



**CITY OF SOUTH PASADENA  
CITY COUNCIL**

**AGENDA**

**SPECIAL MEETING  
CLOSED SESSION**

**MONDAY, SEPTEMBER 18, 2023  
6:00 P.M.**

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

**NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY**

The South Pasadena City Council Meeting will be conducted in-person from the Amedee O. "Dick" Richards, Jr. Council Chambers, located at 1424 Mission Street, South Pasadena, CA 91030 and the teleconference location. Pursuant to Assembly Bill 361 Government Code Section 54953, subdivision (e)(3), the City Council may conduct its meetings remotely and may be held via video conference.

Public Comment regarding items on the Closed Session Meeting agenda will be taken at the beginning of the meeting. The public will be released from the meeting so that the City Council may convene Closed Session discussion of items allowed under the Government Code. Any reportable action taken in Closed Session will be reported by the City Attorney during the next Open Session meeting. A separate Zoom link will be provided for the Open Session for the public to attend.

Public participation may be made as follows:

- In-Person – Council Chambers, 1424 Mission Street, South Pasadena, CA 91030 and the teleconference location.
- Live Broadcast via the City website – [http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)
- Via Zoom – **Meeting ID: 226 442 7248**
- Written Public Comment – written comment must be submitted by 12:00 p.m. the day of the meeting by emailing to [ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov).
- Via Phone – +1-669-900-6833 and entering the Zoom Meeting ID listed above.

Meeting may be viewed at:

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information; or
2. Click on the following unique Zoom meeting link:  
<https://us06web.zoom.us/j/2264427248?pwd=aEFuSGszQ2l5WjJkemoTms0RTIVUT09>; or
3. By calling: +1-669-900-6833 and entering the Zoom Meeting ID listed above; and viewing the meeting via [http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)

**CALL TO ORDER:** Mayor Jon Primuth

**ROLL CALL:**

Mayor	Jon Primuth
Mayor Pro Tem	Evelyn G. Zneimer
Councilmember	Jack Donovan
Councilmember	Michael A. Cacciotti
Councilmember	Janet Braun

**PUBLIC COMMENT**

**CLOSED SESSION AGENDA ITEMS**

**A. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION-SIGNIFICANT EXPOSURE TO LITIGATION**

(Government Code Section 54945.9(d)(2))

Number of Potential Cases: 2

**CERTIFICATION OF POSTING**

*I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on **September 18, 2023**, on the bulletin board in the courtyard of City Hall located at 1414 Mission Street, South Pasadena, CA 91030, and on the City website as required by law, on the date listed below.*

09/14/2023

/S/

Date

Mark Perez, Deputy City Clerk



**CITY OF SOUTH PASADENA  
CITY COUNCIL**

**AGENDA**

**SPECIAL MEETING  
MONDAY, SEPTEMBER 18, 2023, AT 6:30 P.M.**

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

**South Pasadena City Council Statement of Civility**

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

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- Via Zoom – **Webinar ID: 825 9999 2830**
- Written Public Comment – written comment must be submitted by 12:00 p.m. the day of the meeting by emailing to [ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov).
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<b>CALL TO ORDER:</b>	Mayor	Jon Primuth
<b>ROLL CALL:</b>	Mayor	Jon Primuth
	Mayor Pro Tem	Evelyn G. Zneimer
	Councilmember	Jack Donovan
	Councilmember	Michael A. Cacciotti
	Councilmember	Janet Braun
<b>PLEDGE OF ALLEGIANCE:</b>	Mayor Pro Tem	Evelyn G. Zneimer

**PUBLIC COMMENT GUIDELINES**

The City Council welcomes public input. Members of the public may comment on a non-agenda subject under the jurisdiction of the City Council or on an agenda item. Members of the public will have three minutes to address the City Council, however, the Mayor and City Council may adjust the time allotted, as needed.

Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded to the City website for public viewing under Additional Documents. When submitting a public comment, please make sure to include the following:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on.
- 3) Submit by no later than 12:00 p.m., on the day of the City Council meeting. Correspondence received after this time will be distributed the following business day.

PLEASE NOTE: The Mayor may exercise the Chair's discretion, subject to the approval of the majority of the City Council, to adjust public comment time limit to less than three minutes, as needed.

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

**PUBLIC COMMENT**

1. **PUBLIC COMMENT**

Public Comment will be limited to three minutes per speaker for the agendized items only.

**PUBLIC HEARING**

2. **CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT**

**RESOLUTION**

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

**ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RESCINDING THE MISSION STREET SPECIFIC PLAN AS ADOPTED IN ORDINANCE NO. 2035

**Recommendation**

It is recommended that the City Council open the Public Hearing, receive public testimony on the project, and continue the Public Hearing to September 27, 2023, at which time the Council would consider:

1. Adopting a Resolution to certify and adopt the Program Environmental Impact Report (PEIR) prepared for the project, making required findings and adopting a statement of overriding considerations;
  2. Adopting a Resolution to adopt the General Plan and the Downtown Specific Plan (DTSP) Update, inclusive of Planning Commission direction and errata revisions to both the General Plan and DTSP; and
  3. Introducing an Ordinance to rescind the Mission Street Specific Plan upon the effective date of the DTSP.
3. **PROPOSED AMENDMENTS TO SOUTH PASADENA MUNICIPAL CODE (SPMC) CHAPTER 36 (ZONING) AND ZONING MAP RELATED TO INCREASED DENSITY BY REZONING THE EXISTING FOCUSED AREA OVERLAY ZONE TO MIXED-USE OVERLAY ZONE AND INCREASE DENSITY IN THE CERTAIN RESIDENTIAL ZONING DISTRICTS IN COMPLIANCE WITH THE UPDATED GENERAL PLAN AND THE 2021-2029 (6<sup>TH</sup> CYCLE) HOUSING ELEMENT**

### ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CHAPTER 36 (ZONING) OF THE CITY CODE OF THE CITY OF SOUTH PASADENA RELATED TO INCREASED DENSITY INCLUDING REZONING THE EXISTING FOCUSED AREA OVERLAY ZONE TO MIXED-USE OVERLAY ZONE AND INCREASING DENSITY IN THE RESIDENTIAL ZONING DISTRICTS, AND AMENDING THE ZONING MAP IN COMPLIANCE WITH THE UPDATED GENERAL PLAN AND THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT

#### Recommendation

It is recommended that the City Council open the public hearing, receive public testimony on the project, and continue the Public Hearing to September 27, 2023, at which time the Council would consider introducing an Ordinance to:

1. Amend certain South Pasadena Municipal Code Sections pertaining to rezoning of properties consistent with the General Plan update and the 2021-2029 (6<sup>th</sup> Cycle) Housing Element which will do the following:
    - a. Add Section 36.230.050 (Mixed-Use Overlay Development Standards) for the newly established Mixed-Use Overlay District;
    - b. Amend Section 36.250.340 (Focus Area Overlay District), to eliminate the Focus Overlay District and replace it with the newly established Mixed-Use Overlay;
    - c. Increase density in the RM, RH, and Mixed-Use Overlay Districts in compliance with the Housing Element Programs; and
    - d. Amend other Code Sections relating to ancillary changes to the SPMC regarding reference to the new Downtown Specific Plan (DTSP), adoption of the new Zoning Map, other and minor changes to the Residential and Commercial zoning district standards in relation to the rezoning.
  2. Amend the Zoning Map to eliminate the Focus Area Overlay zone and the Mission Street Specific Plan boundary, and replace them with the Mixed-Use Overlay zone and the Downtown Specific Plan boundary, respectively.
4. **PROPOSED AMENDMENTS TO SOUTH PASADENA MUNICIPAL CODE (SPMC) CHAPTER 36 (ZONING) PERTAINING TO APPLICABLE PROGRAMS IN THE 2021-2029 HOUSING ELEMENT (120-DAY IMPLEMENTATION PROGRAMS)**

### ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING DIVISION 36.370 (AFFORDABLE HOUSING INCENTIVES) OF ARTICLE 3 (SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS) OF CHAPTER 36 (ZONING) OF THE CITY CODE OF THE CITY OF SOUTH PASADENA TO REVISE REGULATIONS TO CONFORM TO STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTION 65915)

**ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CHAPTER 36 ARTICLE 2 DIVISION 36.22 AND CHAPTER 36 ARTICLE 3 DIVISION 36.350 OF THE CITY CODE OF THE CITY OF SOUTH PASADENA RELATING TO EMPLOYEE HOUSING

**ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING DIVISION 36.375 OF THE CITY CODE OF THE CITY OF SOUTH PASADENA CODE RELATING TO INCLUSIONARY HOUSING REQUIREMENTS

**Recommendation**

It is recommended that the City Council open a Public Hearing, receive public testimony on the project, and continue the Public Hearing to September 27, 2023, at which time the Council would consider introducing:

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

**ACTION/DISCUSSION**

5. **APPROVE FUND ALLOCATION AND CONSIDERATION OF THE APPROVAL OF THE FIRST CONTRACT AMENDMENT WITH RANGWALA ASSOCIATES TO COMPLETE THE GENERAL PLAN UPDATE AND DOWNTOWN SPECIFIC PLAN DOCUMENTS IN AN AMOUNT NOT-TO-EXCEED \$26,200**

**Recommendation**

It is recommended that the City Council:

1. Allocate and appropriate \$26,200 from General Fund Account 101-0000-0000-3200-000 to Community Development Department Professional Services Account Number 101-7010-7011-8170-000; and

2. Authorize the City Manager to execute the First Amendment to the Rangwala Associates Professional Services Agreement (PSA) for the General Plan Update and Downtown Specific Plan to finalize documents in the amount of \$26,200 for a total not-to-exceed amount of \$177,100.

**ADJOURNMENT**

**FOR YOUR INFORMATION**

**FUTURE CITY COUNCIL MEETINGS**

September 27, 2023	Special City Council Meeting	7:00 P.M.
October 04, 2023	Regular City Council Meeting	7:00 P.M.
October 14, 2023	Strategic Plan Study Session (Youth House)	9:00 A.M.

**PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS**

City Council meeting agenda packets, any agenda related documents, and additional documents are available online for public viewing on the City’s website:

[www.southpasadenaca.gov/CityCouncilMeetings2023](http://www.southpasadenaca.gov/CityCouncilMeetings2023)


Regular meetings are live streamed via the internet at:

[http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)

**AGENDA NOTIFICATION SUBSCRIPTION**

If you wish to receive an agenda email notification please contact the City Clerk’s Division via email at [CityClerk@southpasadenaca.gov](mailto:CityClerk@southpasadenaca.gov) or call (626) 403-7230.

**ACCOMMODATIONS**

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

**CERTIFICATION OF POSTING**

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09/14/2023	/S/
Date	Mark Perez, Deputy City Clerk



# City Council Agenda Report

ITEM NO. 2

**DATE:** September 18, 2023

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

**PREPARED BY:** Angelica Frausto-Lupo, Community Development Director  
Alison Becker, AICP, Deputy Community Development Director  
Ben Jarvis, AICP, Interim Senior Planner

**SUBJECT:** **Consideration of a new General Plan, Associated Downtown Specific Plan, and Program Environmental Impact Report Prepared for the Project.**

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## Recommendation

It is recommended that the City Council open the Public Hearing, receive public testimony on the project, and continue the Public Hearing to September 27, 2023, at which time the Council would consider:

1. Adopting a Resolution to certify and adopt the Program Environmental Impact Report (PEIR) prepared for the project, making required findings and adopting a statement of overriding considerations;
2. Adopting a Resolution to adopt the General Plan and the Downtown Specific Plan (DTSP) Update, inclusive of Planning Commission direction and errata revisions to both the General Plan and DTSP; and
3. Introducing an Ordinance to rescind the Mission Street Specific Plan upon the effective date of the DTSP.

## Executive Summary

The City is updating the General Plan to be consistent with the 6<sup>th</sup> Cycle Housing Element that was adopted by the City Council on May 30, 2023. This project also includes adopting a new Downtown Specific Plan to replace the existing Mission Street Specific Plan. A PEIR has been prepared for the project and will need to be certified and adopted in conjunction with approving the project.

## Background

Sections 65300 et. seq. of the *California Government Code* requires each city and county to adopt a comprehensive, long-term general plan for the physical development of land within its jurisdiction and sphere of influence. The City of South Pasadena (City) last updated its General Plan in 1998, and the Housing Element was adopted on May 30, 2023. The existing Mission Street Specific Plan (MSSP) was adopted in 1996 as a companion document to the 1998 General Plan and was tailored to the particular needs of a specific area of the City (Mission Street). The area covered by the MSSP is now



proposed to be expanded to include a segment of Fair Oaks Avenue. To better reflect the larger downtown area covered by the specific plan, the MSSP is proposed to be renamed the Downtown Specific Plan (DTSP). The General Plan and DTSP Adoption (Project) presents an opportunity to re-evaluate the City's values and community vision, address broader issues, and respond to the changing economic, environmental, legal, and social settings. The Project would also implement the housing programs included in the recently adopted Housing Element.

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

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

#### Initial General Plan Update: 2014-2018

During strategic planning sessions in 2014 and 2015, the City Council identified the need to update the General Plan and the Mission Street Specific Plan and directed staff to commence the update process. On November 16, 2016, the City Council approved a contract with Rangwala Associates to update the City's General Plan and Mission Street Specific Plan. The Council directed staff to work with Rangwala Associates to prepare a Public Engagement Program as well as an Environmental Impact Report for the project. The public engagement process began on January 25, 2017, with a Joint City

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

The majority of the work and community outreach that crafted the Draft General Plan and Downtown Specific Plan (DTSP) was completed in the 2017-2018 timeframe. The documents reflect the community's vision and goals that were identified at that time. The project's consultant, Rangwala Associates, conducted extensive public outreach, including stakeholder interviews, lectures, community surveys, and a charrette. This outreach was necessary to ensure the General Plan and DTSP reflected the community's vision and priorities. The community's comments were incorporated into the both the General Plan and DTSP documents, with the consensus being that future growth should be focused in walkable areas near public transportation thereby minimizing impacts on the City's established, single-family neighborhoods.

