Ayala <mayala@southpasadenaca.gov>; City Clerk's Division <CityClerk@southpasadenaca.gov>
Subject: Public Comment for Agenda Item #19, March 17, 2021

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

Hello,

Please accept the attached public comment for tonight's City Council meeting, agenda item #19.

Thanks very much.

Care First South Pasadena



March 17, 2021

General Public Comment, Open Session, Agenda Item #19

Re: Resolution Denouncing Hate Crimes and Rhetoric Against Asian Americans and Pacific Islanders (AAPI)

Thank you, Madame Mayor and City Council, for bringing this resolution. Care First supports it enthusiastically.

Violence, intimidation and hateful rhetoric against any group based on its skin color, ethnicity, faith, sexual preference, gender or gender identification are crimes against conscience, humanity and the essence of civilization. And, fortunately, they are considered crimes under the law in great part. While this hard-won standard is based on self-evident truths, it is painfully apparent that there are those who operate violently and hatefully under errant belief systems.

The recent wave of attacks on AAPI people in the U.S. is no doubt spurred by yet another variant of racist right-wing rhetoric. Another reminder that white supremacy still infects our country and requires very little to become symptomatic. Until its causes can be dismantled, we must bring public policy to bear at every level and with every resource.

Furthermore, as a San Gabriel Valley city with a sizeable AAPI population, South Pasadena has a special duty to protect against vile actions such as we've seen. This issue is close to home, and you clearly agree.

This resolution is a great start, and you have our full support. Please also consider taking the following related actions:

- 1) Review all City policies and codes, identifying and correcting provisions that may have a disparate negative impact on our AAPI community and all communities of color. Urge SPUSD to do the same.
- 2) To deter racially motivated acts of violence and vandalism in our city, position unmanned, surplus SPPD patrol cars near businesses owned, staffed or frequented by AAPI people.

Thank you for your action on this matter, and for your consideration of further action.

Sincerely,

Matthew Barbato
Ella Hushagen
John Srebalus
Helen Tran

Regular City Council Meeting
E-mail Public Comment 03/17/2021

AGENDA ITEM NO. 21

**First Reading and Introduction of an Ordinance to
Amend Zoning Code Amendment to South Pasadena
Municipal Code (SPMC) Chapter 36 (Zoning)
Pertaining to Accessory Dwelling Units (ADUs)**

3. Anthony Dedousis
4. Josh Albrektson
5. Steven P. Dahl
6. Darby Whipple

From: Anthony Dedousis <[REDACTED]>
Sent: Wednesday, March 10, 2021 8:36 AM
To: PlanningComments <PlanningComments@southpasadenaca.gov>; City Council Public Comment <ccpubliccomment@southpasadenaca.gov>; Joanna Hankamer <jhankamer@southpasadenaca.gov>
Cc: Jack Donovan <jdonovan@southpasadenaca.gov>; Michael Cacciotti <mcacciotti@southpasadenaca.gov>; Diana Mahmud <dmahmud@southpasadenaca.gov>; wtescher@placeworks.com; Evelyn Zneimer <ezneimer@southpasadenaca.gov>; Jon Primuth <jprimuth@southpasadenaca.gov>; Leonora Camner <[REDACTED]>; Sonja Trauss <[REDACTED]>; Jon Wizard <[REDACTED]>; Jes McBride <[REDACTED]>
Subject: South Pasadena Housing Element - Comment Letter

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

Dear Ms. Hankamer,

My name is Anthony Dedousis, and I'm director of policy and research at [Abundant Housing LA](#), a local pro-housing advocacy organization.

I'm reaching out [to share a letter](#) that we've co-authored with YIMBY Law, whose mission is to make housing in California more accessible and affordable through enforcement of state housing law. Our letter expresses major concerns about South Pasadena's intended approach to updating the housing element, based on materials and reports from Planning and PlaceWorks, the City's housing element consultant. We believe that the City's intended approach does not satisfy the intent of state law, which is to expand housing availability at all income levels.

