



## Additional Documents Distributed for the City Council Meetings of February 1, 2023

| Item No. | Agenda Item Description   | Distributor  | Document                     |
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| SP 1.    | Public Comment  | Anne Bagasao   | Email to Council             |
| SP 1.    | Public Comment  | Delaine W. Shane   | Email to Council             |
| SP.1     | Public Comment  | Josh Albrektsen  | Email to Council             |
| SP. 2    | Review Comments received from California Department of Housing and Community Development on the 4th Draft Housing Element and provide direction on 5th draft  | Angelica Frausto-Lupo,<br>Community Development Director | City Council Agenda Report   |
| SP. 2    | Review Comments received from California Department of Housing and Community Development on the 4th Draft Housing Element and provide direction on 5th draft  | Angelica Frausto-Lupo,<br>Community Development Director | PowerPoint                   |
| 2.       | General Public Comment  | Yvonne LaRose  | Email to Council             |
| 2.       | General Public Comment  | Yvonne La Rose   | Email to Council             |
| 2.       | General Public Comment  | Chris Bray   | Email to Council             |
| 2.       | General Public Comment  | Stephen Rossi  | Email to Council             |
| 8.       | Review and Approval of the 2023 Legislative Platform  | Tamara Binns, Assistant to the City Manager              | Memo providing clarification |
| 10.      | Approval of Mayor's List of City Council Liaison and Regional Group Appointments and Adoption of a Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations | Luis Frausto,<br>Management Services Director            | Memo                         |
| 12.      | Approval of a Facility Lease Agreement with South Pasadena Batting Cages, LLC for the Operation of the Batting Cage Facility and Adopt the Finding of Exemption   | Sheila Pautsch,<br>Community Services Director           | PowerPoint                   |

City Council Meeting Additional Documents  
February 1, 2023

|     |   |                      |            |
|-----|---|----------------------|------------|
|     | from the California Environmental Quality Act |                      |            |
| 14. | Councilmember Communications                  | Michael A. Cacciotti | PowerPoint |

**Public Comment  
February 1, 2023  
Special Meeting  
Item No. 1**

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**From:** [Elizabeth Anne Bagasao](#)  
**To:** [City Council Public Comment](#)  
**Subject:** Public Comment Special Session Meeting February 1  
**Date:** Monday, January 30, 2023 7:03:17 PM  
**Attachments:** [Special Session Public Comment.pdf](#)

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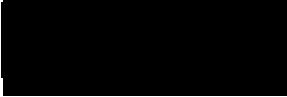
Dear City Clerk:

Attached please find my written public comment for the abovementioned meeting of the South Pasadena City Council.

As always, thank you!

Best,

Anne Bagasao



January 30, 2023

To: City Clerk

From: Anne Bagasao

Re: February 1 Special Meeting Public Comment

Dear Mayor and Council:

Four times you have submitted a Housing Element. Four times you have failed to achieve certification.

HCD has been very straightforward and clear in their requests for compliance and yet South Pasadena prefers to resist.

Our City staff has done these submissions successfully in the past for other cities.

They know what is at stake the longer the City fails to certify. The staff knows what is at stake for their professional reputations if they continue to submit failing Housing Elements.

I trust that the staff knows that there is a doable plan to achieve certification. I trust that the staff knows exactly how to make that plan feasible for South Pasadena.

So who is it that the Council is trusting that thinks that they know better than the staff?

Why is the City Council not allowing the staff to do their jobs to the best of their abilities and get an approved Housing Element?

To the staff I ask, why are you putting your careers in jeopardy to pander to a select group of local influencers? Just respond to HCD adequately. You know what do. Make a successful Housing Element. Those holding you hostage will just have to get over it. They can't always get what they want.

NIMBYism is not the future of California, nor should it be.

The rest of the state is progressing, while South Pasadena clings to the nostalgia of its sundown town past. South Pasadena is going to be left behind and when that happens, Sirs and Madams on the Council, it will be a mark on your political legacies. You go right ahead drag the City down but it's unkind to take the staff down with you in the process of your failings.

## Mark Perez

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**From:** D. Shane [REDACTED]  
**Sent:** Tuesday, January 31, 2023 4:13 PM  
**To:** City Council Public Comment; Jon Primuth; Evelyn Zneimer; Jack Donovan; Michael Cacciotti; Janet Braun  
**Cc:** Armine Chaparyan; Domenica Megerdichian; Angelica Frausto-Lupo; Alison Becker; Leah Demarest; Tamara Binns  
**Subject:** Special South Pasadena City Council Meeting: February 1, 2023: Agenda Item No. 2: HCD Comment Letter on South Pasadena 6th Cycle (2021-2029) Revised Draft Housing Element: Public Comments  
**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 Honorable Mayor and City Council Members:

Thank you for permitting an open discussion at the upcoming special City Council meeting on issues raised in the latest letter sent by the California Department of Housing and Community Development (HCD) dated January 27, 2023 (<https://www.southpasadenaca.gov/home/showpublisheddocument/31366/638106825930922007>).

Below are some comments of mine concerning this latest rejection letter on South Pasadena's proposed housing element (HE) for the 6<sup>th</sup> planning cycle. I sincerely hope that you will deliberate on these comments and consider them, amongst all the other comments you will receive, to instruct City staff on their next steps.

Sincerely,

Delaine W. Shane  
[REDACTED]

### OBSERVATIONS, QUESTIONS AND SOME RECOMMENDATIONS

- 1. Access to Information:** Does City staff and/or consultants have the comment letters referenced in HCD's letter? Can these comment letters to HCD be posted on the City's HE website? It would be helpful to read the letters in full (and any others that HCD received on South Pasadena's HE) rather than relying on how HCD summarized them on page 4 of their letter. Reference to the vacant Caltrans properties and how they might relate to the RHNA numbers as expressed by one set of stakeholders does not represent all views of this complex and challenging issue, because not all of the views of equally important stakeholders have been seriously considered by the City, i.e., the neighborhoods that have been and continue to be subjected to those very same Caltrans properties and the desire for them to return to the Caltrans tenants who want to own them or to qualified buyers with low or moderate income who want to live in these homes and restore them. Benefits from this latter approach would include generating property taxes for the first time in over 55+ years on these properties and removing the blight in our neighborhoods! These properties would fall under affordable housing mandates and should indeed be counted toward the RHNA goal. Equally curious are statements made by HCD pertaining to the Cultural Heritage Commission. I am not aware that such statements have been made by this particular city commission. Seeing the full set of comment letters would provide full access to the cited information and misinformation that was sent to HCD. In turn, HCD's mischaracterizations could be corrected and explained to HCD by City staff.

- 2. Substandard Documentation Prepared by Consultants:** What struck me most about the letter is the repetition of similar HCD comments throughout, i.e., inadequate site analyses, lack of potential mitigation (e.g., parking and soil remediation), insufficient follow-up with property owners to determine their current interest in developing their properties, and the lack of evidence to support the accommodation of 50% of the RHNA goal through changes in land use/zoning for existing nonvacant sites. Here are some suggestions, questions, and recommendations that at least deserve some consideration from you:
- a. How much money has been paid out to PlaceWorks, Mobius Planning, and any other consultants for producing substandard documents that have been rejected multiple times by HCD? The City should be seeking at least partial monetary reimbursements for defective work products. To do this, the City should review the contracts and work products, conduct a full audit, and then proceed with collection.
  - b. There should NOT be any further sole sourcing for important land use planning documentation. PlaceWorks and Mobius Planning were hired via sole sourcing and quite obviously this “shortened selection strategy” was quite wrong. Streamline the RFP process to ensure that the City gets the most qualified consultants.
  - c. If PlaceWorks is still involved with the Draft Environmental Impact Report (EIR) for the General Plan/Specific Plan updates, they should have included sufficient information regarding site analyses and potential mitigation, as related to specific sites called out by HCD, relating to soil contamination. That information can then easily and quickly be added to the draft HE as requested by HCD, without further charging the City by PlaceWorks.
  - d. While parking requirements are being reduced or removed per State housing laws, it doesn’t mean the problem of parking in our community magically goes away. Families will always need some type of vehicle to transport sick and elderly individuals to medical centers, take kids to their extracurricular activities, pick up groceries, go to work where mass transportation isn’t feasible for their particular circumstances, etc. Parking issues (while not considered significant under CEQA standards) can still be discussed and recognized as a challenge. Hence the comment of how will parking occur should the Pavilion’s parking lot be unavailable (Site 16—page 2 of HCD letter) during redevelopment is not an unreasonable question to ask. Is anything like that mentioned in the Draft EIR that could be used in the draft HE? Again, there should be no additional charges made by the consultants, since this issue should have been at least contemplated for in the Draft EIR (as an indirect impact connected to traffic circulation and blocking driveways/emergency access because of circling drivers trying to find on street parking).
  - e. Have the consultants ever prepared a visual (and not a small one) that shows the parcels available for the 50% contribution to the RHNA goal? Which areas in the City are considered candidates for rezoning in the context of existing nonvacant housing? The public has a right-to-know where these changes are being proposed and a large visual is “worth a thousand words.” While many homeowners may or may not care if their single-family homes properties are rezoned for multifamily-housing purposes, I do. Will the City carry out eminent domain on private property when home owners (especially senior citizens or those individuals earning low income) wish to stay and not sell, but for which a developer with an adjacent lot wants that property for a multifamily-housing project? I have raised that issue before in a previous draft HE and the City has still not answered directly. This is a program identified as Program 3.d – Enable Parcel Assemblage.
  - f. Are the tables in the draft HE still up to date? Does the draft HE explain the challenges faced in developing large parcels? Please look at Table VI-48 on the draft HE page (not pdf page) 179. The table is entitled “Representative Projects on Non-vacant Sites in South Pasadena.” Five projects are mentioned with only two built to date (Mission Meridian Village-2005 and Eight Twenty-2017). For the other projects, the table states that Seven Patios will conclude its construction in Fall 2022 (which is incorrect), that Mission Bell is entitled since 2021, and that 625 Fair Oaks Senior Housing was entitled in Spring 2020. What are the issues surrounding these yet unbuilt projects? How much of a role has been the pandemic, labor shortages, and the disruption in supplies and equipment? Recent actions by you have demonstrated that South Pasadena is now on track to approve major projects. But what about



these three projects? Are there external factors, outside of South Pasadena's control, that are preventing the projects from being built? I have no idea what is going on with them; however, the draft HE doesn't explain this either. With no information to say otherwise, is HCD blaming the City? The City must demonstrate that it is making a good faith effort to plan for new growth; but, it also needs to talk about factors beyond its control and for which the City should not be penalized. The draft HE is silent why the three major projects are not moving forward. Shouldn't that information be presented in the HE?