Due to circumstances beyond the control of the consultant (the 2021-2029 Housing Element adoption process), Rangwala Associates transitioned off the project in 2019, and PlaceWorks, the new project consultant, assumed responsibility to finalize the General Plan and DTSP documents. Since PlaceWorks had been selected to complete the Housing Element, it made sense for a single consultant to coordinate final touches on the General Plan and DTSP documents to ensure they were internally consistent and complied with applicable state law. PlaceWorks remained the primary consultant until fall 2022. In spring 2023, Rangwala Associates again took over as the main project consultant for the proposed General Plan Update and DTSP project.

#### 2021-2029 (6<sup>th</sup> Cycle) Housing Element

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

in the number of planned units (589 for the initial General Plan versus the 2,067 units required under the RHNA), it was prudent to pause the General Plan/DTSP process until the Housing Element was adopted.

After much work, and partly in response to Housing Element litigation, on May 17, 2023, the Planning Commission considered the Housing Element, the Initial Study and Environmental Assessment (EA) prepared for the project pursuant to Government Code Section 65759, public testimony, and other documentation, and adopted a resolution recommending the City Council adopt the EA prepared for the project and approve the Housing Element. On May 16, 2023, the City received a letter from HCD stating the revised 2021-2029 Housing Element dated May 5, 2023, was found to meet the statutory requirements of State Housing Element law. With the recommendation of the Planning Commission and the determination by HCD that the Housing Element could be approved, on May 30, 2023, in a unanimous vote, the City Council adopted the Housing Element.

The Housing Element and its associated programs would accommodate a maximum potential of 2,775 units and 430,000 SF of non-residential (commercial) space. The additional number of units reflects a buffer of 708 units above the City's RHNA obligation. This buffer was required by HCD and provides additional housing capacity in the event some of the housing sites or programs do not produce the anticipated number of units. Full buildout of the Housing Element inventory would generate 6,882 potential additional residents in South Pasadena through 2040, along with 1,978 potential jobs; however, the actual number will likely be less than predicted as these numbers represent the upper limit to the City's growth potential.

The General Plan, of which the Housing Element is one component, must be internally consistent, thus other elements of the General Plan must be revised to reflect the revised population and housing goals listed in the 2021-2029 Housing Element. Without large tracts of undeveloped land to work with, the City had to find a way to absorb the projected growth within its current built environment. Some growth could be accommodated in established neighborhoods through Accessory Dwelling Units (ADUs) or other State legislation that allows for additional by-right units on single-family lots (such as Senate Bill 9 and Senate Bill 10), but even so, the City had to find ways to increase density in developed areas, preferably in commercial corridors located near high quality public transportation.

#### Litigation and Accelerated Timelines

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

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

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

#### Planning Commission Recommendation

The Planning Commission considered this item at its meetings on August 8 and August 21, 2023. At the August 8<sup>th</sup> meeting, after receiving public testimony and presentations from staff and the consultants, the Planning Commission discussed the matter, asked questions, and created an Ad Hoc Committee consisting of Commissioners Lesak and Swanborn to further analyze development requirements in the DTSP. The Planning Commission then continued the Public Hearing to August 21<sup>st</sup>, with direction for staff to prepare resolutions recommending the City Council certify the Draft Program Environmental Impact Report prepared for the project, approving the project and adopting the new General Plan and Downtown Specific Plan. An additional special meeting was held on August 23, 2023, to receive feedback from the Ad Hoc Committee on the related zoning text and map amendments discussed in a separate staff report. Copies of the Ad Hoc report, along with written public comments and City responses, are attached for the Council's information.

#### City Council Study Session

On August 29, 2023, the City Council conducted a Study Session on this topic. The Council received a presentation from the consultant on the project, Rangwala & Associates, along with a CEQA presentation from Psomas, the project's environmental consultant. Staff also presented the proposed Zoning Text Amendments that will be considered after the PEIR is certified and the General Plan is adopted. In addition to the presentations, residents addressed the Council during the public comment portion of the meeting and several written comments were received. The written comments are attached to this staff report, along with the City's responses. As the meeting was a Study Session, no action was taken on the item.

## **Analysis**

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

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

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

**Table 1 City of South Pasadena Development Capacity (2040)**

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

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

**General Plan Land Use Summary**

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

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

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

**Table 2: General Plan Land Use Designations**

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

Table source: PEIR Exhibit 2-4

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

Land Use Designations Overview

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

### Mixed Use Core

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

### Very Low Intensity

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

### Low Intensity

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

### Medium Intensity

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

### High Intensity

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

### Civic

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



### Parks & Open Space

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

### Preserves

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

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

Mission Street is the City’s historic main street and contains some of its most important buildings, including the City’s civic center. Fair Oaks Avenue is a major north/south arterial through the City. While Fair Oaks Avenue has remained economically viable, it has seen a decline in the quality of its urban environment due to the sprawl of buildings and lack of landscaping. By contrast, Mission Street has retained its historic character, particularly around the Metro A Line station. New infill development, along with successful retail businesses, have made Mission Street one of the most important destinations in the City.

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

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

The DTSP contains two primary zoning designations: Mixed Use Core and Fair Oaks Corridor.

- The Mixed Use Core encompasses the vicinity of Mission Street and contemplates a development intensity of 70 dwelling units per acre with a height range of 1-5 stories (building height above 45 feet could be achieved pursuant to State Density Bonus concessions and waivers).
- The Fair Oaks Corridor allows for more intensive development with a maximum density of 110 dwelling units per acre.

While the General Plan outlines development envelope standards such as allowable density and height, including provisions for taller building height in keeping with State Density Bonus concessions and waivers, the DTSP contains specific development standards under what is known as a “form-based code.” A form-based code provides objective development standards that aim to create an active streetscape and a walkable community. These standards would apply to both Mission Street and Fair Oaks Avenue.

The new DTSP contemplates a maximum of 1,230 additional units—880 units for Fair Oaks Avenue and 350 units for Mission Street—over the life of the plan (2040). The DTSP would also allow for up to 225,000 SF of new non-residential uses (commercial and office) with 175,000 SF anticipated for Fair Oaks Avenue and 50,000 SF for Mission Street.

As part of the Zoning Ordinance update, all references to the Mission Street Specific Plan will be replaced with the Downtown Specific Plan. Changes will be made to the applicable sections of the South Pasadena Municipal Code. Approval of the DTSP will supersede the existing Mission Street Specific Plan, and an Ordinance rescinding the Mission Street Specific Plan is proposed because that Specific Plan was initially adopted by Ordinance No. 2035.

#### General Plan/DTSP Outreach

Public input played a key role in formulating the proposed General Plan and DTSP. The City’s team for the General Plan Update consisted of an Executive Team, an Advisory Committee, and six Focus Groups. The Executive Team included key City staff members with a primary responsibility to keep the update process on schedule and within budget. The Advisory Committee included City Council members, Planning Commissioners, and department heads that provided on-going direction. Focus Groups supported the public outreach process in developing policy options and actions to implement the public’s vision. The public outreach process included development of a project website, social media engagement, e-mail notifications, public surveys, pop-up workshops, stakeholder interviews, a lecture series, and a five-day visioning charrette. After a pause in preparation of the General Plan Update and DTSP documents, additional public meetings were held to provide the community with the current status of the Project and its path forward.

The process was put on hold as the City awaited clarification of an anticipated significant housing allocation through the State RHNA process, which would likely be different than

the housing capacity being considered at that time. When the RHNA was finalized at 2,067 housing units (actually, 2,775 units including the required buffer), necessary adjustments were proposed for the General Plan Update and DTSP, to increase capacity and to revise the principles to reflect housing as a greater priority. More than 1,000 community members participated in the General Plan/DTSP update meetings.

#### Errata Tables

Errata tables were provided to the Planning Commission showing additional changes that were proposed but that were not included in the documents presented to the Commission. Those revisions have been made in the documents presented to City Council. For informational purposes, these errata tables are attached to this staff report. New Errata Tables have been attached to this staff report that reflect additional revisions based on public comment and staff review after the Commission meetings. The errata revisions are considered minor and will not substantially alter or change the scope of the Project.

#### Associated Zoning Text Amendments

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

#### 2024 Ballot Initiative

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

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

This Housing Element program is not part of the project being considered by the City Council this evening. Even so, the upcoming ballot initiative is included in the discussion

to remind the Councilmembers and members of the public that the question of repealing the City's voter-approved height limit will be presented to South Pasadena residents in November 2024 to implement Housing Element Program 2.n. It is also important to understand that while the City has a 45-foot building height limit that was approved by voters in 1983, buildings can be developed taller than 45 feet if a project qualifies for concessions and waivers provided through State Density Bonus law.

### **General Plan/Downtown Specific Plan Findings**

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

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

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

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

The General Plan Update would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would achieve internal consistency with the adopted 2021-2029 Housing Element. The General Plan Update also reflects substantial public comment, supporting a vision that was created by South Pasadena residents and community stakeholders. The General Plan will guide future growth of the City, and its goals, policies, and actions will support the health and safety of residents. Two chapters of the General Plan, Our Safe Community and Our Healthy Community, specifically address the safety and health of City residents.

The General Plan goals, policies, and actions further support the convenience and general welfare of the City by preserving existing single-family neighborhoods and focusing growth into specific areas where residents will have access to services and public transportation. The General Plan supports mixed-use, walkable neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the City Council can make this finding.

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

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

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

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

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

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

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

### **Environmental Analysis**

The General Plan/ DTSP Update constitutes a project under the California Environmental Quality Act (CEQA). As such, a Program Environmental Impact Report (PEIR) was

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

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

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

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

#### Tribal Consultation

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

On April 21, 2021, the City again initiated consultation under SB18 and AB52, due to the change in the General Plan Update/DTSP project and its associated Recirculated Notice of Preparation (RNOP). Consultation letters were sent to the Gabrieleño/Tongva San

Gabriel Band of Mission Indians; Gabrieleño Band of Mission Indians, Kizh Nation; Gabrieleño/Tongva Tribe; Gabrieleño/Tongva Indians of California Tribal Council; and the Soboba Band of Luiseño Indians. One tribe, the Gabrieleño/Tongva San Gabriel Band of Mission Indians (Gabrieleño/Tongva Tribe), responded to the consultation request.

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

The public review period for the Draft Program Environmental Impact Report (EIR) ended on September 6, 2023. Staff and the environmental consultant are preparing the Final Program EIR for consideration by the City Council at its September 27, 2023, meeting.

#### Housing Element Environmental Assessment

In addition to the General Plan/DTSP PEIR, an Initial Study in conformity with 14 CCR 15080(c) and an Environmental Assessment in conformity with 14 CCR 15140, et seq., were prepared for the preparation and adoption of the City's 2021-2029 (6<sup>th</sup> Cycle) Housing Element. Based on the analysis presented in the Environmental Assessment, and as more thoroughly described therein, implementation of the proposed Project would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures: Air Quality (Air Quality Management Plan Consistency, Air Quality Standards Violation; Cumulative Air Quality Impacts); Greenhouse Gas Emissions (GHG Emissions); Noise (Direct and Cumulative Construction and Exterior Traffic Noise Standard Violation); and, Population and Housing (Population Growth).

Table ES-1 therein presents a summary of significant environmental impacts identified in Sections 3.1 through 3.16 of the Environmental Assessment; Mitigation Measures (MMs) that reduce any significant impacts; and the level of significance of each impact after mitigation. Significant irreversible environmental changes and growth-inducing impacts are addressed in Section 5.0, Other CEQA Considerations of the Environmental Assessment. Therefore, the proposed Zoning Code implementation of the Housing Element program requirements will not trigger any further CEQA review.

#### **Conclusion**

Based on the evidence presented in this staff report, the Draft PEIR, and the adopted 2021-2029 Housing Element, the City Council can make the findings to approve the

Project. As such, two draft Resolutions have been prepared: A Resolution to adopt and certify the PEIR, and a Resolution to adopt and approve the new General Plan and Downtown Specific Plan, including an ordinance to rescind the Mission Street Specific Plan upon the Downtown Specific Plan taking effect.

### **Next Steps**

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

September 27, 2023: City Council concludes the continued Public Hearing, and once the Public Hearing is closed, considers certifying/adopting the PEIR, and approving the project with first reading of Ordinances rescinding the MSSP, Zoning Text Amendments and Zoning Map Amendments.

October 4, 2023: Assuming the project is approved on September 27, 2023, with the first reading of the Ordinances, conduct a second reading and adopt said Ordinances.

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

### **Public Notification of Agenda Item**

A public notice for this Public Hearing was published in the South Pasadena Review on September 8, 2023. The public was also made aware of the Public Hearing through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

As of the writing of the staff report, the City has received seven comment letters on the project. Those letters, along with a summary of responses, are attached.

### **Fiscal Impact**

Upon adoption of the General Plan and DTSP, staff time would be required to implement the plans, as directed by the City Council and in response to community needs. Upon adoption of the General Plan and DTSP, staff and consultant time will be required to implement the plans, as directed by the City Council and in response to community needs.

### **Key Performance Indicators and Strategic Plan**

This project supports the following priorities in the Strategic Plan:

Priority 2: Create a strong economic development strategy to strengthen local business.



- Priority 3: Develop a comprehensive emergency preparedness plan to ensure public safety through active response and recovery efforts.
- Priority 4: Enhance community sustainability through investment in infrastructure and environmental management programs.
- Priority 5: Plan for affordable housing to comply with state mandates and respond to community needs.

### **Legal Review**

The City Attorney has reviewed this item.