The attached letter contains a detailed explanation of where we view Planning as having fallen short of HCD's standards and state law. I've also included [a link to AHLA's letter to the City of South Pasadena from September 2020](#), raising many of the same issues.

We respectfully request the opportunity to discuss this letter with Planning and PlaceWorks. Thank you for your consideration.

Regards,

Anthony

--

Anthony Dedousis
Director, Policy and Research
Abundant Housing LA

[REDACTED]
[REDACTED]
[REDACTED]

From: Josh Albrektson <[REDACTED]>
Sent: Monday, March 15, 2021 1:00 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Item 21

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

This is a letter I submitted to the planning commission at their last meeting. It goes over all of the illegal things Planning and your city attorney has presented over the past couple of months. I'm presenting this so you guys understand in part why the housing element being produced will be deemed non-compliant and why South Pasadena will be one of the most likely cities to be sued.

I wanted to go over some of the illegal things Planning has presented to you guys in part because they are asking you guys to make policy based on ignoring the laws. I have CCed HCD so they have it when they review these ordinances.

Claiming 1,000 ADUS on Housing Element

Do you remember when they stated that 1,000 ADUs was totally allowed and legal and I said it wasn't?? Ask them what it is now. It is about 160. Here is the HCD memo on the Housing Element where you can read on page 31 what is allowed.

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

Objective design standards versus subjective design guidelines for ADUs

At the first ADU meeting Liz Bar-El described "Objective design standards" as standards that required an essay of how a ADU fits in with a historic neighborhood.

<https://youtu.be/3kqBqavx1qE?t=2388>

At the last Planning commission meeting City Attorney Theresa Highsmith had a very interesting legal theory about design standards which are subjective versus design guidelines which are objective. You can legally ONLY apply objective standards to housing projects. Teresa says that if the OBJECTIVE design standards references the SUBJECTIVE design guidelines, then the SUBJECTIVE design guidelines are now legally enforceable.

If an OBJECTIVE standard requires a SUBJECTIVE guidelines, then it is no longer OBJECTIVE standards. There is a reason that the city has had 16 lawsuits against it recently, and it starts with the city attorney.

<https://youtu.be/qHX6GB9lkl?t=6967>

It is illegal to backdate an ordinance or apply it to projects that has completed pre-application checklist on the IHO

At the last planning meeting I pointed out that applying the IHO retroactively specifically outlawed by SB 330. I was hoping that they would present the second part of SB 330 today so that Teresa Highsmith would cover this section of SB 330. Like I said, I was pretty surprised that planning didn't know about it and our city attorney didn't review the ordinance or didn't know that aspect of SB 330, because it was one of the main parts of it.

In the current agenda it states that backdating "may not be enforceable as to a preliminary application received pursuant to SB330." The other term for that is being illegal.

The city attorney also needs to review what she considers her definition of "Deemed complete" in your agenda report, because what she says is not what the state defines Deemed Complete to be.

<https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>

You cannot use an IHO and Density bonus to count to for RHNA units in the Housing Element. It MUST be the base zoning.

On page 14 of the HCD Housing Element Memo it specifically talks about an Inclusionary program and a density program not being allowed to count for the RHNA. It must be the BASE zoning that is counted for RHNA. Here is the paragraph:

"The analysis of "appropriate zoning" **should not** include residential buildout projections resulting from the **implementation** of a jurisdiction's **inclusionary program or potential increase in density due to a density bonus**, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households. Additionally, inclusionary housing ordinances applied to rental housing must include options for the developer to meet the inclusionary requirements other than exclusively requiring building affordable units on site."