- g. Was the lot on the northwest corner of Huntington Drive and Kendall Avenue ever looked into as a possible site for redevelopment? Currently, it is a former gas station that is used as a car repair shop. I mentioned this site to the former Planning Director, Joanna Hankamer. It probably has some soil contamination from previous uses; however, once remediated, it would be a great site for a multi-story apartment building in support of affordable housing and the overall RHNA goal. The lot has wonderful access to mass transit on Huntington Drive, and there are shops within walking distance, across the street in the cities of Alhambra and Los Angeles (El Sereno).
- h. I am disappointed that there is no explicit mention of tiny houses or tiny villages within the transitional housing discussion contained in the draft HE. I understand that there are now at least 50 unhoused individuals in our City boundaries. They really do need more than just motel vouchers and backpacks, especially during this harsh winter. I have heard wonderful things about tiny houses. Have the consultants identified places to install small numbers of these types of facilities where individuals can immediately get out of the elements and receive all the social and medical services they need. Does the City's building code need to be revised as well to accommodate tiny houses? Why didn't the consultants go into greater detail but rather present transitional housing in such a generic way?

**3. Overreach by HCD and its Threats:** Some of the statements made by HCD are not advisory but actually appear, at least to me, rather dictatorial in tone on what the City "must do." The HCD appears to consider itself as the local decision making authority and not YOU! HCD is forcing the City to give developers in essence "gifts of public funds" by relaxation of fees, etc. and directing our City on how to grow while ignoring existing problems with our infrastructure. In turn, no consideration is given by HCD on how that new growth will compound those existing problems, which with new development and redevelopment will certainly outstrip infrastructure capacities (e.g., streets, water, power, storm drains, and sewers) and burden further our schools without a timely collaborative planning effort between the City and School District. HCD then threatens the loss of key funding to the City in order to make its intent crystal clear. Here are some thoughts:

- a. It's time for some expert legal advice on state mandates. I am not referring to our currently contracted city attorney. It is my understanding that we have recently secured the services of a new Special Counsel for the Caltrans properties. I also understand that he is a housing expert more broadly speaking. Please use his services in advising you on HCD regulations and if this agency is overreaching its authority based on its statements and references to California codes made in its letter. I speak from experience during my 37 plus years of service as an environmental planning professional when I say that I came across more than a few zealot regulatory staff members that wanted to bring havoc to the agencies I worked for, in particular the City of Los Angeles and Metropolitan Water District. Our attorneys were diligent in pointing out that staff went beyond the regulatory and legislative requirements and wanted to "punish" the agencies I worked for due to past grievances. The City should not just accept whatever HCD demands! If previous City Councils had accepted Caltrans' "legal rights" to ram the 710 freeway through our City, then we would have no community today. So, why give in to HCD now?
- b. Other cities, like Huntington Beach, are fighting back against the excesses of HCD demands. You should consider this option after talking with the Special Counsel.

**4. Funding Mechanism:** The HCD is using the weapon of funding being withheld to motivate or from my perspective, "bully" South Pasadena to step in line. What my neighbors and I want to know is the actual financing plan for implementing the programs and monitoring their effectiveness as mentioned in the draft HE. The failed document merely identifies many times over that the source of funding is the "General

Fund.” That is unacceptable. Residents need to know where the money is coming from. Increased charges and fees for City services? Increased fines for violations? Cutting existing City services? Financing through municipal bonds? New or raised taxes? Has the City staff or consultants prepared a draft financing plan for the draft HE to submit to the Finance Commission for its input? Even though the City Treasurer position is more of an advisory role, Ms. Zhen Tao has financial expertise and experience that could be quite helpful. Has City staff begun discussions with her for her advice? Accommodating growth does not come cheap. You and the public should know what the estimated costs are with the HCD demands versus planning a more local, affordable, and sustainable approach to new housing development and redevelopment.

**From:** [Josh Albrekton](#)  
**To:** [City Council Public Comment](#); [Jon Primuth](#); [Jack Donovan](#); [Janet Braun](#); [Evelyn Zneimer](#); [Michael Cacciotti](#)  
**Subject:** Housing Element Special meeting comment  
**Date:** Wednesday, February 1, 2023 4:46:35 AM

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

I just read through the staff report for tonight's meeting. After reading through it, I expect that your next draft will also be rejected.

There are two major issues.

In the 4th draft for low income units you were required to have 1155 and you showed 1178 for 23 total excess. That is a 2% buffer. Some of the sites you have will not be allowed, so once you remove those sites you will actually be under the required amount.

To date HCD has not allowed a Housing Element to be accepted without a significant buffer. Most accepted Housing Elements have a minimum buffer of 10% or greater. In their memo on the bottom of page 22 they state you should have a 15 to 30% buffer.

[https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf)

I sent a separate e-mail noting the 4 places I would upzone. If you guys do choose to try to submit another Housing Element without a buffer it will be the first issue I raise with them.

The second problem is that you actually need to create programs to affirmatively further fair housing (part 3 in the letter). South Pasadena has yet to actually propose an AFFH program and what is described in the staff report definitely would not be good enough.

San Marino and Santa Monica both legalized 2 to 4 plexes for their AFFH program. If you guys don't want to do that, you can probably get by implementing rent control and stating that allows people to stay in their homes.

And I hope after having been told many many many times that they need to put firm data and specific information in the Housing Element, your staff will realize they need to:

1. Spell out exactly what development standards will be relaxed in what manner
2. Specify what fee reductions and streamlining will be implemented
3. The exact IHO percentage
4. The number of units the IHO applies to
5. The hard trigger that would show if the IHO is effective or not with the change that will be made if the trigger is not met
6. If the city will remove the height limit completely or change the height limit to 84 ft and 7 stories

One thing to note about the height limit. As it stands SB 828 will give South Pasadena another 2,067 units in 2030. If you do a limited height restriction removal, you will have significant problems at that time. And I doubt HCD would give you 2 years to put it on the ballot since you will end up with plenty of warning in the years leading up to it.

Also note that because you are including a lot of historic properties in your Housing Element (Specifically downtown), and your ability to stop a development on these properties is going to be very limited. Anybody who wants to buy the Fair Oaks pharmacy or Rialto Theater and tear it down for apartments can.

I strongly suggest you guys consider what buildings you want off limits, remove them, and upzone a different part of the city you do not care as much about. This could probably even be done after you have a compliant Housing Element.

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Josh Albrektson MD  
Neuroradiologist by night  
Crime fighter by day



# City Council Agenda Report

ITEM NO. 2

**DATE:** February 1, 2023

**FROM:** Arminé Chaparyan, City Manager *AC*

**PREPARED BY:** Angelica Frausto-Lupo, Community Development Director  
Alison Becker, AICP, Deputy Community Development Director

**SUBJECT:** Review Comments Received from California Department of Housing and Community Development (HCD) on the 4<sup>th</sup> Draft Housing Element and Provide Direction on 5<sup>th</sup> Draft

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## Recommendation

It is recommended that the City Council:

1. Receive a staff presentation on HCD comments regarding the 4th Draft Housing Element; and
2. Provide direction as necessary on the 5th Draft.

## Background

On December 12, 2022, the City of South Pasadena (City) submitted its 4th Draft Housing Element to the California Department of Housing and Community Development (HCD) for compliance/certification review. This 4th draft sought to address all of the issues that were included in HCD's response letter to the City dated October 28, 2022 and corrected letter sent on November 2, 2022 regarding the 3rd Draft Housing Element.

On January 27, 2023, HCD provided a response letter with comments on the 4<sup>th</sup> Draft Housing Element, attached. The letter and all documents related to the City's 6<sup>th</sup> Cycle Housing Element development, including all drafts and HCD letters received, are posted on the Community Development Department's project web page (<https://www.southpasadenaca.gov/government/departments/planning-and-building/housing-element-update-2021-2029>).

The 4<sup>th</sup> Draft Housing Element addressed numerous comments received from HCD as part of the department's review of the 3<sup>rd</sup> Draft Housing Element. The comments that were fully addressed, and which HCD did not have further comments on include:

- **Suitability of Nonvacant Sites:** Revisions to the Housing Element in the 4<sup>th</sup> Draft for Site 5, Liquor Store Site, and Site 9, Meridian Site, addressed all of

HCD's concerns regarding the adequacy of these sites for inclusion in the Housing Element.

- **City-Owned Sites:** The revised Housing Element expanded the discussion regarding Site 13, the City-Owned parking lot. This expanded discussion addressed all of HCD's comments regarding Site 13.
- **Environmental Constraints:** The 4<sup>th</sup> Draft Housing Element included a discussion of environmental constraints for all of the identified sites to address the City's RHNA requirements. This additional information addressed HCD's comments regarding environmental constraints.
- **Program 3.o (No Net Loss):** This program was revised in the 4<sup>th</sup> Draft Housing Element to commit to evaluate the effectiveness of identified sites and make necessary adjustments in 2024 and 2026. This change addressed the HCD's comments to this program.
- **Affordable Housing Conservation:** The 4<sup>th</sup> Draft Housing Element included additional units to be preserved as affordable housing on the Caltrans sites to address HCD's comments regarding affordable housing conservation. These revisions addressed HCD's comments regarding affordable housing conservation.