### **Attachments**

1. Draft Approval Resolution
  - a. Exhibit A: General Plan
  - b. Exhibit B: General Plan Errata Table
  - c. Exhibit C: Downtown Specific Plan
  - d. Exhibit D: Downtown Specific Plan Errata Table
2. Comment Letters
3. Public Comment Response Summary
4. Planning Commission Errata Tables
5. Resolution P.C. 23-05
6. Resolution P.C. 23-06

# **ATTACHMENT 1**

Draft Approval Resolution

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RESOLUTION NO. \_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, on August 8, 2023, the Planning Commission held a duly noticed Public Hearing and continued to the Public Hearing to August 21, 2023, wherein the Planning Commission received a staff presentation, considered the staff report, public testimony, Planning Commission discussion, and all other materials and evidence, whether written or oral, and in a 5-0 vote, adopted Resolution No. P.C. 23-06 recommending the City Council approve the project; and

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

**WHEREAS**, the project was presented to the City Council in a Study Session meeting on August 29, 2023, wherein the City Council received a presentation from staff, including a presentation from Rangwala and Associates, the project's consultant, received public testimony, and City Council discussion on the project; and

**WHEREAS**, the project was the subject of a duly-noticed Public Hearing before the City Council on September 18, 2023, wherein the City Council received a presentation from staff, considered the staff report, public testimony, the Draft General Plan and Downtown Specific Plan, and City Council discussion on the Project; and

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

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

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

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

- A. All necessary Public Hearings and opportunities for public testimony and comment have been conducted in compliance with applicable law;
- B. That the environmental impacts of the Project have been adequately analyzed and addressed, and that the City Council, through Resolution \_\_\_\_, adopts and approves the project.

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

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

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

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

The General Plan Update would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would achieve internal consistency, including with the adopted 2021-2029

Housing Element. The General Plan Update also reflects substantial public comment, supporting a vision that was created by South Pasadena residents and community stakeholders. The General Plan will guide future growth of the City, and its goals, policies, and actions will support the health and safety of residents. Two chapters of the General Plan, *Our Safe Community* and *Our Healthy Community*, specifically address the safety and health of City residents. The General Plan goals, policies, and actions further support the convenience and general welfare of the City by preserving existing single-family neighborhoods and focusing growth into specific areas where residents will have access to services and public transportation. The General Plan supports mixed-use, walkable neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the City Council can make this finding.

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

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

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

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

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

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

Changes; and Program 4.e Universal Design. Given the DTSP is internally consistent with the proposed General Plan and adopted 2021-2029 Housing Element, therefore, the City Council can make this finding.

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

**SECTION 5:** Based upon the foregoing, the City Council:

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

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



**PASSED, APPROVED, AND ADOPTED** on this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
Roxanne Diaz, City Attorney

**I HEREBY CERTIFY** the foregoing Resolution No. \_\_\_\_ was duly adopted by the City Council of the City of South Pasadena, California, at a special meeting held on the 18th day of September, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

## **ATTACHMENT 2**

Exhibit A: Draft General Plan ([Link](#))

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## **ATTACHMENT 3**

Exhibit B: Draft General Plan Errata Table

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**Additional Errata Items**

<b>GENERAL PLAN CITY COUNCIL ERRATA ITEMS 9-18-23</b>			
Page	Action	Reason	Notes
Table of Contents	Revise the mayor's name to "Jon Primuth"		Add this revision to the Acknowledgements section
Table of Contents	Add in the name of "David Watkins"		David was the Planning and Building Director. He should be listed in the Acknowledgement section.

<b>MISCELLANEOUS (CITY COUNCIL 9-18-23)</b>			
Housing Element	Revise Table V1-51	Ed Elsner Letter 8-23-23	The table will be revised to reflect the correct density information.

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## **ATTACHMENT 4**

Exhibit C: Draft Downtown Specific Plan ([Link](#))



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## **ATTACHMENT 5**

Exhibit D: Draft Downtown Specific Plan Errata Table

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**Additional Errata Items****DOWNTOWN SPECIFIC PLAN ERRATA (CITY COUNCIL 9-18-23)**

Page	Action	Reason	Notes
DTSP p. 103	Revise Table C3.1 to require a CUP for "Public assembly, meeting facility, place of worship" uses.	Mark Gallatin Letter 8-31-23	
DTSP p. 152	Revise Section C9.2 Sign Types: Signs on historic buildings require Cultural Heritage Approval.	Mark Gallatin Letter 8-31-23	
DTSP p. 161	Revise Section C11.1 to delete "Building Accessory".	Mark Gallatin Letter 8-31-23	"Building Accessory" is redundant since "Accessory Building" is already listed.
DTSP p. 171	The Mills Act will be added back into the list of local programs.	Mark Gallatin Letter 8-31-23	

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## **ATTACHMENT 6**

Draft Ordinance (to rescind the Mission Street Specific Plan)

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**CITY OF SOUTH PASADENA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SOUTH PASADENA, CALIFORNIA, RESCINDING THE  
MISSION STREET SPECIFIC PLAN AS ADOPTED IN  
ORDINANCE NO. 2035**

**WHEREAS**, the adopted 2021-2029 Housing Element calls for amendment of the City Code of the City of South Pasadena and adoption of the Downtown Specific Plan to update zoning designations to allow for additional housing to be constructed within the City; and,

**WHEREAS**, on May 1, 1996, the City Council adopted Ordinance No. 2035 adopting the Mission Street Specific Plan and making related zone changes; and,

**WHEREAS**, the area governed by Mission Street Specific Plan is included in the new Downtown Specific Plan, which upon taking effect is intended to supersede the Mission Street Specific Plan; and,

**WHEREAS**, on August 21, 2023, the South Pasadena Planning Commission considered, among other things, the Downtown Specific Plan and the related rescission of the Mission Street Specific Plan Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and,

**WHEREAS**, on August 21, 2023, the Planning Commission adopted P.C. Resolution No. 23-06 recommending, among other things, adoption of the Downtown Specific Plan and Rescission of the Mission Street Specific Plan upon the effective date of the Downtown Specific Plan; and,

**WHEREAS**, on September 18 and September 27, 2023, the City Council, considered this Ordinance at duly noticed public hearings, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and,

**WHEREAS**, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**



**Section 1. Recitals.** The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

**Section 2. Findings.** The City Council of the City of South Pasadena in approving the proposed Code amendments hereby makes the following findings:

A. This Ordinance is consistent with the South Pasadena 2021-2029 Housing Element, and the South Pasadena General Plan. Specifically, this Ordinance rescinds inconsistent Mission Street Specific Plan to achieve consistency at such time as the Downtown Specific Plan is adopted and becomes effective.

B. This Ordinance will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. Rescission of the Mission Street Specific Plan ensures that the Downtown Specific Plan governs the development of the downtown areas in the City.

**Section 3.** The City Council hereby rescinds the Mission Street Specific Plan. Once this Ordinance goes into effect, the Mission Street Specific Plan shall be of no further force or effect, and shall be superseded by the Downtown Specific Plan. Thereafter any reference in the South Pasadena City Code to the Mission Street Specific Plan shall be construed as a reference to the Downtown Specific Plan.

**Section 4. Environmental Findings.** This Ordinance reflects an action to implement the City's adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council's adoption of the Housing Element. Each of these provide separate and independent bases demonstrating compliance with the CEQA.

**Section 5. Severability.** If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or

phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**Section 6. Effective Date.** This Ordinance shall take effect on the date the Downtown Specific Plan goes into effect, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council, and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED AND ADOPTED ON** this XX<sup>th</sup> day of XXXX, 2023.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
Roxanne Diaz, City Attorney

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## **ATTACHMENT 7**

### Planning Commission Ad Hoc Report and Recommendations

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# MEMORANDUM

**DATE** August 22, 2023

**PROJECT** South Pasadena Downtown Specific Plan  
Ad Hoc Committee

**TO** Alison Becker, AICP  
Deputy Director

**OF** Community Development  
City of South Pasadena

**FROM** Arnold Swanborn, AIA  
John Lesak AIA

**CC**

**VIA** Email

**REGARDING** **South Pasadena Downtown Specific Plan Ad Hoc Committee  
Initial Observations and Recommendations**

---

At the August 7th, 2023 meeting of the South Pasadena Planning Commission, an ad hoc committee consisting of Commissioners Arnold Swanborn and John Lesak, was formed in order to perform a high level review the draft Downtown Specific Plan (DTSP). The review was intended to test scenarios to form an initial opinion on the ease of use of the document and make recommendations for improvement.

The ad hoc committee held a working meeting on Sunday, August 13. Given the short timeframe and desire to keep planning staff informed of progress, Commissioner Swanborn provided a list of comments via email on Wednesday, August 16 and Commissioner Lesak met with staff to discuss via teleconference on Thursday, August 17. Because the ad hoc committee was looking at scenarios, much of the review is focused on Part C Code. This memo attempts to summarize the ad hoc committee's initial observations and make targeted recommendations to improve the DTSP.

## Observations

Possibly due to lack of familiarity with the DTSP, the ad hoc committee had a difficult time working through the document. Both digital and printed copies of the plan were used.

1. **Readability & Navigation.** Accessibility and legibility are critical elements of successful document design.
  - a. As noted in the August 7 meeting, maps and diagrams can be difficult to read. Text is often too small and/or faint. Maps and aerial drawings often lack sufficient street names

- and/or north arrows. Boundary lines illustrating overlays are frequently missing and/or too faint to read.
- b. When using the digital document, there was considerable page-turning required to find general explanations, keys for tables and maps, definition of acronyms. As a digital document each page needs to be self-sufficient.
  - c. The Table of Contents lacks a detailed breakdown and there is no Index.
2. **Pre-COVID/RHNA Feel.** Uses and building types emphasized (not necessarily codified) in the DTSP feel outdated given the current conditions.
- a. The viability of suggested uses feels somewhat suspect in today's commercial real estate markets.
  - b. Starting the Building Types list with single-family residence seems out of touch with our RHNA allotment and current state mandates, emphasis should be on larger developments.
  - c. The first scenario examined by the committee was the former school district site (1100 El Centro). When including all the tied parcels, the site is approximately 280 feet along Mission St. and El Centro frontages and 295 feet fronting Fairview and Diamond Avenues. The maximum site dimensions for the Mixed-Use Core Zone are 200 by 200 ft (Table D, page 107). Similar maximum size requirements exist within the Fair Oaks Avenue Zone, even though there are several large sites for potential development.
  - d. Conversely, small sites seem well accounted for in the DTSP and there are several small parcels clustered at locations where the plan transitions to residential neighborhoods – such as the south sides of Hope and Magnolia Streets, as well as the west end of Mission. Acquiring and tying parcels in these areas could open the door for larger development within these transition zones.
3. **Information from Other Zoning Documents.** Even with the “form-base” of the code, there are some metrics that should apply to the developments within the plan area. Maximum unit density and minimum unit sizes are included in other planning documents, but to the best of our knowledge were not included or cross-referenced in the DTSP. Ideally, the DTSP would be as much of a “one-stop shop” as possible.
- a. Confirm density bonus narrative aligns with IHO.
4. **Lack of Nuance.** The format and charts may not be flexible enough - sometimes they are too generalized and sometimes too specific. For example,
- a. Maximum lot size requirements (see 2.c)
  - b. Provide greater range of floor heights.

- c. Provide more flexibility for step back dimensions and courtyard proportions to better meet open space requirements. 1:1:1 ration may not always be the best ratio.

## **5. Content Needs Development**

- a. Overlay zones.
- b. Street types.

### Recommendations

1. Improve readability and navigation.
  - a. Increase font sizes, image resolution.
  - b. Figures with massing illustrations should have Streets clearly identified and targeted area framing where appropriate to clarify map/diagram orientation for the User.
  - c. Include an index.
  - d. Document layout for print should have chapter breaks for tabs.
  - e. Add a "how to navigate" flow chart to help first time users.
2. Include essential development standards/information, such as maximum density and minimum unit size or specifically referenced so user can easily find them. User should not have to consult multiple documents for essential information.
3. Add section on material standards.
4. Include a transitional overlay to describe typologies appropriate for mixed use when abutting single family residential zones.
5. Better define street types so document addresses circumstances when parcels have frontages on streets with unique character (ie. Commercial, residential).
  - a. Increase locations where storefronts turn corners.
6. Building and Frontage typologies should be organized from most intense to least intense. Consider removing Single Family from Code.
7. Consider bonuses for architectural features, gabled roof, towers, etc.

### Budgetary

8. Augment City Staff capacity with a Town Architect position (bench or on call contract)
9. Digitize document so that it is easy to navigate, search and cross-reference. Provide internal links.
10. Revise administrative draft with commission changes prior to City Council review.

### Specific Code Revisions

Pg. 98 – C2.2.A.2 – Revise to require storefront to wrap corners at least 30' when frontage is on Mission or Fair Oaks.



Pg. 106 -107 C.4.3 – Section figures need a sub-section. Increase ground floor min height to 15 ft and remove minimum height for upper floors. Remove courtyard minimum reference to avoid confusion with open space standards in section C5.

Pg. 107 C4.3.D – Remove minimum/maximum site dimension requirements.

Pg 126 Table C6.1 – Arcade: add “subject to review and permitting for right of way encroachment by the Department of Public Works”.

# **ATTACHMENT 8**

## Comment Letters

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**From:** Ed Elsner <[edelsner44@gmail.com](mailto:edelsner44@gmail.com)>  
**Sent:** Monday, August 28, 2023 10:18 AM  
**To:** City Council Public Comment <[ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov)>  
**Subject:** Public Comment, Item 3., Special Meeting, August 29, 2023

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

[Dear City Clerk: Below please find a public comment on Item 3. of the agenda for the City Council's special meeting on August 29, 2023. Also attached is an email previously sent directly to the City Council on August 24, 2023; please include the email in the record as an additional public comment on the same agenda item. Thank you.]

August 28, 2023

Dear City Council:

The City should begin the process of amending the adopted housing element without delay, in particular Table VI-51 and program 3.a.

Table VI-51 is a required component of the housing element, with legal effect under the Government Code and under the terms of the settlement agreement in the housing element lawsuit against the City.