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

Here are two links to Planning describing exactly that:

Liz's statement from 37 minutes to 40 minutes here where she talks about consulting with Placeworks. I'm going to directly quote one part at 38:15

<https://youtu.be/TuZRTdnKojA?t=2221>

"Could the RHNA suitable cities.... Be used to satisfy HCD... What we found is using this 135% using the IHO 20% requirement and taking advantage of the density bonus the numbers come out with a little bit of a cushion"

And here is Planning Director Joanna talking about how the IHO and Density Bonus can be used to help with RHNA numbers from 2:22:00 on

<https://youtu.be/TuZRTdnKojA?t=8526>

I'll quote one part at 2:23:30:

"And we are trying to craft an inclusionary policy in coordination with the state density bonus that would legitimize our proposal to meet the RHNA"

This is the exact paragraph from the 3/9 Agenda Report stating the thing that is specifically outlawed:

"The inclusionary housing ordinance is an important policy tool to achieve the goal of providing affordable housing for the community along with above moderate (market rate) housing. Policies that enable both are essential to demonstrate capacity to build the 2,062 units (including 1,484 affordable units) required for the Housing Element's Regional Housing Needs Assessment (RHNA)."

<https://www.southpasadenaca.gov/home/showpublisheddocument?id=25425>

This is why Planning is presenting you with an IHO that has affordability numbers higher than San Francisco, the most expensive place to build in the state. It is also why they don't show you the other cities IHOs, because what they are presenting is vastly higher than any local implemented IHO.

The IHO will cause a significant drop in Realistic Development Capacity

This is the bottom of page 20 of the HCD memo on the Housing Element. As I stated before, planning is following none of the rules set out in the memo, but I do want to point this one out specifically.

"Realistic development capacity for nonresidential, nonvacant, or overlay zoned

sites The capacity calculation must be adjusted to reflect the realistic potential for residential development capacity on the sites in the inventory. “

“Local or regional track records, past production trends, or net unit increases/yields for redeveloping sites or site intensification. This estimate may be based on the rate at which similar parcels were developed during the previous planning period, with **adjustments** as appropriate to reflect new market conditions or **changes in the regulatory environment**. If no information about the rate of development of similar parcels is available, report the proportion of parcels in the previous housing element’s site inventory that were developed during the previous planning period. For example, if past production trends indicate that two out of three similar sites were developed for residential use, and one out of three similar sites was developed for commercial use, an initial estimate of the proportion of new development which is expected to be residential would be two-thirds, i.e., 0.67.”

Planning is not following any of the rules relating to the Housing Element, but I want to point out what this IHO will require of South Pasadena to do. Because the IHO causes a significant impediment to building housing, the realistic development capacity will go down and South Pasadena will have to zone for a lot more housing to meet their RHNA. If you implement an IHO that has the levels of San Francisco, the laws require the Housing Element to provide enough zoning that South Pasadena can produce the 2,062 units. In other words South Pasadena will be required to zone like San Francisco zones.

This will be reviewed when South Pasadena turned in their housing element

Here is the response I received from HCD when I asked them about South Pasadena being required to produce an economic report for this IHO (which will be required in 2026 if anything above 15% is implemented)

“It looks like the have exceeded their housing need for above moderate which means that 1505 does not apply to South Pasadena. However, we will be reviewing their housing element of the general plan and will look at this provision and whether it constraints the cost and supply of housing under that statute. “

AB 1505

Here is the HCD memo for Rental Inclusionary Housing. It is 7 pages long and you guys should read it.

https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/ab_1505_final.pdf

Conclusion

South Pasadena will not produce a compliant Housing Element. This is because of a choice by planning to not follow the guidelines put out by HCD. There are other ways than what is listed above where they are completely violating/ignoring the law and will be rejected by HCD, just like HCD has been rejecting other cities claims.

Placeworks has been non-existent. I believe that is because they have given South Pasadena tons of advice that violates/ignores the law. They have seen what I have seen, HCD rejecting these BS claims, and want to be sure they are not on the record for anything more when South Pasadena's Housing Element goes down in flames.