### **Analysis**

While the 4<sup>th</sup> Draft Housing Element resolved a number of HCD comments, a handful of comments remain, including:

- **Suitability of Nonvacant Sites:** While HCD appears to be satisfied with the revisions to the Housing Element regarding Sites 5 and 9, they have remaining comments on Sites 16 and 17. On Site 16, HCD would like more information regarding the strategies that would be employed to minimize impacts of reduced parking spaces for the existing retail use during redevelopment. For Site 17, HCD needs to see more interest from the property owner for redevelopment of the site, or the site needs to be removed from the inventory.
- **City-Owned Sites:** HCD has accepted the revisions made to address their prior comments on Site 13, but still have additional comments related to Site 8, the City's Public Works Yard. Specifically, HCD wants additional information regarding how the underground gasoline tank might affect the possibility of redevelopment of the site.
- **Program Revisions:** HCD continues to request additional revisions to Programs 3.b (Mixed Use Development), 2.i and 2.m (Inclusionary Housing Regulations), and 2.n (Citywide Height Limit). The prior comments on Programs 3.n and 3.o have been resolved. HCD provided clear direction on how to revise these programs to address these remaining comments.
- **Affirmatively Furthering Fair Housing:** In order for HCD to find the Housing Element in compliance with State housing law, additional revisions are needed

with regard to Affirmatively Furthering Fair Housing (AFFH). HCD's comment states that the "element should make more specific commitments to density increase and changes to development standards to accommodate ... increased density in single family neighborhoods."

- **Public Comments:** Since submitting the 4<sup>th</sup> Draft Housing Element to HCD for review, HCD and the City have received a number of public comments that need to be addressed in the next draft. These comments include questions about parcels within the Downtown Specific Plan area, as well as requests for additional programs including strengthened commitments to development of deed restricted housing on the Caltrans sites, additional tenant protections, and additional development incentives for affordable housing.

Staff already began revisions to the Housing Element to address each of these comments. However, addressing the concerns regarding identified sites and the comments related to AFFH require direction from the City Council.

#### *Sites Analysis and Lower Income RHNA Units*

In reviewing the comments regarding the suitability of the non-vacant sites, staff may need to remove certain of sites from the inventory. If so, the City will need to identify a publicly owned site (or sites) to accommodate an estimated 65 lower income Regional Housing Needs Assessment (RHNA) units.

#### *Affirmatively Furthering Fair Housing*

HCD has indicated the inclusion of a new program in the Housing Element to expand housing opportunities for all utilizing the framework of SB10 may be necessary. Staff proposes to allow the use of SB10 in the areas near the L Line (Gold Line) Station, and the intersection of Fair Oaks Avenue and Huntington Drive, areas with small multi-family residential typologies and development standards formulated in the draft Downtown Specific Plan.

#### **Next Steps**

Staff will continue to work with the City's consultant, Mobius Planning, to release the 5<sup>th</sup> Draft Housing Element for public review no later than March 3, 2023 and submit a 5<sup>th</sup> Draft to HCD no later than March 13, 2023.

#### **Fiscal Impact**

There is no fiscal impact with receiving a presentation on HCD's response on the 4<sup>th</sup> Draft Housing Element.

Attachment: HCD Response Letter, January 27, 2023

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# **ATTACHMENT**

HCD Response Letter, January 27, 2023

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

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



January 27, 2023

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

Dear Angelica Frausto-Lupo:

**RE: South Pasadena's 6<sup>th</sup> Cycle (2021-2029) Revised Draft Housing Element**

Thank you for submitting the City of South Pasadena's (City) revised draft housing element received for review on December 13, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Care First South Pasadena, the South Pasadena Tenants Union, and Josh Albrekston, pursuant to Government Code section 65585, subdivision (c).

The revised draft element addresses many statutory requirements described in HCD's October 28, 2022 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

1. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

*Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning... (Gov. Code, § 65583, subd. (c)(1).)*

**Suitability of Nonvacant Sites:** Per previous reviews, the element must include additional discussion of recent experience in redevelopment and either remove sites or include additional analysis of the extent existing uses impeded additional development. In response, the element removed

and added several sites and added additional discussion of sites but must still demonstrate the existing uses and circumstances do not impede additional development, as follows:

- *Site 16 (Pavillions Parking Lot)*: Although owner interest was emphasized in this draft and it was polled highly by the development community, the element still should discuss the impacts of parking for the existing use on the feasibility of development, including plans for replacement parking and parking needs during construction.
- *Site 17 (Retail and Restaurant Buildings and Parking Lot)*: While the element now discusses the short-term nature of leases, based on City records, the owner does not appear interested in residential development as noted in the element. The element should either remove the site, establish owner interest or demonstrate the existing uses will not impede additional development and will likely discontinue in the planning period.

In addition, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings as part of the adoption resolution based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

City-Owned Sites: The element now includes information on compliance with the Surplus Land Act and demonstrates the suitability and availability of Site 13 (City-owned Parking Lot). However, the element must still discuss whether existing uses impede additional development and any known conditions that preclude development in the planning period for Site 8 (Public Works Yard). As noted in the prior review, the element should discuss the impacts of the underground gasoline tank and filling station and soil contamination on the timing and cost of development in the planning period. In addition, Program 2.1 (Affordable Housing on City-owned Property) should commit to monitor City-owned sites every other year and identify alternative sites within 6 months if necessary if sites will not be developed in the planning period.

Programs: As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised, as follows:

- *Program 3.b (Mixed Use Development):* While the Program now includes actions to reduce parking requirements, as noted in the prior review, it should also establish incentives (beyond state density bonus law) by a specified date such as specific commitments to increased density, relaxation of development standards, fee reductions and expedited permit processing.
2. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)*

While the element now includes potentially meaningful programs to address governmental constraints, programs should be revised as follows:

- *Programs 2.i and 2.m (Inclusionary Housing Regulations):* Per our previous review, the program should commit to engage and incorporate comments from the development community (including smaller developers and property owners) as part of the feasibility analysis and make adjustments as appropriate. To ensure that the projects are feasible, the program should also go beyond reviewing provisions (e.g., ten unit threshold, in-lieu fees, comparable unit costs) and commit to make revisions, including a balanced blend of affordability (Moderate and Lower-income). In addition, while Program 2.i (Inclusionary Housing Regulations) commits to evaluate the effectiveness of the ordinance, the evaluation should also utilize constraints on development as criteria, including housing costs and timing and ensure revisions do not act as a constraint on development.
  - *Program 2.n (Citywide Height Limit Ballot Initiative):* While the program now commits to height limits no less than 60 feet or six stories, it should also consider appropriate height limits for 70 units per acre. The Program could either commit to (a) remove height limits all together and replace all height limits as appropriate to encourage maximum densities, (b) specifically commit to accommodate 70 units per acre (e.g., seven stories and 84 feet) in addition to accommodating 50 units per acre or (c) replace the minimum height to be established with seven stories and 84 feet.
3. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

While the element modifies several programs to affirmatively further fair housing (AFFH), it should include specific commitment and additional

actions to improve housing mobility and increase new housing choices and affordability in higher resource or relatively higher income areas (not limited to the RHNA) throughout the City. For example, the element should make more specific commitments to density increases and changes to development standards to accommodate this increased density in single family neighborhoods.

4. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

Public comments from fair housing advocates point to issues relating to both the Caltrans sites as an opportunity to redevelop deed restricted, affordable, multifamily housing in higher opportunity or higher income neighborhood. In addition, comments indicate the Cultural Heritage Commissions efforts to increase the number of historic districts; potentially constraining residential development opportunities. The City should consider and revise the element in response to these comments as appropriate. For example, the element could incorporate any new potential constraints and public participation in its mid-term evaluation of the sites inventory.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements pursuant to Government Code section 65585.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

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

a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed. As this year has passed and Programs 3.a (Rezone and Redesignate Sites to Meet RHNA) has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed.

For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. This is especially important for determining sites that have been utilized in multiple planning periods and are subject to by-right provisions. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

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

HCD appreciates the hard work and dedication you and the rest of the City's housing element team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need assistance, please contact Connor Finney at [Connor.Finney@hcd.ca.gov](mailto:Connor.Finney@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

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# 4<sup>th</sup> Draft Housing Element HCD Response Letter

**February 1, 2023**

**Prepared By: Community Development**

# Timeline

## 3<sup>rd</sup> Draft

- **Sept. 15, 2022:** City submitted 3<sup>rd</sup> Draft HE to HCD
- **Oct. 28, 2022:** HCD provided 3<sup>rd</sup> Draft HE comment letter

## 4<sup>th</sup> Draft

- **Dec. 5, 2022:** Public review 4<sup>th</sup> Draft HE
- **Dec. 12, 2022:** City submitted 4<sup>th</sup> Draft HE to HCD
- **Jan. 27, 2023:** HCD provided 4<sup>th</sup> Draft HE comment letter

## 5<sup>th</sup> Draft

- **Mar. 5, 2023 (tentative):** Public review 5<sup>th</sup> Draft HE
- **Mar. 13, 2023:** City to submit 5<sup>th</sup> Draft HE to HCD

**May 31, 2023:** Deadline for City to adopt HE per court order

# HCD Comment Letter Overview

- Comments resolved in 4<sup>th</sup> Draft
  - Suitability of Sites 5, 9, and 13
  - Analysis of Environmental Constraints
  - Program 3.n (Zoning Changes)
  - Program 3.o (No Net Loss)
  - Affordable Housing Conservation