Among other reasons to amend Table VI-51 (some of which are mentioned in my previous August 24th email, see attached), the settlement agreement obligates the City to seek voter approval to modify the height limit for "the parcels for which the housing element anticipates a base density in excess of 50 units/acre."

This would include every single parcel on Huntington Drive, all of which are identified in the table as having a 70 units/acre density, whether or not the parcel is located in a mixed use overlay district.

At the risk of stating the obvious, a ballot measure asking voters to approve a height limit of no less than 84 feet along the entire Huntington corridor would fail, forcing a wholesale, mid-cycle revision of the housing element.

In addition to every medium and high density residential parcel on Huntington Drive, there are medium and high density residential parcels elsewhere in the City that are similarly identified in the table as having a 70 units/acre density.

Exclusion of these parcels from the 2024 ballot measure could not be justified by arguing that the 70 units/acre density stated in Table VI-51 was incorrect.

This is because the medium and high density residential parcels on Huntington Drive identified as having a 70 units/acre density were brought to the attention of the City (including the former city attorney who negotiated and signed the settlement agreement), yet no change was made to the stated density before the draft housing element was changed in other respects, approved by HCD, and adopted by the City Council.

In a legal proceeding, this chronology could be cited as evidence of intent, not mistake.

Moreover, the anticipated development capacity of the adopted housing element's rezoning program was calculated using a 70 units/acre density for the medium and high density residential parcels in question.

HCD's reliance on the calculations would make it difficult to argue that the density for the parcels should be lower for purposes of determining whether the parcels must be included in the 2024 ballot measure.

Although the draft general plan indicates densities of "Max 30 units/acre" and "Max 45 units/acre" for medium and high intensity land uses, this would have no relevance to that determination, as the settlement agreement expressly ties the ballot measure to the densities indicated in the housing element for parcels identified for rezoning.

The language in program 3.a. itself that "the City will increase the allowable zoning within the Medium Density Residential zone to at least 30 dwelling units per acre (du/ac) and to at least 45 du/ac within the High Density Residential zone" isn't helpful here, as the 70 units/acre density indicated in the table for select medium and high density residential parcels is consistent with that language.

Although I think it would be a good idea to remove every medium and high density residential parcel from Table VI-51 -- among other things, it would minimize the displacement of existing tenants, preserve existing housing stock, and fix other problems in the table -- I do not expect the City will go in that direction.

If not, the amended housing element should use "max" instead of "at least" in program 3.a., and the densities indicated in the amended Table VI-51 for the listed medium and high density residential parcels should be consistent with the maximum densities specified in the program.

Thank you for your consideration.

Ed Elsner  
(626) 233-1543

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## Housing Element Rezoning Program

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Ed Elsner <edelsner44@gmail.com>  
To: cco@southpasadenaca.gov

Thu, Aug 24, 2023 at 3:26 PM

August 24, 2023

Dear City Council:

I'm writing to encourage you to revisit the adopted housing element -- especially Table VI-51 -- before taking action on the draft general plan and proposed zoning code amendments.

A mandatory component of the housing element relied on by HCD to quantify the City's rezoning program, Table VI-51 is seriously flawed.

One error is that the 400% development capacity adjustment for the listed high-density parcels (i.e., parcels that are proposed to be rezoned to 50+ units per acre) was not actually included in the calculation of the total anticipated development capacity for any of the parcels.

Table VI-51 therefore understates the total anticipated development capacity of these parcels by 2,641 housing units.

Put another way, when the error is corrected, the cumulative site capacity for the entire housing element is almost double the 2,775 capacity stated in the adopted housing element approved by HCD.

Another error is that the listed medium and high density residential parcels in the Huntington Drive corridor are identified in the table as having a 70 unit per acre density.

This arguably establishes a higher allowable density for the listed parcels than indicated in the draft general plan and zoning code amendments, an inconsistency that could lead to litigation by developers and advocacy groups, ultimately resulting in unintended, out-of-scale projects along the Huntington Drive corridor.

With a surplus capacity of 2,641 units above and beyond the 2,775 RHNA allocation and buffer approved by HCD, the scope of the adopted housing element's rezoning program is overbroad and can and should be dialed back.

For example, if the City maintained existing densities for the medium and high density residential zones, and removed all medium and high density residential parcels from Table VI-51, the total anticipated development capacity for the remaining parcels would nevertheless be 2,033 housing units, including 1,016 lower-income, 508 moderate-income, and 508 above-moderate income units.

Compared to the totals stated in Table VI-51 of the adopted housing element (i.e., 1,178 total, including 533 lower-income, 266 moderate-income, and 379 above moderate-income units), this would be a significant improvement.

Maintaining existing densities for medium and high density residential zones would also minimize mass evictions and displacement of current tenants, as well as help preserve existing housing stock.

The high-density, mixed-use overlays on Huntington Drive should also be reconsidered; upzoning Huntington Drive is not necessary to meet the City's RHNA obligations.

There may be other implications and unintended consequences for the current and future RHNA planning cycles if Table VI-51 is left as is.

When I met with City staff and the former city attorney on March 24, 2023, I advocated for correcting the Table VI-51 errors even if it meant delaying submission of the draft housing element to HCD for review.

However, the former city attorney cited dire consequences in the housing element litigation as a reason for moving forward with the submission of the uncorrected draft that evening.

Yet, more than a month later on April 28, 2023, a subsequent draft of the housing element was circulated making other changes, but leaving Table VI-51 untouched.

My feeling is that a pause to correct the errors in Table VI-51, to dial back the rezoning program, and to update the draft general plan and zoning code amendments for consistency, is worth the effort.

If the end result is a housing element exceeding the site capacity of the previously-approved housing element, minimizing the risk of tenant displacement, and preserving existing housing stock, this would be a favorable posture in any legal proceeding that might arise from missing the rezoning deadline.

The City would be acting reasonably and in good faith, and the recommended changes would promote the goals of the housing element law and help preserve the character of the City at the same time.

Thank you for your consideration.

Ed Elsner  
(626) 233-1543



From: Gary Coyne <[gscopyne@icloud.com](mailto:gscopyne@icloud.com)>  
Sent: Monday, August 28, 2023 2:45 PM  
To: CCO <[cco@southpasadenaca.gov](mailto:cco@southpasadenaca.gov)>  
Subject: A letter sent to the planning commission

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 sent this letter to the Planning Commission. It was advised that I send the same letter to the council.

Thank you,

Gary Coyne

To whom it may concern.

August 21, 2023

The state has mandated that cities provide for certain levels of population growth. Apparently, South Pasadena has failed to submit proposals deemed by the state to be satisfactory, and the clock is ticking.

Suddenly, without prior notice or opportunity for the public to be heard on it, a new and drastically different proposal is apparently going to be presented to the state, by which South Pasadena promises to double the population of South Pasadena by removing all of our major shopping sites (including our major grocery stores and our only hardware store) and building multiple high-rise buildings on our already-congested streets.

The proposal states we will turn a town of about 26,000 people into one of 50,000. How will South Pasadena make our roads able to accommodate twice as many vehicles? How will it make our schools able to accommodate twice as many students? Where will South Pasadena's water supply for another 25,000 people come from, and at what cost?

The proposal sets population goals far in excess of what the state requires. This is not an aspirational proposal; if accepted, it will be set in stone. History tells us that the proposal will become the baseline on which future requirements are based. And it will happen even though water is scarce, energy is scarce, and the population will continue to grow. So this proposal is just plain bad. It shows a total failure to consider the financial, social, and environmental impact on the city.

Power outages are part of South Pasadena. Despite anyone's intentions, our house goes black multiple times in any year. How will doubling the population affect our basic grid? How will our limited water supply service twice as many people? How much will it cost us, and where will the money come from, to pay for upgraded utilities, police and fire services, and schools?

How will extreme density negatively impact the value of our homes, the quality of our schools, the condition of our roads, access to emergency services, and so forth? This is a breaking point. Our city's reputation is built on its schools and its small-town atmosphere. The proposal guts the essence of the city.

This is not to say South Pasadena should not comply with the state law; it must comply. But it should not go to the absurd extremes this proposal promises. That South Pasadena has not been able to come up with a proposal that meets state approval does not mean this proposal is good. It is not. Rather, it suggests that our City is not getting good or rational guidance.

Rather than removing our essential shopping services, straining our already-strained public services, and compressing high-rise residences into already-congested routes, the City should be looking at more realistic population density and should be proposing construction in available underused spaces on the west side of town. Do we really need undeveloped commercial areas or a golf course?

Despite the best of intentions, this plan is simply ridiculous and poorly thought out.

**From:** Patricia Rose <[patricia.rose2@gmail.com](mailto:patricia.rose2@gmail.com)>

**Sent:** Monday, August 28, 2023 4:13 PM

**To:** CCO <[cco@southpasadenaca.gov](mailto:cco@southpasadenaca.gov)>

**Subject:** Email the Council

**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.



**Patricia Rose** <[patricia.rose2@gmail.com](mailto:patricia.rose2@gmail.com)>

Aug 20,  
2023,  
11:50 PM  
(8 days  
ago)

to PlanningComments, cco

On January 6, 2023, State Superintendent Tony Thurmond announced California Distinguished Elementary Schools. South Pasadena's three elementary schools--Arroyo Vista, Marengo Elementary, and Monterey Hills made the list based on their assessment results. These excellent assessment results would not have been possible in overcrowded classrooms where teachers do not have the time to attend to individual student learning and assessment.

How will increasing the RHNA unit demands of 2,067 units to over 13,000 affect student learning and achievement? South Pasadena has 1 high school, 1 middle school, and 3 elementary schools. Obviously class size must increase to accommodate the influx of new students unless South Pasadena intends to build more schools. Larger class size means less teacher time devoted to each student and more multiple choice testing to assess student learning. I know because for 25 years, I was a full time English professor at Pasadena City College. English professors fought for years to reduce the class size of its writing classes from 35 students to 25 students per class. This reduction of class size meant students did more academic writing and instructors gave more individual attention to their thinking, research, and writing skills. Do the research--smaller class size means more instructor time per student and a higher rate of student success.

Both of our children attended South Pasadena schools. In fact, we moved to South Pasadena *because* of its excellent public schools. Our children did in fact receive an excellent education and are now practicing attorneys. One has already made partner at her law firm while my son is an attorney for Amazon Web Services. I truly believe that their academic success in college and law school stems from the individual attention they received from their teachers in South Pasadena schools.

How will our 3 elementary schools, 1 middle school, and one high school accommodate this influx of more students? How will an increase in class size affect student learning and achievement? I guess teachers could accommodate more students in each class

by giving multiple choice tests. Think carefully before you increase the 2,067 units demanded by the state to over 13,000 if you care about the education and future of our students.

Patricia Rose  
625 Meridian Avenue  
South Pasadena, CA 91030

**From:** Gail Maltun <[gmaltun@hotmail.com](mailto:gmaltun@hotmail.com)>  
**Sent:** Tuesday, August 29, 2023 11:03:17 AM  
**To:** [ccpubliccomments@southpasadenaca.gov](mailto:ccpubliccomments@southpasadenaca.gov) <[ccpubliccomments@southpasadenaca.gov](mailto:ccpubliccomments@southpasadenaca.gov)>; CDD <[CDD@southpasadenaca.gov](mailto:CDD@southpasadenaca.gov)>  
**Cc:** Michael Cacciotti <[mcacciotti@southpasadenaca.gov](mailto:mcacciotti@southpasadenaca.gov)>; Janet Braun <[jbraun@southpasadenaca.gov](mailto:jbraun@southpasadenaca.gov)>; Evelyn Zneimer <[ezneimer@southpasadenaca.gov](mailto:ezneimer@southpasadenaca.gov)>; Jack Donovan <[jdonovan@southpasadenaca.gov](mailto:jdonovan@southpasadenaca.gov)>; Jon Primuth <[jprimuth@southpasadenaca.gov](mailto:jprimuth@southpasadenaca.gov)>; City Manager's Office <[cmoffice@southpasadenaca.gov](mailto:cmoffice@southpasadenaca.gov)>  
**Subject:** City Council Study Session General Plan

August 29, 2023

Dear City Council members and City staff,

I have a few comments on the General Plan, and on the future of South Pasadena.

1. The State requires upzoning and is pressuring for an unprecedented amount of development in the next 8 years. We will see projects that are taller, and of higher density, than have been built previously. Some unattractive, badly designed projects will be proposed: in fact, at least one recently-approved project will deface an important intersection for decades to come. **The only way to control how South Pasadena looks and feels, and to retain a sense of place, is to craft form-based codes that are specific, and are carefully and deeply thought out, for developments of all sizes, from dense downtown buildings to the “missing middle” on our residential streets.** The Planning Commission and the Design Review Commission will be far more important than previously. Members will need to be chosen very carefully. And these commissions, as well as the Community Development Department, will need to have teeth. Other cities, such as Santa Barbara, exercise far more control over new projects: Poorly designed and unattractive projects are sent back to the drawing board time and time again; commercial projects have been required to include ground floor retail. South Pasadena has an unfortunate history of approving bad projects that we are stuck with for decades. **Create rules and appoint commission members who will ensure that new development enhances rather than detracts from the beauty and livability of South Pasadena.**
2. I understand that you are considering a new contract for the golf course. **The Golf Course, along with the Stables, make up over 30 acres and constitute our only available space for development. We have no surplus shopping malls or light industrial space to redevelop.** Here is our nightmare, but actual, predicament: The State has given us a provisional pass on our Housing Element. As a part of it, the State is requiring a ballot measure to repeal the 45 foot limit, and replace it with an absurd height limit that would permit 7-10 story buildings. This is highly unlikely to pass. We will then be out of compliance and will need to propose another option to provide space for the 2,067 required housing units. Here are our choices. We can upzone every residential street to R3, and allow 3-4 story apartment buildings on our R1 streets. Or, we can permit the building of hundreds of units of housing on the golf course and the

stables. The golf course is neither “green” nor “open space”. It is closed to the public, and guzzles water and fertilizer. **In a perfect world, I would keep it and improve it. Perhaps the political tide will turn in the next few years, and the State will moderate its position. But in the meantime, please refrain from making any commitments for the use of that land. All you need to do is...nothing. Simply continue leasing that property month-to-month, as it has for years. To sign a new contract for the golf course at this time would be an insane decision, and one that could damage South Pasadena for decades.** For the 5<sup>th</sup> draft Housing Element, we wrote a letter proposing retaining the golf course for possible development, and got dozens of signers in just a few hours. Expect an outcry from the community if the City enters into a new contract that ties up the Golf Course property.