You guys should ask Placeworks to give a Housing Element update presentation including what is happening in other jurisdictions so they are on the record.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: Steve Dahl <[REDACTED]>
Sent: Wednesday, March 17, 2021 9:37 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Steven P. Dahl <[REDACTED]>
Subject: South Pasadena City Council 3/17/21 item #21-ADU's

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I am concerned about the proposed revised ADU ordinance, that unintentionally will both reduce upcoming ADU's and cause homeowners to rush to maximize their property's FAR (floor area ratio)/ lot coverage instead. As a local architect working with many of our City's homeowners, as well as other surrounding San Gabriel Valley communities, on their homes and ADU's, the State of California's ADU laws offers both a carrot and a stick for increased affordable housing. The required RHNA numbers are the stick for cities, without which some of them would continue to try and block or severely limit any increased housing (San Marino for example). While the carrot is the bonus offered homeowners of an additional 800 square feet now possible on their property.

Unfortunately in today's marketplace of supply and demand for rare homes available in South Pasadena, most of our new clients have been working with realtors for years, trying to buy their first home in South Pasadena, and it's for our terrific and free schools (they do it all for their children). Last week I toured a 1500 square foot home for sale for \$1.59 million, and a couple of years ago had a client buy a 900 square foot home for sale for over \$1 million- so homes are going for over \$1,000 per square foot. So, by removing the 800 square foot bonus offered by the State for an ADU (proposed in South Pasadena's revised ordinance to now count the 800 square feet of the ADU as part of the maximum allowed FAR/ lot coverage), then we are taking away \$800,000 of potential property value.

Even wealthy families struggle at these costs. So, when they finally are successful buying in South Pasadena, they are both thrilled and overwhelmed. It is their family's biggest investment ever and they have just over-spent and it does not pencil-out, unless they are able to, over time, increase the value of their property, mainly by adding on square feet. Their ADU needs are maybe for their elderly parents, or their grown-up children.

For many years, we have been designing homes, or remodels, with two master bedrooms, for two family units to share a more expensive home. Now, ADU's can allow more middle income families to be able to afford South Pasadena, by either renting out an ADU, or going-in to share a home, with one family in the main home, the other in the ADU. Their ADU needs are truly increased affordable housing.

Both the wealthy families and the middle income ones would be very unhappy if they knew and understood that we are now proposing to take away the State's ADU bonus square footage. Any/ all of our clients will rush to maximize their homes, before they would be able to add an ADU. They can not afford to lose \$800,000 value in this crazy real estate market and of their family's important investment. This will postpone then- for years adding an ADU, if ever, after they maximize first.

Adding on to your home in South Pasadena is a very lengthy (one year to a public hearing, after full and complete submittal) and very expensive with full and detailed architectural drawings (3-D renderings really needed too) so can be too much for a middle income family. While an ADU approval process can be mainly staff level and within 60 days. The choice seems clear. But, if you have a 2,000 square foot

home, with a 2,800 square foot FAR, you can add the 800 square foot ADU first, but then the home would be considered max'ed-out, and then you can't add the 800 square feet to your home later. So, one has to max out their home first, before they add their ADU- discriminatory to middle income families, so then- not adding affordable housing- that was supposed to be the whole point by the State and South Pasadena!? Please don't take away the ADU square feet, that will instead force homeowners to max out their properties instead, and lose affordable ADU housing, thanks, Steve.

Steven P. Dahl, AIA
Dahl Architects, Inc.

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From: Darby Whipple [REDACTED] com>
Sent: Wednesday, March 17, 2021 11:29 AM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Fwd: Agenda Item #21 ADU Ordinance

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Council members,

I again ask that you delay the adoption of the ADU Ordinance before you on March 17, 2021. Although staff has made many improvements in the detail and language of the ordinance since it's presentation to the public and to the Planning Commission; it still requires editing. I have attached an analysis of the most recent language to detail the edits that are still needed in the text. I point your attention to "Section H Parking Bullet 1" where there is a typo in "With the exception of I,1, below,..." there should not be a comma between I and 1. Although this is a minor and understandable error, it shows that more time for editing would make for a better document. Other details I highlight are critical to the common understanding of the ordinance and to avoid future staff interpretations that add time and work to all involved.