# HCD Comment Letter Overview

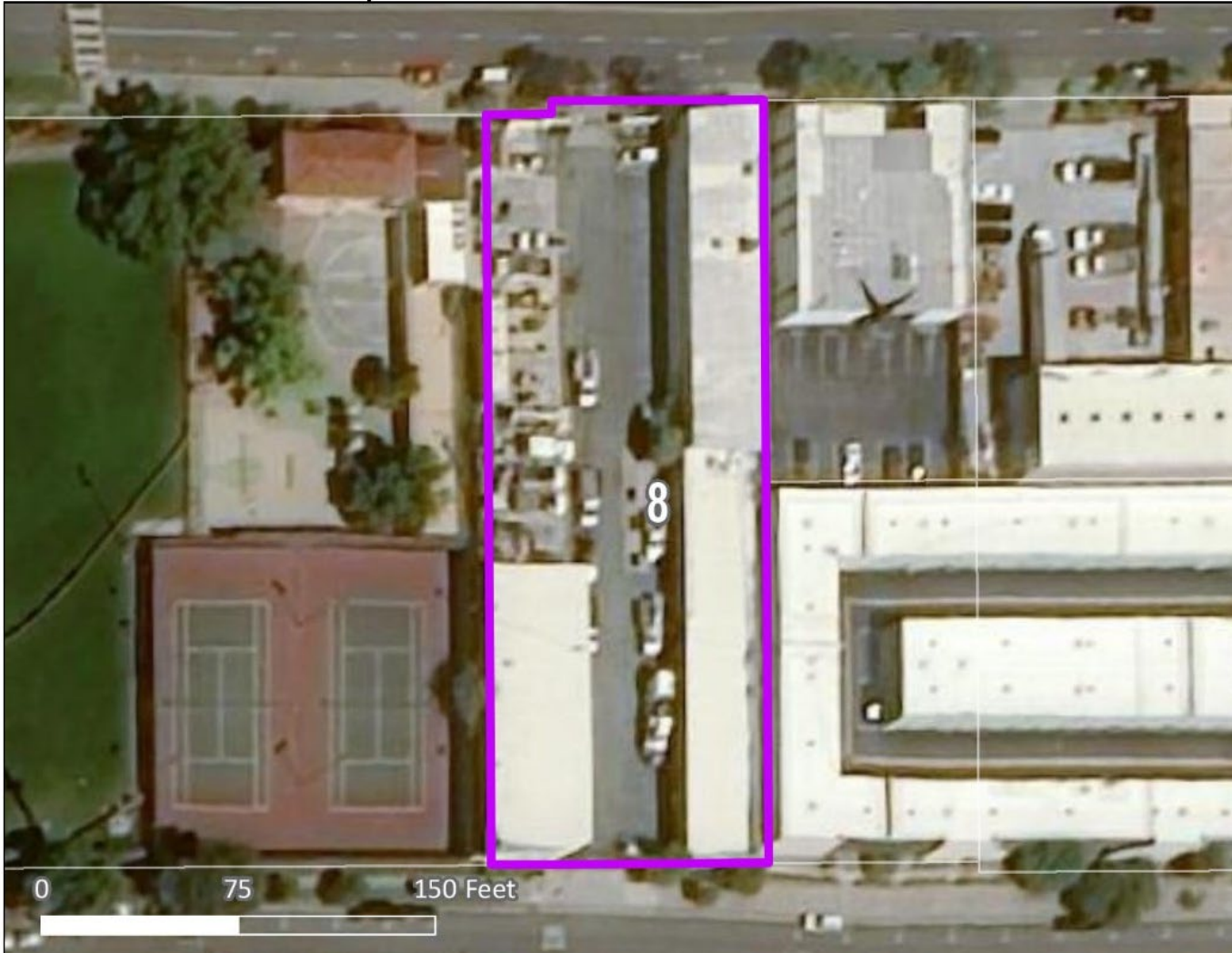
## Remaining comments:

- Site Suitability
  - Site 8 (City Public Works Yard)
  - Site 16 (Pavilions)
  - Site 17 (Oak Tree Inn Shopping Center)
- Program revisions
  - Program 3.b (Mixed Use Development)
  - Programs 2.i & 2.m (Inclusionary Housing Regulations)
  - Program 2.n (Citywide Height Limit)
- Affirmatively Furthering Fair Housing
- Response to Public Comments.

# Suitability of Non-vacant Sites



# Site 8 Public Works Yard



- Existing use is the City public works yard, owned by the City.
- The current CIP includes a comprehensive assessment of City-owned facilities that may be suitable for relocation.
- This property is included in the Program 2.1 for developing City-owned sites with affordable housing.
- As a part of redevelopment, an environmental site assessment will be conducted.

# Site 8 Public Works Yard

## **Proposed change:**

- Add further analysis regarding the possible environmental constraints
- Provide examples of sites with similar constraints



# Site 16 Pavilions Parking Lot



- Existing use is the supermarket (Pavilions).
- Unit assumptions for this site assumed 75% of maximum development capacity as a mixed-use development.
- The property owners met with Community Development staff in February 2022, and their continuing interest in a project of this scale was confirmed in a December 2022 letter.



# Site 16 Pavilions Parking Lot

## **Proposed change:**

- Add additional information regarding parking during construction and long-term operation of Pavilions

# Site 17 Oak Tree Inn Center



- Existing use is a retail center.
- There is potential for redevelopment of the site based on recent project trends and active economic reinvestment in the area.
- Approximately one quarter of the rear building is vacant.
- The property owner has expressed to City staff an interest in redevelopment of the site.

# Site 17 Oak Tree Inn Center

## **Proposed change:**

- Continue to obtain additional owner development interest
- If owner is not interested, removed site. Additional site will need to be identified.

# Housing Element Programs

# Programs 2.i and 2.m, Inclusionary Housing Regulations

## Program 2.i – Monitor IHO for Effectiveness

- Report number of units approved & built
- Review effectiveness of IHO
- Revise IHO to ensure effectiveness

## Program 2.m – Update IHO

- Revise the IHO requirement from 20% to 15%
- Reviewed other provisions of IHO to ensure effectiveness



# Programs 2.i and 2.m, Inclusionary Housing Regulations

## **Proposed Program 2.i & 2.m revisions:**

- Exempt projects less than 10 units from the inclusionary housing requirement.
- Commit to revising the Inclusionary Housing Ordinance based on future reviews.

# Program 2.n, Citywide Height Limit Ballot Initiative

## Program 2.n – Citywide Height Limit Ballot Initiative

- Seek through voter approval the repeal or replacement of height limit within DTSP
- If replaced, the new limit at least 60 feet and/or six stories
- If not approved by voters, the City will revise housing element and rezone additional areas

# Program 2.n, Citywide Height Limit Ballot Initiative

## Proposed Program 2.n revision options:

- Remove the height limit area; or
- Increase height limit recommended cap for voter consideration: seven stories and 84 feet within the DTSP



# Program 3.b, Mixed-Use Development

## Program 3.b - Mixed-Use Developments

- Adopt Downtown Specific Plan
- Remove on-site parking requirements near transit
- Provide mix of land uses within new infill projects.
- Prepare objective development and design standards

# Program 3.b, Mixed-Use Development

## **Proposed Program 3.b revisions:**

- Demonstrate how proposed DTSP development standards will be relaxed from existing standards to establish incentives as specific commitments to increase development opportunities

# Affirmatively Furthering Fair Housing (AFFH)

# Affirmatively Furthering Fair Housing

## **HCD's Comment:**

“While the element modifies several programs to affirmatively further fair housing (AFFH), it should include specific commitment and additional actions to improve housing mobility and increase new housing choices and affordability in higher resource or relatively higher income areas (not limited to the RHNA) throughout the City.”

# Affirmatively Furthering Fair Housing

- HCD objective: provide for the “Missing Middle” housing in So. Pasadena single-family neighborhoods
- Other cities have received similar comments: Alhambra, Lakewood, and Santa Monica
- Other cities have included programs to implement this requirement
- So. Pasadena draft DTSP includes development standards for Missing Middle; can be integrated into City’s existing single-family neighborhoods



# Affirmatively Furthering Fair Housing

Missing Middle housing describes a range of home types that sit between single-family homes and mid-rise apartments and condos.



# Affirmatively Furthering Fair Housing

South Pasadena already includes examples of Missing Middle housing.