I am pleased that Mr. Rangwalla was contracted to complete our General Plan. He did a great job several years ago, and has undoubtedly done his best to complete the plan in the very tight time frame that was required.

I am attaching some photos on the following page illustrating 4 and 5 story buildings, residential over retail, that show what is possible with good design that is sensitive to the surrounding community. The City has very little power to determine its future right now. Please act responsibly to require good design standards, and refrain from any action regarding the Arroyo properties.

Sincerely,

Gail Maltun



Above: 3001 Ashby Avenue, at Telegraph Avenue, Berkeley. Below: 1801 Shattuck Avenue, Berkeley. Both dense, 4-5 story buildings that are sensitive to, and enhance their neighborhood.

**From:** Joanne Nuckols <[joanneno710@aol.com](mailto:joanneno710@aol.com)>  
**Sent:** Tuesday, August 29, 2023 11:30 AM  
**To:** City Council Public Comment <[ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov)>  
**Subject:** 8/29/23 agenda Workshop planning documents

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

City council, I have serious concerns related to all the documents on your agenda tonight that relate to the future development in South Pasadena.

In talking to SP residents, friends, neighbors, etc that live in town, there is little to no understanding of these documents and how they will affect the future of SP. In fact, there has been no public meetings to explain and educate what is in the documents since the drafts were released in July.

Why is there no public education for input as required by HCD? The draft GP has 5 listed approach to K. CIVIC ENGAGEMENT none has been fulfilled to any satisfaction in the last 3 months.

Why has the information about drastic up zoning been withheld/buried in the document? The full "maximum development capacity" is 25,000 units. We already have about 11,300 which means additional of approx 13,000 units when our RHNA allocation is only 2,067. Why would be up zone, if that's what the city will be doing, for 5 times our RHNA allocation? People were shocked when we got or allocation of 2,067, imagine when the word gets out fully about the city contemplating allowing for 5 times that original number?!

The documents state that there will be only a 25% increase in population and units when in fact there will be a 100% increase. This is a major discrepancy and should be addresses with a honest, understandable and transparent answer.

If you are not aware of the new state law related to zoning which states you cannot down zone below your base of Jan 1, 2018, I suggest you have the city attorneys write you an opinion which can be shared with the public. Basically, any up zoning you do now, in particular adding 13,000 units can never be changed or down zoned. The law says that if you down zone, you have to up zone another area so there is no net loss of units.

Another area that the council should fully understand before voting on these documents is pertaining to the voter imposed height limit and prohibition on any more than a 5% parking variance. Today with these documents not approved, the height limit rules over density bonuses which are not allowed. If you approve these draft documents, then you are dismissing the voters intent when they set the height limit.

The 45' is a very objective standard and should not be dismissed lightly. If it was not very, very important, then why did the YIMBY lawsuit group require the city to put a



possible repeal on the ballot by Dec of 2024? I think there is hidden in these documents an end run around the voters in an attempt to make the height limit moot and move development along with approval of these documents now, in case the voters reject the repeal next year.

With a little research I found out that usually there is a 3 year time period for cities to bring their zoning in compliance from Housing Element to General Plan. At the very least, there is a year period. Why was our city only given 120 days? This short time period shows that someone is not watching out for our city and not giving the residents a full accounting of what is in store for the future of SP and how approval of these documents as is, will fundamentally change the character of South Pasadena in the negative.

Thank you for your consideration of the residents future input, before any approval from the council of any of these documents.

Joanne Nuckols  
56 year So Pas resident

**From:** Steve Koch <[ssventure@earthlink.net](mailto:ssventure@earthlink.net)>  
**Sent:** Tuesday, August 29, 2023 12:24 PM  
**To:** City Council Public Comment <[ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov)>  
**Subject:** Housing Comment

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

City Council,

**I am strongly opposed to the changes to the New General Plan and the Downtown Specific Plan that are being proposed.**

Is anyone working for the good of the citizens of South Pasadena anymore? These changes go FAR BEYOND what is being mandated by Sacramento and RHNA numbers, and would be detrimental to South Pasadena as a wonderful liveable oasis in the San Gabriel Valley.

The City Planning Commission needs to go back to the drawing board and come up with a reasonable response to Sacramento that goes no further than what is mandated - Sacramento's mandates are bad enough.

South Pasadena needs to retain a balance of residential and commercial properties to sustain itself. Proposing to eliminate Pavillions, Ralphs, Bristol Farms, Ace and the stores that surround them to make room for housing is outrageous.

We shouldn't be planning for how to double the housing units and population of the city.

We shouldn't be allowing the tripling of allowable densities to our medium and high density areas.

We shouldn't be raising the maximum building height limits and number of allowable stories on residential buildings.

The City Planning staff is completely out of touch with the wants and needs of the residents of our city who came to South Pasadena, in large part, for it's charm and small town feel. These are the very things that you are unwittingly destroying when you submit a proposal like this.

It's my understanding that once zoning changes like these are implemented that **there's no going back**. These changes must be stopped and a more reasonable response to Sacramento must be sought.

Steve Koch

Mark Gallatin Letter  
August 31, 2023

Page 102, Table C3.1, Personal Services (restricted): Does the Municipal Code permit a stand-alone massage business?

Page 103, Table C3.1, Public Assembly, Education, Recreation: Why isn't a CUP required for these types of public assembly, meeting facilities and places of worship due to the potential for traffic, noise and other impacts?

Page 103, Table C 3.1, Public Assembly, Education, Recreation: How do recreational and entertainment uses differ from performing arts centers for theater under Cultural Institutions in the 3rd row of Section 4 of this table? The former requires a CUP while the latter is permitted by right.

Page 106, Encroachments Table: Why not allow awnings on west-facing elevations where sun exposure is greatest?

Page 108, Encroachments Table: Why not allow awnings on south-facing elevations where sun exposure is greatest?

Page 109, Section F.6: Does "backing into" mean abutting or adjacent to?

Page 109, Section F.6: Define "fabric".

Page 114, Section A.5: Would uncovered parking be permitted?

Page 133, Section G.4.c: How are security gates being addressed?

Page 148, Figure C8.1: Should consideration be given to tree selection based on varying parkway widths?

Page 150, Section D: There is no mention of requiring drought tolerant and/or native plant species.

Page 152, Section C9.2 Sign Types: Signs on historic buildings require Cultural Heritage Commission approval.

Page 152, Table C9.1, wall sign column: Is illumination required in all cases?

Page 152, Table C9.1, awning/canopy sign column: Is the feature area a requirement?

Page 153, Section A.2: What is meant by "features"?

Page 156, Section C9.3.c.iii: What about screening of Fire Department connections, standpipes, etc., especially on historic buildings? Now is the best opportunity to see if the city will support vaults or interior placement of this kind of equipment.

Page 161, Section C11.1: Consider changing "Access, Building" to "Walk-up Access" to avoid confusion with "Building Access".

Page 161, Section C11.1: Can "Accessory Structure" be combined with "Building Accessory"?

Page 163, Section C11.1: Under "Story" do mezzanines need to be defined?

Page 167, Section C11.2: Where does a market greater than 5,000 sq. ft. (the maximum square footage for a neighborhood market/convenience store) but less than 15,000 sq. ft. (the minimum square footage for a supermarket) fall?

Page 171: The Mills Act should be added back in among local programs.

Page 176, Action A3.2b: Consider seeking voter approval to raise the 45 foot height limit to 50 feet.

August 31, 2023

Dear City Council:

When the draft general plan is properly analyzed, the projected future growth of 2,775 housing units is understated by at least 3,082 units.

Table B3.2 of the draft general plan projects a total realistic capacity of 13,940 units for the planning designations listed in the table.<sup>1</sup>

A note under the table states that “The residential...numbers include existing development within South Pasadena.”

Table B3.3 then states a total planned capacity of 2,775 for all planning designations.<sup>2</sup>

According to Q1 in the FAQs, the planned capacity was calculated by subtracting the City's existing unit count from the projected realistic capacity stated in Table B3.2:

The 2020 count of existing residential units in South Pasadena was 11,186 (HE Table VI-23). Theoretical full build out based on zoning capacity is 24,570. When adjusted for likely redevelopment within the General Plan time frame, the projection is 13,940 units, including existing units. Thus, when the existing 11,186 units are subtracted, you arrive at the required Housing Element capacity of 2,067 plus a capacity buffer.

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<sup>1</sup> The Table B3.2 planning designations include Neighborhood Very Low, Neighborhood Low, Neighborhood Medium, Neighborhood High, Mixed-Use Core, and Fair Oaks Corridor.

<sup>2</sup> Table B3.3 uses different terminology for the parcels within the planning designations listed in Table B3.2. In particular, the Mixed-Use Core and Fair Oaks Corridor planning designations in Table B3.2 correlate to Ostrich Farm, Fair Oaks Avenue, Mission Street, Huntington Drive and Garfield Avenue, Huntington Drive and Fletcher Avenue, and Huntington Drive and Fremont Avenue in Table B3.3.

However, existing units in one planning designation cannot legitimately be subtracted from the realistic capacity of another planning designation to obtain a planned capacity total.

To illustrate, assume a Mixed-Use Core project in which 100 units will be built on a parcel with one existing unit.

After subtracting the single existing unit on the parcel (which will be replaced by one of the new units), there is a net addition of 99 units to the City's housing inventory.

In this illustration, you could not subtract existing Neighborhood Low units located somewhere else (and whose continued existence would not be affected by the project) and say that the project net is something other than 99 units.

Table B3.3 and Q1 are using this invalid analysis in the aggregate.

To further illustrate, the Mixed-Use Core and Fair Oaks Corridor planning designations have the highest combined realistic capacity, with the lowest existing unit count.

According to Table B3.2, the Mixed-Use Core and Fair Oaks Corridor planning designations have a combined realistic capacity of 5,964 units.<sup>3</sup>

Most of the parcels within the two planning designations have 0 or 1 existing units, and the existing unit total is only 107.<sup>4</sup>

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<sup>3</sup> 3,257 (Mixed Use Core) + 2,707 (Fair Oaks Corridor) = 5,964, see Table B3.2.

<sup>4</sup> 2021-2029 General Plan Housing Element, Tables VI-50 and VI-51. Although Table VI-50 does not state a unit count, none of the listed Mixed-Use Core and Fair Oaks Corridor parcels should have any existing units given their current non-residential uses.

If the combined realistic capacity for the Mixed-Use Core and Fair Oaks Corridor planning designations is 5,964 units, and the existing unit total is 107, then the combined planned capacity stated in Table B3.3 cannot possibly be less than 5,857 units.<sup>5</sup>

Yet, the combined planned capacity stated in Table B3.3 is 1,920,<sup>6</sup> a number which requires the subtraction of 4,044 existing units from the combined realistic capacity of 5,964.

The calculation has not been explained and cannot be justified, as there is no plausible scenario in which 4,044 existing units could be replaced during Mixed-Use Core and Fair Oaks Corridor development.

To put it in perspective, the actual planned capacity of 5,857 units for the Mixed-Use Core and Fair Oaks Corridor planning designations is 3,082 more than the combined total of 2,775 stated in the same table for all planning designations.

Or, instead of a RHNA allocation of 2,067 plus a buffer of 708 units,<sup>7</sup> there is actually a RHNA allocation of 2,067 plus a buffer of 3,790 units within the Mixed Use Core and Fair Oaks Corridor planning designations alone.<sup>8</sup>

The City's rezoning plan goes too far and should be scaled back before the City Council takes further action.

Ed Elsner  
(626) 233-1543

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<sup>5</sup> 5,964 (Realistic Capacity) - 107 (Existing Units) = 5,857 (Planned Capacity).

<sup>6</sup> 490 (Ostrich Farm) + 880 (Fair Oaks Avenue) + 350 (Mission Street) + 140 (Huntington Drive and Garfield Avenue) + 60 (Huntington Drive and Fremont Avenue) = 1,920, see Table B3.3.

<sup>7</sup> 2,067 + 708 = 2,775.

<sup>8</sup> 2,067 + 3,790 = 5,857.

September 1, 2023

Dear City Council:

Based on the information presented in the draft general plan, 6,203 tenants would be displaced by the anticipated redevelopment of the City's medium and high density residential parcels.

The adopted housing element grossly understates the existing unit count for medium and high density residential parcels, making it difficult to estimate how many tenants would be displaced by the anticipated redevelopment.

For example, every high density residential parcel listed in Table VI-51 of the adopted housing element is erroneously identified as having 0 existing units, and many listed medium density residential parcels are erroneously identified as having only 0 or 1 units.<sup>1</sup>

However, the expected displacement of residential tenants can be quantified using the information provided in Tables B3.2 and B3.3 of the draft general plan.

According to the draft general plan, the combined realistic capacity for medium and high density residential parcels is projected to be 3,484 housing units.<sup>2</sup>

The combined planned capacity, calculated by subtracting existing units from realistic capacity, is 805 units.<sup>3</sup>

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<sup>1</sup> These and other errors in Table VI-51 (including a math error that resulted in a 2,641 unit understatement of the development capacity of listed parcels with a density greater than 50 units/acre) were brought to the City's attention in late March 2023, but no corrections were made before the housing element was adopted by the City Council.