Please postpone adoption of this ordinance to a date after staff has been able to present the entire text of the ordinance for public review and comment. The minimal exposure that the public has had to the draft ordinance has produced many improvements. An additional round of public review would only strengthen the language further.

I would also like to point out that I have reached out to the Council by telephone and email over the past several weeks and have yet to receive a response from council or their staff. The council website is lacking council member details and the automated phone system still lists former members that are no longer sitting. I question rather my access to public comment has been met.

Please see attached

1. ADU Analysis
2. Memo to Council

Thank you for your time and consideration of this important topic.

Darby Whipple
WhippleSolutions.com

[REDACTED]
[REDACTED]
[REDACTED]

Best

Darby Whipple
WhippleSolutions.com



Definitions:

Attached ADU: *An ADU that is attached to the primary dwelling, not including a JADU.*

- “attached” is not defined, and unfortunately the existing Chapter 36 Article 7 defines:
 - Attached Building or Structure. A building or structure that shares a common wall with another structure.

However, confusingly defines

- Detached. Any structure that does not have a wall or roof in common with another structure.

This poses the possibility for interpretation. Does an ADU that shares a roof (breezeway, parking structure, other separation) with the primary structure constitute an attachment? Or does it need to share a wall with a primary structure?

Conversion. *All or a portion of an existing space or structure which is used to create an ADU or JADU (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary dwelling. A conversion does not include the portion of any expansion of the existing space or structure.*

- The examples referenced in “conversion” specifically note ‘attached garage’; however detached garages may also be converted. The language poses a need for interpretation.

Code Sections:

E. Development Standards for ADUs on Single-Family Properties.

- Heading “1. Location” of Paragraph E (below) is an inaccurate listing since more than “location” is considered in the following bullets. Topics in the following section include Number, Location, and Standards.

1. Location

b. Location on Site. An accessory dwelling unit may be attached to or detached from the primary dwelling on the same lot. An accessory dwelling unit may be located within and/or above a garage or other existing accessory structure.

- There may be instances where the ADU is located “below” a garage, as well. This language provides an opportunity for the need of interpretation.
- Is there a need for the distinction of how the ADU is attached/detached? Is it not allowed in all cases?
- Is an ADU not allowed ABOVE a primary dwelling? (ex. second story addition)
- Is there a difference in the “location” requirements for a hillside property?
 - c. Hillside locations. An ADU on a hillside property may be attached or detached, in a location within, behind or underneath the primary dwelling, underneath a parking bridge even if it is closer to the front property line than the primary dwelling, or as a conversion of existing space. A hillside development permit may be required, consistent with SPMC division 36.340.*
- Under what circumstances is a Hillside Development Application (HDP) required or exempted? The term ‘may’ implies not in every case,

The listed relationships between the ADU and the Primary or Accessory Structures is incomplete. See table below:

Standard	Attached or detached			Conversion ??		
Primary	No mention of relation to primary ??					
Accessory	within	behind??	below??	above	in front??	beside??
Hillside **	Attached or detached			Conversion		
Primary	within	behind	below	above??	in front??	beside??
Accessory	No mention of relation to accessory structure ??					
*Parking	below	in front of primary (distance from front property line?)				
	**HDP "may" be required - Under what instances/conditions?					
RED Text demonstrates unanswered relationships						

e. Standards for ADUs in front of primary dwelling. Where feasible, ADUs located in front of a primary dwelling per (d) above shall comply with the following standards:

- ADU standards need to be objective, when language like “when feasible” are used in conjunction with “shall comply” the standards are paradoxical. Can there be exceptions to the listed standards? If so, under what conditions?

3. Height Limits. The maximum height of an attached or detached new accessory dwelling unit shall not exceed the following limits.