Stacked Duplex



Courtyard Building



Side-by-side Duplex



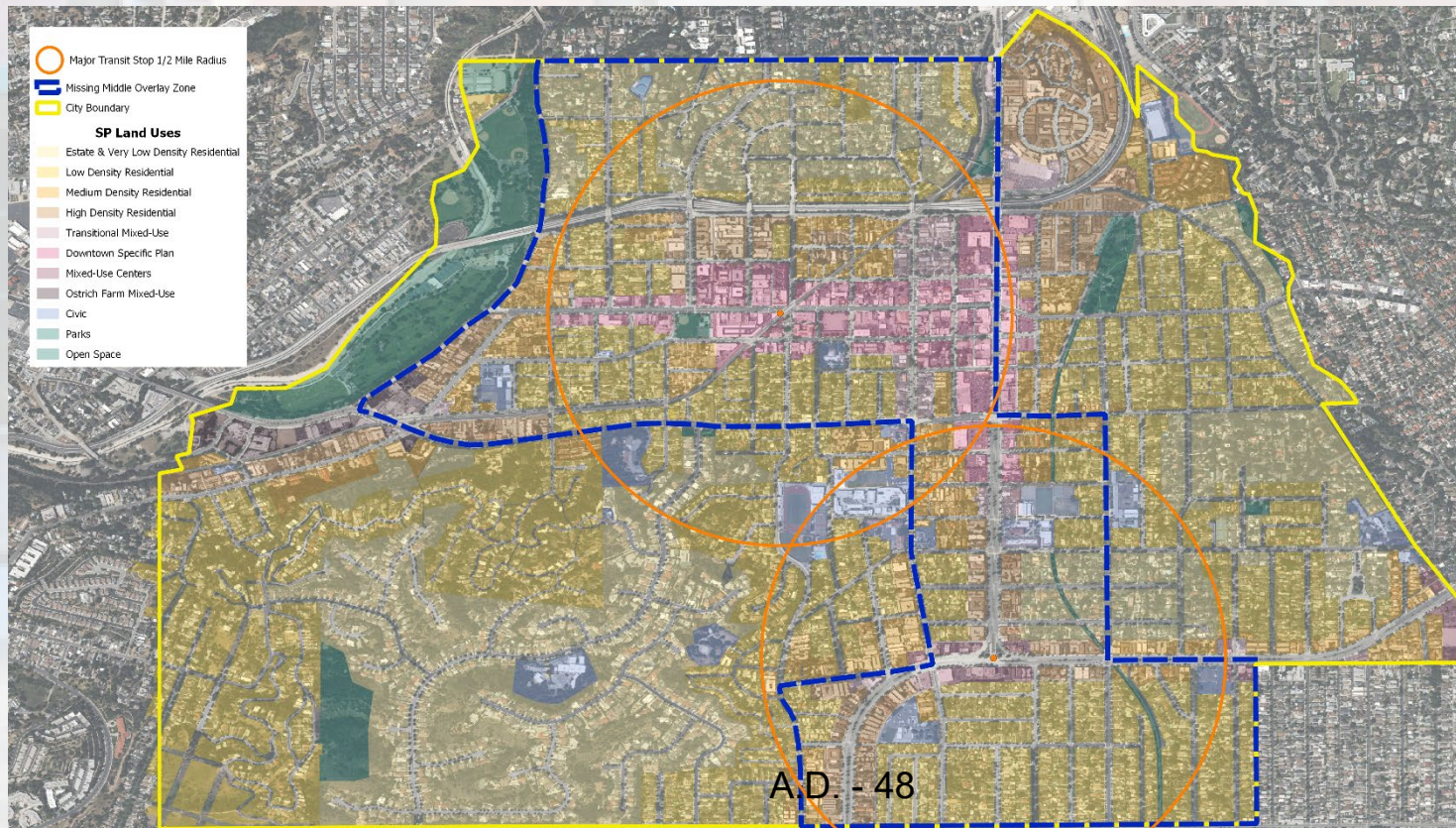
Stacked Fourplex



# Affirmatively Furthering Fair Housing

AFFH options for Council consideration:

- Missing Middle housing types allowed citywide; or,
- Missing Middle overlay zone near transit services.





# Housing Element Public Comments

# Housing Element Public Comments

Multiple people and groups commented on the 4<sup>th</sup> Draft HE after publication for review. Comments include:

- Feasibility of specific sites in the DTSP
- Development of additional affordable housing on the Caltrans properties
- Tenant protections
- Development incentives for affordable housing

# Response to Public Comments

## **Possible responses to public comments:**

- Remove sites from DTSP analysis that are unlikely to redevelop
- Add program to develop Missing Middle housing on Caltrans properties
- Add program for tenant protections
- Expand development incentives for affordable housing

# Additional Sites

# Additional Site(s)

- City will have a shortfall of approximately 65 lower income units
- City must identify approximately 2.5 acres of City-owned property to accommodate the shortfall in units

# Other Considerations

1. Settlement Agreement: deadline to approve  
May 31, 2023
2. Other enforcement

# Questions?

A.D. - 55



# Thank you!



**Public Comment  
February 1, 2023  
Item No. 2**

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**From:** [Yvonne LaRose](#)  
**To:** [City Council Public Comment](#)  
**Subject:** Agenda Item 2 Comment: Recognition of Black History Month  
**Date:** Tuesday, January 31, 2023 8:31:28 PM

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Here we are at the first day of February as well as the first day of Black History Month.

It didn't start with that name, Black History Month. Few know who the founder of the event was or why the celebration is in February, the shortest month of the year.



[Carter G. Woodson](#) created Negro History Week in 1926 [just *one week* in the entire short, 28-day month]. The timing was purposeful. He wanted the acknowledgement of positive accomplishments of American Negroes (as the race was then identified) to occur in the time frame between the birth of Frederick Douglass and Abraham Lincoln. The holiday was renamed "Black History **Month**" in 1976 and broadened to encompass acknowledgement through the entire month.

Some other reasons why Woodson's name stands out are because he:

- is known for writing about the contributions of Negro or Black Americans into the national spotlight
- received a Ph.D at Harvard University
- founded the Association for the Study of Afro-American Life and History in 1915,
- founded the Journal of Negro History in 1916
- authored the seminal book, *The Miseducation of the Negro* (1933)

in addition to his accomplishments memorialized at [The Freeman Institute](#).

## Early Pivotal Figures

It's significant to take note that among the original settlers of the American colony were Negroes who came (and were born) here as free people. The slave trade began after they had made significant inroads in developing the country. The slave trade and its economic benefits changed the character of how the population was regarded.

Benjamin Banneker, a free Negro naturalist, mathematician, astronomer and almanac author. He was a landowner who also worked as a surveyor and farmer, and during the time of the Continental Congresses [petitioned Thomas Jefferson](#) regarding the [Slave Clause](#), urging that slavery not be legalized in the new country.

Other notable Negroes of the time were [Phillis Wheatley](#), noted writer and poet.

[Olaudah Equiano](#), noted abolitionist (known as the freedom writer) who bought his freedom and wrote compellingly about his experiences as a slave. Known for most of his life as Gustavus Vassa, was an extraordinary man who became a prominent figure associated with the campaign to abolish the slave trade. Equiano's book made a vital contribution to the abolitionist cause. His story refuted many of the racist stereotypes and misconceptions that were prominent at the time as he gave the public an opportunity to see slavery through the eyes of a former slave.

[Crispus Attucks](#) was an American whaler, sailor, and stevedore of African and Native American descent, who escaped slavery and is traditionally regarded as the first person killed in the Boston Massacre, and as a result the first American killed in the American Revolution for independence from England.

By all means, let us (at this juncture) call attention to the man who was essentially the father of the philosophy of **inclusion and belonging**, William Edward Burghardt ([W.E.B. Du Bois](#)), an American sociologist, socialist, historian, and Pan-Africanist civil rights activist. He was one of the foremost Black intellectuals of his era. The first Black American to earn a PhD from Harvard University, Du Bois published widely before becoming NAACP's director of publicity and research and starting the organization's official journal, "The Crisis," in 1910.

His notable works include *The Philadelphia Negro: A Social Study*, the first case study of a black community in the United States; a collection of essays, *The Souls of Black Folk*, a landmark of African American literature; *Black Reconstruction*; and the autobiography *Dusk of Dawn*.

Among his contemporary reformers were Booker T. Washington and Frederick Douglass.

The battle for recognition and equity could probably be said to have started in Colonial 1664 Virginia when it was deemed that [Black and slave were synonymous](#).

Certain restrictions were imposed upon Negro slaves. For example, any form of education, e.g., reading, writing, math, was prohibited. Earning a wage and compensated industry was forbidden, including raising livestock or crops. It was required that Negroes carry a form of identification at all times when away from the plantation. Style of clothing was prescribed, certain styles forbidden. Style of etiquette and address took on distinct styles. The concept of "[knowing one's place](#)" began to evolve.

## The Reconstruction Congress

The first and only member of the [seven](#) who were part of the [Reconstruction Congress](#) and not of slave origin was [Hiram Revels](#). The history of that [ten-year period](#) is laced with arduous political battles. After a long hiatus, racial equity in representation slowly resumed.



## Racial Identity Labels and Strivings for Dignity

Racial identification of those who are not White citizens of the United States has also undergone huge strivings for inclusiveness. Take the 1984 writings of [Jack Forbes](#) regard the identification of Blacks, Negroes, and those of Native American Heritage. The labels used to describe the American Negro have [evolved through the ages](#) in an effort to achieve some acceptable term that is not derogatory in its essence or, in the alternative, to accept the derogatory term as a matter of pride in identity.

Then the matter of who is Negro and what constitutes being Negro led to the "[one-drop rule](#)", that is, if you have even one drop of Negro blood - no matter what the remainder of your 5 quarts represents, no matter you blonde hair or blue eyes - you are considered Negro or Black.

There's so much more to our American story. Suffice it to say, just as with any family, there are the ups, the downs, and the just take weird Uncle Joe for what he is and let's have dinner.

For this month, [let us celebrate and honor](#) all those who, in their various manners, have brought us to the table of inclusion and made us rich because of the benefit of their insights and abilities.

Yvonne LaRose

Organization Development Consultant: Diversity/Title VII, Harassment, Ethics

**From:** [Yvonne LaRose](#)  
**To:** [City Council Public Comment](#)  
**Subject:** General Comment: Sharpton Expressions Regarding Tyre Nichols Tragedy  
**Date:** Wednesday, February 1, 2023 11:33:07 AM

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Among this morning's news stories was a tape of Rev. Al Sharpton speaking out about the Tyre Nichols tragedy. I wasn't aware Sharpton does mind reading. Then again, given the outcry regarding commission appointments that rumbled throughout Agenda Item 12, perhaps Sharpton does not do mind reading but DOES express the near-omni consciousness of our nation.

If his words had come from an unrecognized citizen, who has no level of distinction apart from being an ordinary person, many would have said the speech was that of a crazy person. I have to chuckle at that accusation. To sit and accept what happened to Nichols (and the many others who have suffered and died under similar circumstances), to quietly acquiesce and say, "I'm okay," is tantamount to being crazy.