<sup>2</sup> 1,610 (Neighborhood Medium) + 1,874 (Neighborhood High) = 3,484 units, see Table B3.2 of the draft general plan.

<sup>3</sup> 350 (Medium Density) + 455 (High Density) = 805 units, see Table B3.3 of the draft general plan. Existing units are subtracted from realistic capacity to account for units that will be replaced during redevelopment, and planned capacity represents the net addition of units to the City's housing inventory, see Q1 of the August 21, 2023 FAQs.

Therefore, 2,679 existing units would be replaced by the anticipated development of the City's medium and high density residential parcels.<sup>4</sup>

Development of a condominium parcel would require unanimous agreement by the individual owners, so few if any of the 2,679 units would be condominiums.

This means that the displacement impacts of redevelopment would fall squarely on tenants residing in apartments.

Assuming a vacancy rate of 5.5%,<sup>5</sup> 2,532 of the units would be occupied.

Assuming 2.45 persons per household,<sup>6</sup> the units would be occupied by 6,203 tenants.

The City's population is 26,273,<sup>7</sup> and tenants comprise 53.5% of the City's population, or 14,056.

So, the draft general plan anticipates that 24% of the City's current population, consisting of 44% of the City's tenants, would be displaced by redevelopment of medium and high density residential parcels.

Quite frankly, the numbers are staggering.

Unfortunately, there was no meaningful disclosure of this before (or after) the housing element was reviewed and approved by the Planning Commission and City Council.

Ed Elsner  
(626) 233-1543

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<sup>4</sup> 3,484 (Realistic Capacity) - 805 (Planned Capacity) = 2,679 (Existing Units)

<sup>5</sup> As applied in the draft program EIR.

<sup>6</sup> 2023 estimate from the California Department of Finance.

<sup>7</sup> 2023 estimate from the California Department of Finance.



**From:** linda <[postslot@gmail.com](mailto:postslot@gmail.com)>  
**Sent:** Wednesday, September 6, 2023 11:56 PM  
**To:** CDD <[CDD@southpasadenaca.gov](mailto:CDD@southpasadenaca.gov)>  
**Subject:** General Plan--Housing Element

**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.

Commissioners,

I understand that the Housing Element in your proposed General Plan is driven by state mandates to address homelessness in our State.

Please consider, if you haven't already, the impact of potential residences being held for short-term housing (Air B&B, etal.) Enacting regulations that would release this inventory for longer-term housing would have minimal impact on existing infrastructure. Requiring such businesses to enter into 3 month agreements and setting appropriate annual licensing fees might have the desired effect.

Please also consider intentionally attracting senior housing to the more than 2000 new housing units proposed. Seniors would benefit from our small city offerings while helping us to grow our schools manageably. As they age and transportation options become more restrictive, they will appreciate that our shops and eateries and City services are walkable. Our Metro trains and buses would connect them to the greater metro area, and our Dial A Ride to their appointments and friends.

Moreover, to the extent the new residences have communal aspects, energy and water consumption can be expected to be less than the usual planning assumptions. Seniors will congregate to socialize, just as they currently do at our Senior Center.

A significant population of seniors are low-income and vulnerable without rent control protections. They would benefit from housing security. This housing plan is our opportunity to support our seniors in their golden years.

Thank you for receiving my humble comments,

Linda Kubo

## **ATTACHMENT 9**

### Public Comment Response Summary

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**General Plan/DTSP Public Comment Response Summary City Council Meeting 9/18/23**

1. Ed Elsner; Letter dated 8/23/23			
Issue			
No.	Description/Summary	Response	Notes
1a	"The City should begin the process of amending the adopted housing element without delay, in particular Table Vi-51 and program 3.a..."	<b>Action:</b> Table VI-51 of the Housing Element will be revised. The City is aware of the issue. Only the Mixed Use Overlay is contemplated for a density of up to 70 units per acre. The RM zone would be 6.1-30 units per acre, and the RH zone would be 30.1-45 units per acre.	

2. Gary Coyne; Letter Dated 8/28/23			
Issue			
No.	Description/Summary	Response	Notes
2a	"Suddenly, without prior notice or opportunity for the public to be heard on it, a new and drastically different proposal is apparently going to be presented to the state, by which South Pasadena promises to double the population of South Pasadena by removing all of our major shopping sites (including major grocery stores and our only hardware store) and building multiple high-rise buildings on our already-congested streets..."	<b>Comment Noted/No Action Required.</b> The General Plan does not propose to double the City's population. The General Plan provides development capacity to accommodate the 2,775 units required by the State. The General Plan anticipates a realistic buildout of 13,940 dwelling units, which includes the City's existing 11,156 dwelling units. While the General Plan directs growth into established commercial areas and major corridors near transit, the General Plan does not call for the demolition of existing shopping centers to be replaced by housing. The General Plan would allow property owners--at their own discretion and in response to market conditions--to use their land more efficiently. The Housing Element was adopted on May 30, 2023, and was the subject of substantial public discussions and meetings. The development contemplated by the General Plan is consistent with the growth contemplated by the Housing Element.	
2b	"Power outages are part of South Pasadena. Despite anyone's intentions, our house goes black multiple times in any year. How will doubling the population affect our basic grid? How will our limited water supply service twice as many people? How much will it cost us, and where will the money come from, to pay for upgraded utilities, police and fire service, schools?"	<b>Comment Noted/No Action Required.</b> A Program Environmental Impact Report (PEIR) was prepared for the project. As part of that process, local utilities provided comments and feedback. The General Plan does not look to double the City's population, but rather seeks to accommodate the growth listed in the adopted Housing Element (2,775 new units). This growth is directed to major corridors, multifamily zones, and commercial areas with transit options in order to preserve the City's single-family residential areas to the greatest extent possible.	

3. Patricia Rose; Letter Dated 8/29/23			
Issue			
No.	Description/Summary	Response	Notes
3a	"How will increasing the RHNA unit demands of 2,067 units to over 13,000 affect student learning and achievement...Think carefully before you increase the 2,067 units demanded by the state to over 13,000 units if you care about the education and future of our students."	<b>Comment Noted/No Action Required.</b> The proposed General Plan does not propose to add 13,000 new dwelling units. The City's RHNA requirement is 2,067 units, and in order for the City's Housing Element to be eligible for State approval, the City had to add a buffer to that number, for a total of 2,775 new units. The current General Plan must accommodate the 2,775 additional units required by the state, and the General Plan estimates a reasonable buildout of 2,784 additional units. The anticipated buildout would be 13,940 units, which includes the City's existing 11,156 dwelling units (11,156 + 2,784 = 13,940).	

**4. Gail Maltun; Letter Dated 8/29/23**

Issue			
No.	Description/Summary	Response	Notes
4a	"...The only way to control how South Pasadena looks and feels, and to retain a sense of place, is to craft form-based codes that are specific, and are carefully and deeply thought out, for developments of all sizes, from dense downtown buildings to the 'missing middle' on our residential streets..."	<b>Comment Noted/No Action Required.</b> The Downtown Specific Plan (DTSP) proposes to use a form-based code for the areas along Mission Street and Fair Oaks Avenue. While not a part of the General Plan project specifically, the City is also exploring objective development standards that will be applied to areas outside the DTSP. As the State takes further steps to encourage the production of housing, it is vitally important that the City have robust development codes to ensure future development meets the City's high standards. Form-based codes and objective design standards will work toward that objective.	
4b	"...Create rules and appoint commission members who will ensure that new development enhances rather than detracts from the beauty and livability of South Pasadena..."	<b>Comment Noted/No Action Required.</b> The City is pursuing the option of bringing a town architect or other design professional onboard who can work with developers on non-discretionary projects to ensure they meet the City's high standards. Recent State regulations have constrained the City's ability to apply discretionary review to certain types of projects, increasing the importance of having form-based codes, objective design standards, along with qualified design professionals who can work with applicants to deliver the kinds of projects the City wants to see.	
4c	"I understand that you are considering a new contract for the golf course. The golf course, along with the stables, make up over 30 acres and constitute our only available space for development. We have no surplus shopping malls or light industrial space to redevelop..."	<b>Comment Noted/No Action Required.</b> The management of the golf course is not part of the General Plan discussion and is not a site identified for housing in the Housing Element. The golf course and stables represent valuable open space. As with single-family neighborhoods, the General Plan currently under consideration seeks to preserve open space, hillside areas, and single-family neighborhoods by directing growth into existing commercial corridors along major arterials and multifamily areas. This does not preclude the City from considering reuse of the golf course in the future.	
4d	"I am attaching some photos on the following page illustrating 4 and 5 story buildings, residential over retail, that show what is possible with good design that is sensitive to the surrounding community..."	<b>Comment Noted/No Action Required.</b> The photos provided are consistent with the type of projects and architecture envisioned by the General Plan and Downtown Specific Plan.	

**5. Joanne Nuckols; Letter Dated 8/29/23**

Issue			
No.	Description/Summary	Response	Notes
5a	"...there has been no public meetings to explain and educate what is in the documents since the drafts were released in July. Why is there no public education for input as required by HCD? The draft GP has 5 listed approach to K. CIVIC ENGAGEMENT none has been fulfilled to any satisfaction in the last three months..."	<b>Comment Noted/No Action Required.</b> As stated in the staff reports for the August 8 and August 21, 2023, Planning Commission meetings, the major civic engagement/public outreach for the General Plan and Downtown Specific Plan (DTSP) was conducted in the 2017-2019 time frame. The General Plan/DTSP update process was placed on hold in 2019 in order for the City to address its substantial RHNA allocation, which led to numerous public meetings and outreach between 2019 and the adoption of the Housing Element on May 30, 2023. The City was the subject of a lawsuit in 2022 because it did not have an adopted Housing Element by the State deadline of October 15, 2021. The Court Order that resolved the lawsuit stipulated a tight timeline for the City to adopt the rezoning necessary to implement certain Housing Element programs, which in turn created a tight timeline to adopt the new General Plan and DTSP. Public meetings were held at the War Memorial Building on June 3rd and June 17th, where members of the public were given updated information before the project proceeded to the Planning Commission. The Planning Commission considered the item on August 8th and August 21st, along with an additional meeting to discuss the necessary rezoning on August 23rd. The City received 25 comment letters on the project and multiple residents spoke on the issue during the public hearing. The City Council conducted a Study Session on this project on August 29th, with numerous residents speaking on the project. The public will have additional opportunities to comment at future City Council meetings scheduled for September 18th and September 27th.	

5b	"Why has the information about drastic upzoning been withheld/buried in the document? The full 'maximum development capacity' is 25,000 units. We already have about 11,300 which means additional of approx 13,000 units when our RHNA allocation is only 2,067..."	<b>Comment Noted/No Action Required.</b> The General Plan contemplates a total buildout of 13,940 units. This includes the City's existing 11,156 residential units, for a total of 2,784 new units (13,940 - 11,156 = 2,784). These numbers accommodate the required RHNA units and State buffer (2,775 units). While no action will be taken specifically on account of this comment, the Planning Commission, at its August 21, 2023, meeting, directed staff to revise the General Plan Capacity table so that it is easier to understand (Table B3.2, page 62). The table will be revised to better convey the information and to reduce confusion.
5c	"If you are not aware of the new state law related to zoning which states you cannot down zone below your base of Jan 1, 2018, I suggest you have the city attorneys write our an opinion which can be shared with the public. Basically, any up zoning you do now, in particular adding 13,000 units can never be changed or down zoned..."	<b>Comment Noted/No Action Required.</b> The land use designations proposed in the General Plan are consistent with the City's adopted Housing Element. State law has made it more challenging to down-zone properties. Senate Bill (SB) 330 states that cities cannot down-zone land below densities that were in place on January 1, 2018, unless that density is accommodated elsewhere in the City. The General Plan would accommodate the additional units contemplated by the Housing Element and the City does not anticipate the need to downzone land in the future. The City Attorney spoke on this issue at the recent City Council Study Session on August 29th, and also at the Planning Commission meeting on August 21st.
5d	"Another area that the council should fully understand before voting on these documents is pertaining to the voter imposed height limit and prohibition on any more than a 5% parking variance Today with these documents not approved, the height limit rules over density bonuses which are not allowed..."	<b>Comment Noted/No Action Required.</b> The City Attorney has provided direction to staff that Density Bonus concessions and waivers do, in fact, allow eligible projects to exceed the City's 45-foot building height limit and other development standards. Staff has been transparent on this issue and the topic was discussed in the staff reports for the August 8 and August 21, 2023, Planning Commission meetings. This topic was also discussed at the City Council Study Session on August 29, 2023. Density Bonus language appears in both the General Plan and the DTSP. State Density Bonus law supersedes local development standards and the City has approved buildings taller than 45' in keeping with the State Density Bonus concessions and waivers.
5e	"With a little research I found out that usually there is a 3 year time period for cities to bring their zoning in compliance from Housing Element to General Plan...Why was our city only given 120 days?"	<b>Comment Noted/No Action Required.</b> As stated in the response to Comment 7a above, the City was the subject of a lawsuit in 2022 because the City did not have an adopted Housing Element. The Court Order that resulted from the lawsuit provided 120 days for the City to adopt the required rezoning in support of the Housing Element. This also impacted the General Plan adoption process because the zoning contemplated by the Housing Element could not be adopted without the General Plan being updated as well, as the City's Zoning Ordinance must be consistent with the General Plan. Despite the expedited timeline, the City is on track to meet the 120-day deadline required by the Court Order.