- The Height Limits Section accounts for:
 - One Story ADU
 - Two Story ADU
 - Conversion ADU (without expansion)
 - One Story ADU at Historic Properties
- There seems to be a difference between a conversion *with expansion* vs *without expansion*; however the “with expansion” condition is not given a height. The previous section on Floor Area specifically makes a distinction between with or without expansion, as well as different kinds of expansions. Do these differences apply to Height?

5. Building Separation. Detached ADUs on residentially zoned parcels that are larger than 800 square feet shall comply with the ten-foot building separation requirement in SPMC 36.220.040.

- Section 5 (above) should be written as an exception, because the requirement already exists for “Building Separation: 10 ft between structures on the same site” per 36.220.040 Residential Zoning District General Development Standards Table 2-3. The table requires ALL structures to be separated. If the intent is to except smaller detached ADUs, then more accurate language would be:

5. Building Separation. Detached ADUs on residentially zoned parcels that are 800 square feet or smaller need not comply with the ten-foot building separation requirement in SPMC 36.220.040.

G. Development Standards Applicable to ADUs on All Properties

1. Two-Story ADUs.

a. Windows: *Where primary dwelling units are not allowed to build within six feet of the property line, the following shall be required: On 2nd floor elevations with setback less than six feet from a property line shared with adjacent residential parcels, only fixed windows, or fixed panes of a window assembly, comprised of plain obscured glass (such as frosted) with no color shall be placed in the area up to five feet above the interior floor height. Any clear window or window pane on these elevations shall be placed so that the bottom of the clear glass is at least five feet above the interior floor height.*

- The section on Windows (above) is confusingly written, both in grammar and content.
- Is this about the Primary Dwelling or the ADU?
- Does this only apply when an ADU is set back less than 6 feet from a property line? OR when the zoning district does not allow development within 6 feet of a property line?
- Does “...only fixed windows, or fixed panes of a window assembly...” mean non-opening windows?

SUGGESTION:

a. Second Floor Windows. *Fenestration less than six feet from a property line, adjacent to another residentially zoned parcel, and in the area up to five feet above the interior floor height must be:*

- *non-opening (i.e. fixed panes),*
- *obscured (i.e. frosted, or otherwise semi-opaque), and*
- *un-tinted or uncolored*

Any clear or operable (openable) window or window pane on these elevations shall be placed so that the bottom of the clear glass, or operable window, is at least five feet above the interior floor height.

b. Balconies: *Balconies shall only be allowed on elevations facing the interior of the property, i.e., facing the primary dwelling and/or the back yard area directly behind the primary dwelling. In the case of an ADU on a corner lot, a balcony may face the adjacent street.*

- The use of the term “interior of the property” could mean “facing the interior of the structure” or “facing the interior of the parcel/lot.”
- The example of a balcony facing “the back yard area directly behind the primary dwelling” does not account for ADUs that are in front of the Primary Structure.
- The example given for corner lots references “adjacent street”, which is an undefined term in the SPMC. Both streets for a corner lot are ‘adjacent’.

SUGGESTION:

b. Balconies. *Balconies shall not be allowed on elevations adjacent (within 15') to a property line, unless on a corner lot where the balcony may face the street side lot line (Defined in SPMC Chapter 36 Article 7 L)*

H. Parking

1. Exemptions. *With the exception of I.1, below, no off-street parking shall be required for an ADU or JADU if:*

- a. The ADU is located within one-half mile walking distance of a bus stop or light rail station.*
- b. When on-street parking permits are required but not offered to the occupant of the ADU.*
- c. The ADU is within an historic district or potential historic district, or a historic designated property, as identified by the National Register for Historic Places, the California Register for Historic Places, or the City's Cultural Heritage Ordinance.*
- d. The ADU or JADU is within the existing primary dwelling.*
- e. There is a car share vehicle located within one block of the ADU.*

- The “Exemptions” section include JADUs, which are already exempt from parking requirements per the HCD Handbook since they are entirely within the footprint of the primary dwelling.
- Furthermore, only a small portion of the city is outside the 1/2 mile radius from transit. If mapped information was provided to council it would be easily determined that the requirement of parking, outside the high fire risk area, be removed entirely. The staff report does not address this in any discussion and should be shared in a graphic.