Fortunately, there have been no such similar incidents in our city. The one tragedy that did occur left an indelible ache in everyone, including those on our police force. Fortunately, some of the uncomfortable conditions that existed here in 2019 have, with a great deal of diligence, been corrected. It now can accurately be said there is equity in protection and enforcement in South Pasadena. That's because our police department is willing to hear the concerns and be proactive to implementing measures that will create a safe, harmonious environment.

Yvonne LaRose  
Organization Development Consultant: Diversity/Title VII, Harassment, Ethics

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**From:** [Chris Bray](#)  
**To:** [City Council Public Comment](#)  
**Subject:** General Public Comment, February 1 City Council meeting  
**Date:** Monday, January 30, 2023 5:43:22 PM

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Sent earlier to councilmember email addresses, and submitted now as public comment:

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

**From:** Chris Bray [REDACTED]

Councilmembers,

The law firm Colantuono, Highsmith & Whatley (CHW), located at 790 E. Colorado Blvd., represents public agency clients, including the City of South Pasadena. In 2021 the law firm Primuth, Driskell & Terzian, also located at 790 E. Colorado Blvd., moved around the corner to S. Lake Avenue and merged with Lagerlof LLP, which also has a large public agency practice. Working in the same business and legal field in the same neighborhood, Lagerlof and CHW represent many of the same clients, sometimes representing the same clients as co-counsel on the same litigation. These two law firms partner and intertwine in significant and frequent manifestations of shared professional and financial interest. The 2021 merger of Primuth, Driskell & Terzian with Lagerlof, LLP changed Mayor Jon Primuth's relationship with Colantuono, Highsmith & Whatley, bringing him into a position as a partner in a firm that has exceptionally close business ties to CHW. The mayor's law firm does business with the city attorney's law firm, while the mayor votes on the city attorney's contract.

For example, in litigation that ran from 2013 to 2016, *Newhall County Water District v. Castaic Lake Water Agency*, the Newhall County Water District was represented by Michael Colantuono, David Ruderman, Tiana Murillo, and Thomas Bunn. Colantuono, Ruderman, and Murillo work for the law firm that now, after a series of recent mergers and reorganizations, is known as Colantuono, Highsmith & Whatley, while Bunn works for Lagerlof. The firms worked side by side, serving and billing the same client in the same litigation. They were business partners in a legal matter.

Lagerlof and CHW sometimes also take the same side in litigation without directly partnering, as in *Bighorn-Desert v. Verjil*, a lawsuit argued in the San Bernardino County Superior Court. Lagerlof represented the plaintiff, while Michael Colantuono and several associates in what is now CHW wrote an amicus brief supporting the plaintiff's argument.

More frequently, Lagerlof and CHW serve the same clients in different capacities and settings. James Ciampa, a partner at Lagerlof, currently serves as general counsel to the Los Vaqueros Reservoir Joint Powers Authority, for example, but CHW represents the Contra Costa Water District, a member agency involved in the formation and oversight of the Los Vaqueros Reservoir Joint Powers Authority. Similarly, Lagerlof represents coalitions of local water boards, such as the Public Water Agencies Group, while CHW represents individual water agencies. The two firms take overlapping slices of the same public agencies and policy arenas, representing the same clients in different ways.

Lagerlof and CHW also frequently serve the same clients separately, each working as special

counsel for the City of Pomona and providing legal services to the California State Association of Counties (CSAC). Michael Colantuono wrote or co-wrote briefs for the CSAC in, for example, *Miner's Camp v. Foresthill Public Utility District* and *Wilde v. City of Dunsmuir*, while Thomas Bunn of Lagerlof co-wrote the CSAC's brief in *Glendale Coalition for Better Government v. City of Glendale*.

In short, Lagerlof LLP and Colantuono, Highsmith & Whatley, law firms working in the same neighborhood to represent many of the same public agency clients -- sometimes together -- have a considerable blending and overlap of business and legal interests, the full depth of which I will be happy to continue to examine in much greater detail if it turns out to be necessary.

Section 1 of the City of South Pasadena's Code of Ethics for Elected and Appointed Officials requires that elected officials act "In the Public Interest": "Members will work for the common good of the people of South Pasadena and not for any private or personal interest...."

Section 8 of that same Code of Ethics establishes this set of expectations regarding conflicts of interest: "In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest."

We now have a *considerable* appearance of a conflict of interest in an ongoing matter before the South Pasadena City Council.

As a partner in Lagerlof, LLP, Mayor Jon Primuth has shared financial interests and personal and professional relationships with Colantuono, Highsmith & Whatley, the law firm that employs City Attorney Andrew Jared as a subordinate of former City Attorney Teresa Highsmith, a shareholder in CHW. It is a violation of the City of South Pasadena's Code of Ethics for Mayor Primuth to argue for the business interests of Colantuono, Highsmith & Whatley, as when he argued against the preparation of a legal services RFP by the city, and when he has defended CHW's billing practices and invoices sent to the city, and when he participated in the debates and reporting negotiations of the ad hoc finance committee that included much-contested discussion of CHW business practices as the city's legal representatives. Over and over again during discussions among officials of the City of South Pasadena, Colantuono, Highsmith & Whatley has had an advocate and business partner in the room -- in the role of a city official.

Mayor Primuth's business, the law firm Lagerlof, LLP, regularly does business with City Attorney Jared's business, the law firm Colantuono, Highsmith & Whatley. Their law firms often serve some of the same clients, work at close and frequent proximity in the same field of public agency law, and sometimes directly do paid work together for the same clients on the same legal matters. The mayor must not participate in council votes, or council discussions, regarding the City of South Pasadena's business relationship with Colantuono, Highsmith & Whatley. In future discussions regarding legal services invoicing, legal services RFPs, or the performance evaluation of a city attorney employed by Colantuono, Highsmith & Whatley, Mayor Primuth must recuse and leave the room.

One of the most significant pathologies in South Pasadena has been the unwillingness of

public officials to perform within the ethical boundaries of their roles. City Attorney Teresa Highsmith was not the city attorney in practice -- she was effectively the sixth city councilmember, taking policy positions and arguing as a political ally of a council faction. During a period of considerable chaos and institutional cruelty, South Pasadena taxpayers funded a staff attorney for the Emily Diaz-Vines show. Appropriate role-focused behavior makes healthy institutions, while self-dealing and a disregard for boundaries cause institutional sickness.

I have viewed Mayor Primuth's increasingly open and aggressive advocacy for the business interests of the city attorney's law firm with a growing sense of alarm. In an emerging conflict between Colantuono, Highsmith & Whatley and the City of South Pasadena, the mayor of South Pasadena is an unyielding advocate for the interests of Colantuono, Highsmith & Whatley. In discussion during the last council meeting, Mayor Primuth appeared to be suggesting that a desire to replace CHW was a sign of bias, while a desire to retain CHW demonstrated an absence of bias. I appreciated Councilmember Braun's alertness to this point.

This behavior cannot be allowed to continue. The full council has a duty to act to enforce your Code of Ethics. Mayor Primuth must recuse. I have given you sufficient notice to place a discussion of officeholder ethics on the agenda of the South Pasadena City Council's next meeting.

Chris Bray

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**From:** [Stephen Rossi](#)  
**To:** [City Council Public Comment](#); [Evelyn Zneimer](#); [Jon Primuth](#); [Michael Cacciotti](#); [Jack Donovan](#); [Janet Braun](#); [Armine Chaparyan](#); [Domenica Megerdichian](#); [Tamara Binns](#); [City Clerk's Division](#)  
**Cc:** [Peter Giuliani Jr](#); [Fred Findley](#); [Gregory Chun](#); [William Cullinane](#)  
**Subject:** Public Comment from former members of the Finance Ad Hoc Committee  
**Date:** Wednesday, February 1, 2023 10:37:20 AM

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**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.

Mayor Pro Tem Zneimer and City Councilmembers,

It is with regret that we, former members of the Finance Ad Hoc Committee (“FAHC”), find ourselves reaching out to you today. However, after becoming aware of the potential conflicts of interests between the Mayor and former FAHC member, Jon Primuth, and our contract City Attorney firm, Colantuono, Highsmith, and Whatley (“CHW”), we feel it necessary to voice our concern over the potential influence these possible conflicts, and Mr. Primuth’s failure to disclose them, may have had not only on the deliberations, content, and recommendations contained in the FAHC’s final report, but also on the deliberations, review, and decisions made by the City Council itself relative to the report.

Please note that we are not in a position, to make any statement about whether a conflict of interest *exists*. However, the information provided by South Pasadena resident, Chris Bray, to the City Council, on or about January 21, 2023, combined with Mr. Primuth’s own actions and statements throughout the FAHC’s process, during open session City Council meetings in June 2022 and August 2022 where the FAHC report was discussed and voted on twice, and again in the open session City Council meeting held on January 18, 2023 during which the City Council deliberated and voted whether to institute an RFP for a new City Attorney leads to the conclusion that the *appearance* of a conflict of interest does exist.

Mr. Primuth’s own comments during the January 18, 2023, meeting, “I don’t see the need for an RFP...I don’t see there’s any performance issues. I have no reason to think that any other firm could perform at a higher level...I’m a satisfied consumer,” helped lead to his exclusion from the RFP subcommittee with Councilmember Braun noting, “Jon...you’ve kind’uv disqualified yourself.”

Despite Mr. Primuth’s public claims that he was merely “a secretary trying to faithfully execute a reasonable consensus,” and “did not have any input on the recommendations,” the video and email evidence will show that Mr. Primuth was an active participant who influenced the FAHC’s final report - including its content, final discussions, recommendations, final vote, and even the form of delivery to the City.