**6. Steve Koch; Letter Dated 8/29/23**

Issue		
No.	Description/Summary	Response
6a	"...These changes go far beyond what is being mandated by Sacramento and RHNA numbers...We shouldn't be planning for how to double the housing units and population of the city..."	<b>Comment Noted/No Action Required.</b> The General Plan contemplates a total buildout of 13,940 units. This includes the City's existing 11,156 residential units, for a total of 2,784 new units (13,940 - 11,156 = 2,784). These numbers accommodate the required RHNA units and State buffer (2,775 units). While no action will be taken specifically on account of this comment, the Planning Commission, at its August 21, 2023, meeting, directed staff to revise the General Plan Capacity table so that it is easier to understand (Table B3.2, page 62). The table will be revised to better convey the information and to reduce confusion.
6b	"South Pasadena needs to retain a balance of residential and commercial properties to sustain itself. Proposing to eliminate Pavilions, Ralphs, Bristol Farms, Ace, and the stores that surround them to make room for housing is outrageous."	<b>Comment Noted/No Action Required.</b> The General Plan would allow residential development in existing commercial zones. The intent of this policy is two fold: to preserve the established single-family neighborhoods and to better utilize land in the City's commercial corridors. The General Plan and DTSP do not call for the demolishing of commercial centers, but the plans would allow property owners to do more with the land they already have. Adding residential uses above shopping and services, particularly in areas served by transit, encourages walking and reduced dependence on automobiles.

6c	"We shouldn't be raising the maximum building height limits and number of allowable stories on residential buildings."	<b>Comment Noted/No Action Required.</b> The Housing Element that was adopted by the City Council on May 30, 2023, requires the City to bring a ballot measure before the voters in 2024 to revisit the City's 45-foot building height limit. In the meantime, the City's height limit remains in place. The only way a building can exceed 45 feet in height is if the project is eligible for the concessions and waivers offered under State Density Bonus regulations. The General Plan directs growth into commercial areas and areas served by public transportation. This is the trade-off the City is making to preserve existing single-family neighborhoods to the greatest extent possible.
6d	"The City Planning staff is completely out of touch with the wants and needs of the residents of our city who came to South Pasadena, in large part, for its charm and small town feel..."	<b>Comment Noted/No Action Required.</b> The General Plan directs growth away from established single-family neighborhoods--the neighborhoods South Pasadena is known for--and steers that growth to major arterials and areas served by public transit. Multiple General Plan policies support walkable communities, pedestrians, bicyclists, and preserving established neighborhoods. The General Plan is the result of extensive community engagement and reflects the needs and vision of the community.
6e	"It's my understanding that once zoning changes like these are implemented that there's no going back."	<b>Comment Noted/No Action Required.</b> The land use designations proposed in the General Plan are consistent with the City's adopted Housing Element. State law has made it more challenging to down-zone properties. Senate Bill 330 (SB 330) states that cities cannot down-zone land below densities that were in place on January 1, 2018, unless that density is accommodated elsewhere in the City. The General Plan would accommodate the additional units contemplated by the Housing Element and the City does not anticipate the need to downzone land in the future.

**7. Mark Gallatin; Letter Dated 8/31/23**

Issue		
No.	Description/Summary	Response
7a	DTSP p. 102, Table C3.1 Personal Services (restricted): Does the Municipal Code permit a stand-alone massage business?	<b>Comment Noted/No Action Required.</b> SPMC Division 36.230.030 (Commercial Land Use Requirements) Table 2-4 requires a Conditional Use Permit (CUP) for Massage Establishments in the CG (General Commercial) zone. Such uses are not permitted in the CO (Commercial Office) or BP (Business Park) zones.
7b	DTSP p. 103, Table C3.1, Public Assembly, Education, Recreation: Why isn't a CUP required for these types of public assembly, meeting facilities, and places of worship due to the potential for traffic, noise, and other impacts?	<b>Action:</b> Table C3.1 will be updated to require a CUP for "Public assembly, meeting facility, place of worship" uses.
7c	DTSP p. 103, Table C3.1, Public Assembly, Education, Recreation: How do recreational and entertainment uses differ from performing arts centers for theater under Cultural Institutions in 3rd row of Section 4 of this table? The former requires a CUP while the latter is permitted by right.	<b>Comment Noted/No Action Required.</b> While staff does not recommend changing the Table C3.1 at this time due to the condensed timeline, this is a valid issue that can be addressed in a future DTSP amendment. The City anticipates the DTSP to be a living document that will be regularly updated to address community needs and concerns.
7d	DTSP p. 106 and p. 107 Encroachment Tables: Why not allow awnings on south or west-facing elevations where sun exposure is greatest?	<b>Comment Noted/No Action Required.</b> The Encroachment Tables on pages 106 and 108 refer to encroachment into required setbacks. Since no "Side Yard" setback is required, there is no need to allow for encroachments. Encroachments are permitted in "Side Street" setbacks, which are defined as 0-15 feet.
7e	DTSP p. 109, Section F.6: Does "backing into" mean abutting or adjacent to? Define "fabric."	<b>Comment Noted/No Action Required.</b> While the wording of this section could be better stated, the intent of the section may be sufficiently inferred from the context: for lots in the Fair Oaks corridor that back up against single-family land uses (the "single-family fabric" as stated in the document), building height may only exceed 45 feet in the first 75% of the lot. This requirement may not apply to projects that qualify for waivers and concessions under State Density Bonus regulations, since those incentives supersede local development regulations. In the future, however, should additional height be allowed through a ballot initiative, this section would play a key role in stepping down the more intense land uses along Fair Oaks Avenue to lower-intensity development where single-family homes are located immediately behind a lot in the Fair Oaks Avenue zone of the DTSP. This would apply to single-family lots that immediately abut a Fair Oaks lot or that is located across an alley. While staff does not intend to revise the language at this time due to the tight timeframe, this is an issue that can be addressed in a future DTSP amendment. The City anticipates the DTSP to be a living document that will be regularly updated to address community needs and concerns.

7f	DTSP p. 114, Section A.5 (Single-family residence parking requirement): Would uncovered parking be permitted?	<b>Comment Noted/No Action Required:</b> Under the proposed DTSP, enclosed or covered parking spaces would be recommended for any single-family home. This is consistent with typical single-family home design. It is important to note that the City cannot require parking in areas near major transit stops, in accordance with State law.
7g	DTSP p. 133, Section G.4.c (design standards for Shopfront frontage types): How are security gates being addressed?	<b>Comment Noted/No Action Required.</b> This section is silent to security gates. The standards listed refer to accordion-style doors or windows that would allow a commercial tenant space to be opened up to the sidewalk or other public space. Issues of security gates or other coverings would need to be addressed during the design review process on a case-by-case basis, and would follow the same process/methodology currently used in the City.
7h	DTSP p. 148, Figure C8.1 (Tree Species Map): Should consideration be given to tree selection based on varying parkway widths?	<b>Comment Noted/No Action Required.</b> Staff is not recommending further analysis on the Tree Species Map due to the tight timeline required for plan approval. The City anticipates the DTSP to be a living document that will be regularly updated to address community needs and concerns. This is certainly an issue that could be revisited at a later time if the prescribed tree species are not practical. Page 147 contains language that states "Existing context, street characteristics, and site attributes should be considered when selecting street tree species" (Section C8.1 Landscape Standards, Subsection C.iii) which also speaks to the issue.
7i	DTSP p. 150, Section D: There is no mention of requiring drought tolerant and/or native species.	<b>Comment Noted/No Action required.</b> While the Specific Plan does not mention native plants on page 150, native species are mentioned on page 147 under Section C8.1 Landscape Standards subsection A. Other regulations pertaining to drought tolerant and/or native species would also apply.
7j	DTSP p. 152, Section C9.2 Sign Types: Signs on historic buildings require Cultural Heritage Commission approval.	<b>Action:</b> Section C9.1 Sign Standards, Subsection 9.1B.3 will be revised to add "c. Signs on historic buildings shall require approval by the Cultural Heritage Commission."
7k	DTSP p. 152, Section C9.1 Wall Signs: Is illumination required in all cases?	<b>Comment Noted/No Action Required:</b> Illumination is not required. If a sign is to be illuminated, the illumination must be external, not internal. While staff does not recommend revising the text at this time due to the short adoption timeline, this section can be revised for clarity at a later time.
7l	DTSP p. 152, Section C9.1 Awning/Canopy Signs: Is the feature area a requirement?	<b>Comment Noted/No Action Required:</b> The "Feature Area" is not a requirement. An Awning/Canopy Sign does not need to include logos.
7m	DTSP p. 153, Section A.2 Wall Sign: What is meant by "features?"	<b>Comment Noted/No Action Required.</b> The DTSP does not specifically define "Features;" however, based on language under the Awning/Canopy Sign section, a "logo" is referenced as a feature. While staff does not recommend revising the text at this time, this is an issue that could be refined in a future DTSP amendment.
7n	DTSP p. 156, Section C9.3.c.iii: What about screening of Fire Department connections, standpipes, etc., especially on historic buildings? Now is the best opportunity to see if the city will support vaults or interior placement of this kind of equipment.	<b>Comment Noted/No Action Required.</b> This section would apply to mechanical equipment and other items (garbage receptacles, loading areas, etc.), and would presumably apply to additional appurtenances such as Fire Department infrastructure to the extent those items can be screened. Building and Fire Codes would still apply, and such items may be required to be visibly and accessible.
7o	DTSP p. 161, Section C11.1: Consider changing "Access, Building" to "Walk-up Access" to avoid confusion with "Building Access."	<b>Comment Noted/No Action Required.</b> Given the short timeline to adopt the DTSP, staff is not recommending text changes to non-critical sections of the document. With that said, staff supports amending the DTSP post-adoption to include this change and others that would result in a more clearly worded document.
7p	DTSP p. 161, Section C11.1: Can "Accessory Structure" be combined with "Building Accessory?"	<b>Action:</b> "Building Accessory" is redundant to "Accessory Building" and will be deleted from the document.
7q	DTSP p. 163, Section C11.1: Under "Story" do mezzanines need to be defined?	<b>Comment Noted/No Action Required.</b> No changes to the text are proposed. A "Story" is defined as a "habitable level within a building from finished floor to finished ceiling." A mezzanine typically refers to an additional level within a building story that is open to below, accommodating a portion of a story but not creating a full building floor. While not critical to the adoption of the DTSP, staff supports amending the DTSP post-adoption to include this change and others that would result in a more clearly worded document.
7r	DTSP p. 167, Section C11.2: Where does a market greater than 5,000 sq. ft. but less than 15,000 sq. ft. fall?	<b>Comment Noted/No Action Required.</b> While staff does not recommend changing Section C11.1 (Definitions of General Terms) at this time due to the condensed timeline, this is a valid issue that can be addressed in a future DTSP amendment. The City anticipates the DTSP to be a living document that will be regularly updated to address community needs and concerns.
7s	DTSP p. 171: The Mills Act should be added back in among local programs.	<b>Action:</b> The Mills Act will be added back into the list of local programs.
7t	DTSP p. 176, Action A3.2b: Consider seeking voter approval to raise the 45 foot height limit to 50 feet.	<b>Comment Noted/No Action Required.</b> Housing Element Program 2.n requires the City to bring an initiative to the voters in 2024 to consider raising the building height limit for parcels that have residential densities great than 50 dwelling units per acre. Initiative language has not yet been drafted and will have to be approved by the City Council before being placed on the ballot.



**8. Ed Elsner; Letter Dated 8/31/23**

Issue		
No.	Description/Summary	Response
8a	"When the draft general plan is properly analyzed, the projected future growth of 2,775 housing units is understated by at least 3,082 housing units..."	<b>Comment Noted/No Action Required.</b> The General Plan contemplates a total buildout of 13,940 units. This includes the City's existing 11,156 residential units, for a total of 2,784 new units (13,940 - 11,156 = 2,784). These numbers accommodate the required RHNA units and State buffer (for a total of 2,775 units). While no action will be taken specifically on account of this comment, the Planning Commission, at its August 21, 2023, meeting, directed staff to revise the General Plan Capacity table so that it is easier to understand (Table B3.2, page 62). The table will be revised to better convey the information and to reduce confusion.
8b	Capacity issues regarding Table B3.2 (page 62), Table B3.3 (page 63), and Housing Element Tables VI-50 and VI-51.	<b>Comment Noted/No Action Required.</b> The General Plan contemplates a total buildout of 13,940 units. This includes the City's existing 11,156 residential units, for a total of 2,784 new units (13,940 - 11,156 = 2,784). These numbers accommodate the required RHNA requirement of 2,775 units. Table B3.2 will be revised to better convey the information contained therein, and the City's realistic development capacity over the life of the General Plan. Table B3.3 (Projected Growth by Place Types) contains information on where the City speculates the RHNA growth would reasonably occur during the planning period. Question 1 in the Frequently Asked Questions document states "The full build out number is entirely theoretical." The City is involved in planning for the housing units but does not have a hand in the free market and in ensuring the units get developed. Table B3.2 references realistic development capacity whereas Table B3.3 references the City's best guess as to where those units might be located. The City is obligated to plan for future growth to accommodate its RHNA requirement. The capacity provided in the draft General Plan accomplishes this objective.

**9. Ed Elsner; Letter Dated 9/1/23**

Issue		
No.	Description/Summary	Response
9a	"Based on the information presented in the draft general plan, 6,203 tenants would be displaced by the anticipated redevelopment of the City's medium and high density residential parcels...So, the draft general plan anticipates that 24% of the City's current population, consisting of 44% of the City's tenants, would be displaced by redevelopment of medium and high density residential parcels."	<b>Comment Noted/No Action Required.</b> The General Plan is a planning and policy document, not a development document or entitlement that approves new projects. The purpose of the General Plan is provide policies that guide development into those areas of the City that are most appropriate for accommodating additional housing units and commercial space. Since the City does not know what individual property owners plan to do with their properties, it would be speculative to assume specific details that future growth would involve beyond the general and broad analysis included in the project's PEIR; the number of hypothetical scenarios is infinite. The best the City can do at the General Plan level is to thoughtfully direct future development toward those corridors and areas that are best able to handle the growth. It will be the private sector that will decide which properties will redevelop, and those decisions are largely beyond the City's control.