Council Members

Regarding the ADU Ordinance recommended by Planning Commission on Feb 23.

The draft Ordinance has not been made publicly available with enough time to review. Although the existing ADU Ordinance is lacking and needs to be updated, the proposed Ordinance deserves more time to implement. Additional time in the adoption process would allow addressing issues that would correct unclear language and prevent the need for Administrative Interpretation. I ask the Council to not adopt the Ordinance and ask staff to make corrections and to present the whole text of the proposed ordinance in a public forum before returning to the adoption process.

In general the proposed ADU Ordinance achieves many improved goals; however when scrutinized is not complete. When closely reviewed it has many facets that require clarity and specificity. The strength of an Ordinance comes from its ability to be broadly understood by all audiences. ADUs in specific are development projects that are more likely to involve homeowners, first time applicants and those outside the development trades. For this reason the ADU Ordinance deserves the extra attention to make it exceptionally clear. In the current version there are multiple sections that will require staff or administrative interpretation and will lengthen review processes and unduly burden staff and applicants.

Planning staff hosted a well-attended (~40 attendees) virtual ADU presentation (Feb 10th) where general topics were discussed and feedback was collected. Unfortunately, a draft of the proposed ADU ordinance was not presented for review; therefore specifics could not be addressed by the public. Additionally, there were more comments than could be addressed in the allotted time, staff indicated they would post and answer those questions to the city's website... that did not happen. Moreover, the final draft ordinance was only published for public review as an attachment to the Planning Commission Agenda. The minimum noticing requirement of 72 hours for a public meeting does not allow the public sufficient time to digest and provide input on a complex ordinance; although many suggestions were made to Planning Commission, yet not incorporated by commission. Thus far, the City has taken a long term approach that allowed input into this document that unfortunately the public has not been able to review in final form; ensuring their voices were heard. Rushing the final product to adoption at this stage does not serve the efforts given thus far.

To paraphrase comments from the last planning commission meeting during discussions about the Inclusionary Ordinance in regard to passing an ordinance and the public process. I believe these comments hold true for all ordinances and reinforce my request to delay adoption until staff can give the public adequate time to review and comment on the amendment.

Comm Padilla – commented how appreciative she was of the commission taking the extra time and delaying the recommendation to council so that key improvements could be addressed. That as a result it was a much better proposal.

Comm Lesak – emphasized how the development community appreciates a clear and well defined ordinance process so that they can be assured a smooth (not necessarily fast) process. Understanding how rules will be applied is a good thing and avoids unnecessary administrative interpretation.

Comm Dahl – commented on unfortunately receiving public comments late and encouraged staff to disallow this in the future. That receiving comments late from the public did not allow appropriate time to review and process input.

NOTE I especially emphasize the timing aspect of commissioner Dahl’s comments. As an example, the proposed ADU Ordinance was posted to the Planning Commission website 72 hours prior to the public meeting with comments due 60hrs after posting and without benefit of hearing other public comment or staff presentation. Although I understand the current constraints that virtual meetings present, this is simply not sufficient time to see a draft document for the first time and adequately give input. Thankfully, in this instance staff did forward late comments; although it is understandable that the Commission did not have adequate time to absorb this information.

In closing, I repeat my request to review the attached analysis of the Ordinance and delay its adoption until staff has time to incorporate any changes and fully present it to the public. The changes proposed in the ADU Ordinance will have long lasting impacts on our community; there is no immediate need to have it adopted right away. The community would benefit far more by having a well thought out and analyzed set of rules.

Thank you for your time and consideration of this important topic.

Darby Whipple

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