Running conflicts checks is a standard operating procedure for legal firms, and as a named partner in Primuth, Driskell, & Terzian, LLP, Mr. Primuth, having just taken his Council seat in December 2020, should have been aware of the potential for conflicts as his firm consummated a 2021 merger with Lagerlof, a known municipal law firm. Furthermore, CHW, South Pasadena’s contract City Attorney, responsible for ensuring the City’s ongoing compliance with law, procedures, and policies, should have been immediately aware of the potential ethical pitfalls raised by the 2021 merger (as CHW is aware of Lagerlof’s municipal practice) and promptly brought them to City Staff and the City Council for review.

As recently as January 25, 2023, Mr. Primuth has stated that he plans to continue to exert influence, and even vote, on issues pertaining to CHW’s performance and the now ongoing RFP and will *only* recuse himself if a special counsel advises the City otherwise. We believe this continued stance is inconsistent with the guidance from both the Fair Political Practices Commission (“FPPC”) and South Pasadena’s own guidance to Councilmembers and Commissioners:

**“Public officials should seek advice on how these laws apply as early in the process as possible – as soon as a disqualifying conflict of interest is even a possibility.** This means taking an active and attentive role by asking questions... Only a formal opinion or formal advice letter from the FPPC will protect a public official if someone argues that a violation of the Political Reform Act has occurred.”

*Understanding the Basics Public Service Ethics Laws, Institute for Local Government (emphasis added)*

“The rule is that a public official may not make, participate in, or influence a governmental decision that will have a **reasonably foreseeable** and material financial effect on the official, the official’s immediate family, or any of the official’s economic interests.”

*Understanding the Basics Public Service Ethics Laws, Institute for Local Government (emphasis added)*

“In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, **which may give the appearance of a conflict of interest.**”

*August 21, 2019 South Pasadena Resolution Establishing a Code of Ethics and Conduct Policy for Elected and Appointed Officials (emphasis added)*

**“While there is nothing wrong with having a conflict of interest, it is improper if you fail to disclose that interest, or use your official position to influence a decision that could serve your interest.**...He or she must abstain from all discussion and voting, and cannot try to influence the outcome of the matter in any way. The member should state the nature of the conflict and should leave the room until that item is finished...IF IN DOUBT: Whenever a Commissioner believes there may be an economic conflict of interest, **he or she should seek an opinion from the Fair Political Practice Commission.** At any time, it is safest to err on the conservative side and to publicly identify the conflict.”

*City of South Pasadena Commissioner Handbook (emphasis added)*

As such, we find it prudent and timely to make the following requests of Mr. Primuth and the rest of the City Council:

Mr. Primuth immediately recuse himself from influencing (including discussing with the public, City Staff, commissioners, or other councilmembers; discussing in closed or open session meetings; or participating in any vote of the Council or other committee) any decision regarding CHW performance, hiring CHW as counsel for any new work, or the now ongoing City Attorney RFP process itself; and

As the recommendations presented by the FAHC were dismissed by the City Council, possibly due to the influence exercised by Mr. Primuth in the media and during open session meetings, we five former FAHC members believe the recommendations should be brought back before the City Council in open session (with Mr. Primuth recusing himself from the discussion), as soon as possible, to discuss and vote on whether to implement those recommendations, including the creation of an Internal Auditor position within the City.

As always, we make ourselves available to answer questions in support of furthering the public good of the South Pasadena community.

Respectfully yours,

Fred Findley

Greg Chun

Peter Giulioni

Stephen Rossi



William Cullinane

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City of South Pasadena  
City Manager's Office

# Memo

**Date:** February 1, 2023  
**To:** The Honorable City Council  
**Via:** Arminé Chaparyan, City Manager *Ac*  
**From:** Tamara Binns, Assistant to the City Manager

February 1, 2023 City Council Meeting Item No. 8 Review and Approval of 2023 Legislative Platform

The memo provides clarification to No. 1 on page 8-10 clarifying the name of the Metro L Line (Gold), and adding Slow Streets to the transportation improvements.

|                       |   |
|-----------------------|---|
| <b>TRANSPORTATION</b> | <ol style="list-style-type: none"><li>1. Support measures to finance local and regional transportation programs and improvements, including Active Transportation Mode, <del>and</del> Complete and Green Streets, <b>and Slow Streets</b>, and extension of <b>Metro L Gold</b> Line (Gold).</li><li>2. Support continuous appropriations of new monies directly to cities for the preservation, maintenance, rehabilitation, and development of local street and road systems.</li><li>3. Support efforts to fully fund the <b>Transportation Systems Management (TSM)/ Travel Demand Management (TDM)</b> alternatives in accordance with prior City positions.</li><li>4. Support efforts to relinquish the properties along the SR-710 freeway between I-10 and I-210 back to the local jurisdictions.</li></ol> |
|-----------------------|---|

Additional clarification to No 1. on page 8-8 under Economic Development on page adding a statement about public health safety.

|                             |  |
|-----------------------------|--|
| <b>ECONOMIC DEVELOPMENT</b> | <ol style="list-style-type: none"> <li>1. Oppose legislation that erodes the ability of cities to condition and deny projects that <b>demonstrate clear and evident</b> negatively impacts to the <b>public health and safety</b> of the community.</li> </ol> |
|-----------------------------|--|

Finally, on page 8-9 of the Land Use section omitting No. 1 and No. 6. with respect to transit oriented development (Item No. 1), the State of California has, through numerous legislative actions, encouraged a concentration of new development within urbanized areas with mass transit systems. The City is in the process of implementing the most recent related legislation, for example, AB 2097, SB 478 into our zoning code through the zoning text amendment before City Council for a second reading on February 1, 2023.

Concerning telecommunications (Item No. 6), current legislative interest at the State level is focused on cyber-security and broadband access/deployment. Siting of facilities is a no longer an area of concern.

|                 |  |
|-----------------|--|
| <b>LAND USE</b> | <ol style="list-style-type: none"> <li><del>1. Oppose legislation that imposes unreasonable mandatory development standards in transit intensive areas and residential neighborhoods.</del></li> <li>2. Support legislation that <b>acknowledges and</b> strengthens the <b>long-standing</b> concept of local control/<del>local home rule</del> for <b>local</b> decision making on land use and zoning matters.</li> <li>3. Support legislation that would increase available funding for affordable housing.<br/><br/>Support reforms and improvements to housing element law to provide clear protections for local jurisdictions <del>to preserve historic resources and processes and flexibility to allow regional cooperation;</del> and to establish realistic housing goals and performance standards—including modifications in criteria and methodology -to meet the State’s Regional Housing Needs Assessment (RHNA) goals.</li> <li>4. Oppose legislation that places new restrictions on local land use control and transportation funding tied to external factors beyond municipal control.</li> </ol> |
|-----------------|--|


|  |  |
|--|--|
|  | <p>5. Support legislation that strengthens local governments' regulatory authority and control over the siting of marijuana industries.</p> <p><del>6. Oppose legislation and regulatory efforts that would diminish or eliminate the authority of cities to zone and plan for the development of telecommunications infrastructure, including the siting of cellular communications towers or transmission sites.</del></p> |
|--|--|

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City of South Pasadena  
Management Services  
Department

# Memo

**Date:** January 31, 2023  
**To:** The Honorable City Council  
**Via:** Jon Primuth, Mayor   
**From:** Luis Frausto, Management Services Director  
**Re:** Item 10– Approval of Mayor’s List of City Council Liaison and Regional Group Appointments and Adoption of a Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations

---

The memo provides revisions made to Attachments 1 (List of Proposed City Council Liaison & Regional Group Appointments) and 2 (Resolution Approving City Council Appointments to Various Governmental Entities and Organizations).





**Liaison and Regional Group Appointments**  
**Jon Primuth, Mayor**  
**February 1, 2023 to December 2023**

| <b>City Commissions, Boards, and Committees</b>                              | <b>Appointed Liaison</b>  |
|--|---------------------------|
| Cultural Heritage Commission   | Zneimer                   |
| Community Services Commission  | Donovan                   |
| Design Review Board  | <b>TBD</b>                |
| Finance Commission   | Braun                     |
| Fourth of July – Festival of Balloons Committee                              | Primuth                   |
| Mobility and Transportation Infrastructure Commission                        | Donovan                   |
| Library Board of Trustees  | Braun                     |
| Natural Resources and Environmental Commission                               | Cacciotti                 |
| Planning Commission  | Primuth                   |
| Public Art Commission  | TBD                       |
| Public Safety Commission   | Cacciotti                 |
| Public Works Commission  | Zneimer                   |
| South Pasadena Tournament of Roses Committee                                 | Zneimer                   |
| <b>Ad Hoc/Committees and other assignments</b>                               | <b>Appointed Liaisons</b> |
| Ad Hoc/Committee: City Council and SPUSD Subcommittee                        | Zneimer and Primuth       |
| Ad Hoc/Committee: Mission-Meridian Village Subcommittee                      | Donovan                   |
| Ad Hoc/Committee: SB381 Caltrans Surplus Properties Implementation           | Primuth and Donovan       |
| Ad Hoc/Committee: City Leased Properties                                     | Cacciotti and Braun       |
| Representative:<br>South Pasadena Chamber of Commerce - Legislative          | Primuth                   |
| Representative:<br>South Pasadena Chamber of Commerce - Economic Development | Braun                     |
| Ad Hoc/Committee: Athens Contract  | Donovan and <b>TBD</b>    |

| <b>Regional Groups – Appointment by City</b>      | <b>Appointed Liaison</b> | <b>Alternate(s)</b> |
|---|--------------------------|---------------------|
| Arroyo Verdugo Communities Joint Powers Authority | Primuth                  | Cacciotti           |
| California Contract Cities Legislative Committee  | <b>TBD</b>               | <b>TBD</b>          |
| Foothill Workforce Development Policy Board       | Zneimer                  | Donovan             |

|   |  |                             |                               |
|---|--|-----------------------------|-------------------------------|
|   | Foothill Employment and Training Consortium  | TBD                         | TBD                           |
|   | Los Angeles County City Selection Committee  | TBD                         | TBD                           |
| 📄 ★<br>△  | Los Angeles County Sanitation Districts, Board of Directors, District 16   | Primuth<br>(always Mayor)   | Donovan                       |
|   | CalCities, Los Angeles Division and Annual Conference  | Braun                       | Zneimer                       |
| 📄 ❖<br>△  | Metro Gold Line Phase II Joint Powers Authority Board  | Cacciotti                   | TBD                           |
| 📄 ❖   | Metro Gold Line Construction Authority   | Elected at Large            | Dan Evans<br>(Resident)       |
|   | Metro Gold Line Technical Advisory Committee   | Cacciotti                   | TBD                           |
| 📄 ❖<br>△  | San Gabriel Valley Council of Governments Governing Board  | Primuth                     | Cacciotti                     |
| 📄 ❖<br>△  | Southern California Association of Governments General Assembly  | Primuth                     | Braun                         |
| 📄 ❖<br>△  | San Gabriel Valley Mosquito and Vector Control District  | Robert S. Joe<br>(Resident) | TBD                           |
| 📄 ❖   | Clean Power Alliance   | Primuth                     | Diana<br>Mahmud<br>(Resident) |
| <b>Regional Groups –Appointment by Regional Group</b> |  | <b>Appointed Liaison</b>    | <b>Alternate(s)</b>           |
| 📄 △   | San Gabriel Valley Council of Governments (COG) Representative to Southern California Association of Governments (SCAG) Community, Energy and Environment Economic Committee | TBD                         | TBD                           |
| 📄   | Arroyo Verdugo Communities Appointment to the League of California Cities, LA County Division Board of Directors   | TBD                         | TBD                           |
| 📄   | Santa Monica Mountains Conservancy   | Cacciotti                   | Zneimer                       |
| 📄<br>📄<br>△   | South Coast Air Quality Management District<br>San Gabriel Valley Board Member   | Cacciotti                   | TBD                           |

- 📄 Requires FPPC Form
- ❖ Council vote
- ★ Board Member is current Mayor; Alternate is appointed by Mayor
- 📄 Voted by Regional Group
- △ Stipend

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
APPOINTING DELEGATES, REPRESENTATIVES,  
AND ALTERNATES AS OFFICIAL REPRESENTATIVES  
OF THE CITY OF SOUTH PASADENA**

**WHEREAS**, the City Council of the City of South Pasadena (City) at its regular meeting of February 1, 2023, reorganized as follows: Jon Primuth, Mayor; Evelyn G. Zneimer, Mayor Pro Tem; Jack Donovan, Councilmember; Janet Braun, Councilmember; and Michael Cacciotti, Councilmember; and

**WHEREAS**, with the reorganization, the Mayor and the City Council make appointments to various agencies and organizations for the Mayoral term; and

**WHEREAS**, several agencies and organizations require that the City Council formally approve its official delegates, representatives, and alternates to represent the City.

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

**SECTION 1.** The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as Governing Board Representative and alternate member of the **SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS** for the term indicated:

| <b>Governing Board Representative</b> | <b>Alternate</b>    | <b>Term</b> |
|---------------------------------------|---------------------|-------------|
| Mayor Primuth                         | Councilmember Braun | 2023        |

**SECTION 2.** The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **LEAGUE OF CALIFORNIA CITIES, LOS ANGELES DIVISION** for the term indicated:

| <b>Delegate</b>     | <b>Alternate</b>      | <b>Term</b> |
|---------------------|-----------------------|-------------|
| Councilmember Braun | Mayor Pro Tem Zneimer | 2023        |

**SECTION 3.** The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as board member and alternate board member of the **LOS ANGELES COUNTY SANITATION DISTRICTS BOARD OF DIRECTORS, DISTRICT 16** for the term indicated:

| <b>Board Member</b> | <b>Alternate</b>      | <b>Term</b> |
|---------------------|-----------------------|-------------|
| Mayor Primuth       | Councilmember Donovan | 2023        |

**SECTION 4.** The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **METRO GOLD LINE PHASE II JOINT POWERS AUTHORITY BOARD** for the term indicated:

| <b>Delegate</b>         | <b>Alternate</b> | <b>Term</b> |
|-------------------------|------------------|-------------|
| Councilmember Cacciotti |                  | 2023        |

**SECTION 5.** The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **ARROYO VERDUGO COMMUNITIES JOINT POWERS AUTHORITY** for the term indicated:

| <b>Delegate</b> | <b>Alternate</b>        | <b>Term</b> |
|-----------------|-------------------------|-------------|
| Mayor Primuth   | Councilmember Cacciotti | 2023        |

**SECTION 6.** The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY** for the term indicated:

| <b>Delegate</b> | <b>Alternate</b>    | <b>Term</b> |
|-----------------|---------------------|-------------|
| Mayor Primuth   | Councilmember Braun | 2023        |

**SECTION 7.** The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT** for the term indicated:

| <b>Delegate</b>                     | <b>Alternate</b> | <b>Term</b> |
|-------------------------------------|------------------|-------------|
| Robert S. Joe<br>(Community Member) |                  | 2023        |

**SECTION 8.** The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **CLEAN POWER ALLIANCE** for the term indicated:

| <b>Delegate</b> | <b>Alternate</b>                   | <b>Term</b> |
|-----------------|------------------------------------|-------------|
| Mayor Primuth   | Diana Mahmud<br>(Community Member) | 2023        |

**SECTION 9.** The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **FOOTHILL WORKFORCE DEVELOPMENT POLICY BOARD** for the term indicated:

| <b>Delegate</b>       | <b>Alternate</b>      | <b>Term</b> |
|-----------------------|-----------------------|-------------|
| Mayor Pro Tem Zneimer | Councilmember Donovan | 2023        |

**SECTION 10.** The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **FOOTHILL EMPLOYMENT AND TRAINING CONSORTIUM** for the term indicated:

| <b>Delegate</b> | <b>Alternate</b> | <b>Term</b> |
|-----------------|------------------|-------------|
|                 |                  | 2023        |

**SECTION 11.** Pursuant to the appointments made above, the City Council of the City of South Pasadena does hereby adopt the completed Form 806 of the Fair Political Practices Commission, and directs staff to take all other actions necessary to comply with the requirements of any applicable laws and regulations.

**SECTION 12.** 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 1<sup>st</sup> day of February, 2023.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Desiree Jimenez, CMC  
Chief City Clerk

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Andrew L. Jared, City Attorney

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# Approval of a Facility Lease Agreement with South Pasadena Batting Cages, LLC for the Operation of the Batting Cage Facility

**February 1, 2023**

**Prepared By: Community Services Director  
Sheila Pautsch**

# Background

- Batting cages closed on February 28, 2022
- A Request for Proposals (RFP) was distributed on February 16 via Plant Bids and emailed to over 45 batting cage operators
- A pre-bid walk-through of the facility was held on February 24, 2022
- RFP's were due on March 7, 2022 with four proposals received.
- The Recreation Facility Lease Ad Hoc Committee (Committee) interviewed all four respondents
- Respondents were ranked in the following order:
  - South Pasadena Batting Cages, LLC
  - South Pasadena Sports Academy
  - Apex Training Facility
  - All-Star Baseball School and Batting Cages
- The Committee recommended the City proceed with negotiations with South Pasadena Batting Cages, LLC for approval of an agreement

# Analysis

- South Pasadena Batting Cages, LLC (SPBC)
  - Presented a complete capital improvement list and design that includes \$135,000 for renovations and a new equipment
  - Passion and understanding of the community and the need for a well-managed facility
  - Offer camps and programs for our baseball and softball community
  - Capital Improvements
    - New pitching machines
    - New netting and chain link around the entire facility
    - New LED lighting
    - Point of Sale System
    - New synthetic turf throughout the facility
    - Clean and paint the concession stand and add an awning
    - Add seating with a shaded area
    - New bats and helmets



# Agreement

- 10-year agreement
- Up to a total of \$135,000 in capital improvement within the first 6 months
- \$4,000 a month rent for the first five years
- Allowing for rent credits for the first five years for the cost of capital improvements expended
- Rent increases by the Consumer Price Index for the second five years
- City will set aside 20% of the rent payment for a capital improvement fund for future projects at the facility.

# Recommendations:

## SOUTH PASADENA CITY HALL

- Adopt the finding of Exemption from the California Environmental Quality Act (CEQA) based on Section 15301 Existing Facilities, as the improvements consist of repairs, maintenance, and minor alterations of the existing public facility with no expansion of existing or former use.
- Approve a Facility Lease Agreement with South Pasadena Batting Cages, LLC for the lease and operations of the south Pasadena batting cages.



# City Council Communications

**February 1, 2023**

**Councilmember Michael A. Cacciotti**

A.D. - 90

# Community Highlights



A.D. - 91




# Community Highlights



A.D. - 92






# Additional Comments

Join us at  **Garfield Park** for a **FREE**

## **ELECTRIC LEAF BLOWER DEMONSTRATION**

Have you heard the buzz around town?  
**South Pasadena has banned gas-powered leaf blowers!**



- \* Better Health
- \* Cleaner Air
- \* Quieter
- \* No More Gasoline, Oil, Spark Plugs, Filters


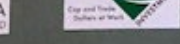



Register for a CARB CORE sponsored rebate for up to 70% off an electric leaf blower including 2 batteries and a charger, and come test out electric models first-hand that can be purchased from eligible dealers!\*

\*For more information, please visit [www.SouthPasadenaCA.gov/LeafBlowers](http://www.SouthPasadenaCA.gov/LeafBlowers) and [www.CaliforniaCore.org](http://www.CaliforniaCore.org)

**Refreshments will be served!**

**Wednesday, February 8, 2023**  
**Garfield Park**  
**1000 Park Avenue**

**Stop by anytime between 8am - 1pm**



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