**10. Linda Kubo; Letter Dated 9/6/23**

Issue		
No.	Description/Summary	Response
10a	Please consider the impact of potential residences being held for short term housing (Air B&B, et al). Enacting regulations that would release this inventory for longer-term housing would have minimal impact on existing infrastructure...	<b>Comment Noted/No Action Required.</b> This comment has been included in the information provided to the City Council.

Please also consider intentionally attracting senior housing to the more than 2,000 new housing units proposed. Seniors would benefit from our small city offerings...a significant population of seniors are low-income and vulnerable without rent control protections. They would benefit from housing security. This housing plan is our opportunity to support our seniors in their golden years.

10b

**Comment Noted/No Action Required.** This comment has been included in the information provided to the City Council.

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**ATTACHMENT 10**

Resolution P.C. 23-05

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**P.C. RESOLUTION NO. 23-05**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PASSED, APPROVED, AND ADOPTED** on this 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
Laura Dahl, Planning Commission Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
David Snow, Assistant City Attorney

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

**AYES:** Dahl, Padilla, Barthakur, Lesak, Swanborn

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk



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**ATTACHMENT 11**

Resolution P.C. 23-06

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**P.C. RESOLUTION NO. 23-06**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**PASSED, APPROVED, AND ADOPTED** on this 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
Laura Dahl, Planning Commission Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
David Snow, Assistant City Attorney

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

**AYES:** Dahl, Padilla, Barthakur, Lesak, Swanborn

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk



# City Council Agenda Report

ITEM NO. 3

**DATE:** September 18, 2023

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

**PREPARED BY:** Angelica Frausto-Lupo, Community Development Director  
Alison Becker, AICP, Deputy Community Development Director  
Robert (Dean) Flores, Senior Planner

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

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## Recommendation

It is recommended that the City Council open the public hearing, receive public testimony on the project, and continue the Public Hearing to September 27, 2023, at which time the Council would consider introducing an Ordinance to:

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

## **Executive Summary**

Certain Zoning Text Amendments must be adopted in order to comply with the Court Order that resolved the Housing Element lawsuit between the City and Californians for Homeownership, Inc. The proposed Zone Text Amendment and Zoning Map Amendment would increase density in certain areas of the City, establish the Mixed-Use Overlay zone, and update the City's Zoning Map accordingly. The revisions are directly tied to Housing Element programs.

## **Background**

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

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

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

As a reminder, the Housing Element was adopted on May 30, 2023, in conjunction with an Environmental Assessment (EA) prepared pursuant to Government Code Section

65759. The proposed General Plan Update and DTSP are consistent with the adopted Housing Element. On August 8, 2023, the Planning Commission directed City staff to prepare a resolution recommending a Zone Text Amendment to rezone certain commercial properties in the City to implement the General Plan and Housing Element implementation efforts by increasing density. Additionally, there will be increased density in the Residential Medium (RM) and Residential High (RH) zoning districts to accommodate the City's RHNA obligation, pursuant to Housing Element program 3.a.

### **City Council Study Session**

On August 29, 2023, the amendments were introduced to the City Council in a Study Session. Prior to the Study Session, the City Council received the proposed amendments and background information from the Planning Commission. During the Study Session, the City Council received testimony from the public, a staff presentation, and discussed the proposed amendments. No action was taken during the Study Session.

### **Discussion**

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

- New Zone Text Amendment Standards for Increased Density

In order to implement the new changes into the Zoning Code, the City hired MIG (Moore, Iacofano, Goltsman) to prepare the draft Zone Text Amendment changes consistent with the Housing Element and General Plan changes. In order to comply with Housing Element program 3.a, the City will increase density in certain areas identified in the Housing Element. More specifically, in commercial corridors and the Medium and High Density Residential zones. The proposed changes to these areas can be found below and on pages 3 and 25 of Exhibit A of Attachment 1.

Zoning District/Overlay Zone	Previous Density (units/acre)	Proposed Density (units/acre)
RM (Residential Medium Density)	Minimum: 6.1 Maximum: 14	Minimum: 5.1 Maximum: 30
RH (Residential High Density)	Minimum: 14.1 Maximum: 25	Minimum: 30.1 Maximum: 45
Focused Area Overlay (to be changed to Mixed-Use Overlay)	Up to 24 units/acre if a Mixed-Use project	Minimum: 52 Maximum: 70

Please note that the Housing Element did not require the City to establish minimum density requirements for each zone, but the City is taking the initiative to do so. In previous iterations of the proposed Zone Text Amendment, the RM zone was proposed to have a minimum density of 15 dwelling units per acre. However, after further consideration, staff recommends decreasing the minimum density requirement to 5.1 since the maximum allowable density in the RS zone is 5. As such, the RM zone minimum requirement will begin where RS maxes out. This will provide potential applicants with more flexibility in designing their multi-family development projects in the RM and RH zones.

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

The existing Focused Area Overlay zone was established in the 1998 General Plan update and comprised of the areas below.<sup>1</sup> The areas can also be found in the existing Zoning Map (Attachment 3).

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

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

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

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

As shown in the table above, most of the former Focused Areas will be replaced by a Mixed-Use Core designation in the General Plan, except for the Fair Oaks Corridor, and Arroyo Annexation areas. The Fair Oaks Corridor will now be included in the DTSP along with the former MSSP area. The new Mixed-Use Overlay will apply only to those parcels designated as Mixed-Use Core in the Land Use Map that are not included in the DTSP areas (See Attachment 4). It is important to note, however, that although the base land use designations are changing, their underlying zoning designations will remain the same (for CG, CO, and BP areas). The new Mixed-Use Overlay areas can be found in the draft Zoning Map (Exhibit B of Attachment 1).

- Mixed-Use Overlay Development Standards

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

- The Mixed-Use Overlay development standards include setbacks, lot coverage, height, and frontage standards. It will also include objective design standards such as maximum blank wall length, minimum window glazing, wall plane articulation, etc. Finally, it includes parking, landscaping, and open space requirements which are typical design standards for multi-family and mixed-use projects.
- As part of the requirement for the Housing Element Site Inventory sites, it includes the provision that sites subject to the mixed-use overlay are allowed to be develop 100% residential projects, and any mixed-use projects must include at least 50% of the floor area to be used for residential purposes.

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

- Lastly, it establishes a procedure for city staff to process these residential projects ministerially while also acknowledging that some aspects of the mixed-use project may still require a conditional use permit (CUP) for the nonresidential uses (i.e. alcohol sales, outdoor dining, etc.).
- Other Ancillary Changes

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

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

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

- Planning Commission's Recommended Changes to Table 2-6

As part of their review of the proposed Amendments, the Planning Commission, recommended some changes to the Mixed-Use development standards. The proposed changes are intended to represent more flexibility for prospective applicants to design high quality buildings. Please note that the original Zone Text Amendments are in **red** and the Planning Commission changes are **highlighted**. Their recommended changes to the Zone Text Amendments are in the following categories in Table 2-6 of Exhibit A of Attachment 1:

1. The maximum floor area by story (p. 25 of Exhibit A),
2. Maximum elevation above and below street/sidewalk level (p. 25 of Exhibit A),
3. Parking and site access (p. 27 of Exhibit A), and
4. Private open space requirements (p. 28 of Exhibit A)

### **Zoning Amendment Findings**

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

1. *Findings required for all Zoning Code/Map amendments;*

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

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

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

Therefore, the City Council can make this finding in support of the Project.

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

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



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

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

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

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

## **Environmental Analysis**

### **General Plan/DTSP Update PEIR**

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

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

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

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

#### *Tribal Consultation*

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

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

On June 10, 2021, the City met with the Gabrieleño/Tongva Tribe. The Gabrieleño/Tongva Tribe has ancestral ties to the South Pasadena area and is aware that Tribal Cultural Resources may be encountered as part of future development. Consultation concluded with the Tribe desiring to have the opportunity to participate in Native American monitoring if mitigation measures or conditions of approval require such monitoring in the future. There are no known Gabrieleño/Tongva tribal cultural resources within the Project area (South Pasadena City limits) beyond those that were listed on the

Native American Heritage Commission (NAHC) Sacred Lands File search that was completed on July 15, 2020. The search was positive, meaning there are sites within the project area that are known to be significant/sacred to local Tribes. Results from the NAHC Sacred Lands File search are kept confidential to protect and preserve known sacred sites.

The public review period for the Draft Program EIR ended on September 6, 2023. Staff and the environmental consultant are preparing the Final Program EIR for consideration by the City Council at its September 27, 2023, meeting.

Pursuant to CEQA Guidelines Section 15025 (c), the Planning Commission reviewed the PEIR in draft form, and adopted Resolution No. 23-05 recommending that the City Council consider and adopt the Program EIR.

#### Housing Element Environmental Assessment

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

#### **Conclusion**

Based on the evidence presented in this staff report and the adopted 2021-2029 Housing Element, the City Council can make the findings to approve the Project. As such, a draft Ordinance has been prepared for the City Council's consideration (Attachment 1).

#### **Next Steps**

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

September 27, 2023: City Council concludes the Public Hearing, and once the Public Hearing is closed, considers certifying/adopting the

PEIR, and approving the project with first reading of an Ordinances rescinding the MSSP, Zoning Text Amendments and Zoning Map Amendments.

October 4, 2023: Assuming the project is approved on September 27, 2023, with the first reading of the Ordinances, conduct a second reading and adopt said Ordinances.

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

### **Alternatives**

If the City Council chooses not to take action on the proposed Zoning Text Amendments, the item could be considered at the September 27, 2023, City Council meeting. If the Zoning Text Amendments are not adopted on or prior to September 27, 2023, the City would not be in compliance with the Court Order.

### **Fiscal Impact**

The General Fund will be impacted by personnel cost associated with the time required to make the necessary revisions to the SPMC.

### **Key Performance Indicators and Strategic Plan**

This project supports Priority 5 of the Strategic Plan: Plan for affordable housing to comply with state mandates and respond to community needs.

### **Commission Review and Recommendation**

At Special Meetings held on August 21, 2023 and August 23, 2023, the Planning Commission took public testimony, considered and adopted a resolution recommending adoption of an ordinance for the Zone Text Amendment and Zoning Map Amendment, with some minor changes to the proposed standards (Attachment 2).

### **Legal Review**

The City Attorney has reviewed this item.

### **Public Notification of Agenda Item**

A public notice for this Public Hearing was published in the South Pasadena Review on September 8, 2023. The public was also made aware of the Public Hearing through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

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

**Attachments**

1. Draft Ordinance
  - a. Exhibit A – Draft Zone Text Amendment– Prepared by MIG with Planning Commission recommended changes
  - b. Exhibit B – Draft Updated Zoning Map
2. PC Resolution No. 23-08
3. Existing South Pasadena Zoning Map
4. Updated Land Use Map of the proposed General Plan

**ATTACHMENT 1**  
Draft Ordinance with Exhibits A and B

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**CITY OF SOUTH PASADENA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CHAPTER 36 (ZONING) OF THE CITY CODE OF THE CITY OF SOUTH PASADENA RELATED TO INCREASED DENSITY INCLUDING REZONING THE EXISTING FOCUSED AREA OVERLAY ZONE TO MIXED-USE OVERLAY ZONE AND INCREASING DENSITY IN THE RESIDENTIAL ZONING DISTRICTS, AND AMENDING THE ZONING MAP IN COMPLIANCE WITH THE UPDATED GENERAL PLAN AND THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT**

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

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

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

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

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

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



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

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

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

**WHEREAS**, on July 24, 2023, the Draft General Plan and DTSP were released for public comments; and

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

**WHEREAS**, the Planning Commission considered this Ordinance on August 21, 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or against this matter and continued the matter to a special meeting on August 23, 2023; and

**WHEREAS**, at the conclusion of the Planning Commission's consideration of the matter on August 23, 2023, and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-08, recommending that the City Council adopt an ordinance making various amendments to City Code Chapter 36 (Zoning), including specific modifications as recommended by the Planning Commission, and amending the Zoning Map substantially as set forth in Exhibits A and B of this Ordinance; and

**WHEREAS**, the City Council considered this Ordinance on September 18 and September 27, 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or against this matter.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The facts set forth in the recitals of this Ordinance are true and correct.

**SECTION 2:** Based upon substantial evidence presented, including public testimony and written and oral staff reports, and the environmental documentation, the City Council finds:

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

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

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

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

- General Plan Policy P3.2: Direct new growth to the Downtown, Ostrich Farm, and the three neighborhood centers along Huntington Drive;
- General Plan Action A3.2b: Update the Development Code to encourage mixed-use, walkable, and contextual development;
- General Plan Policy P3.5: Remove regulatory and procedural barriers to good design;
- General Plan Action A3.5a: Develop and adopt a Form-Based Code for the Downtown area and objective design standards for areas outside the Downtown area;
- Housing Element Goal 3.0: Provide opportunities to increase housing production;
- Housing Element Program 3.a: Rezone and redesignate sites to meet RHNA;

- Housing Element Program 3.n: Zoning Changes [to update development standards of residential development projects];

Therefore, the City Council hereby makes this finding in support of the Amendments.

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

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

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

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

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

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

**SECTION 4.** Environmental Findings. This Ordinance reflects an action to implement the City's adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council's adoption of the Housing Element. Each of these provide separate and independent bases demonstrating compliance with the CEQA.

**SECTION 5.** The City Council hereby amends various sections of Chapter 36 (Zoning) of the City Code of the City of South Pasadena to incorporate the text changes set forth in Exhibit A, attached hereto and incorporated herein by reference, with all sections of Chapter 36 that have no amendments identified in Exhibit A remaining in effect without amendment.

**SECTION 6.** The City Council hereby adopts the Amended Zoning Map, attached hereto as Exhibit B, and incorporated herein by reference.

**SECTION 7.** Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**SECTION 8.** This Ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED AND ADOPTED ON** this 18th day of September, 2023.

\_\_\_\_\_  
Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
Roxanne Diaz, City Attorney

**CITY OF SOUTH PASADENA**  
**CITY CLERK'S DIVISION**  
**CERTIFICATION OF ORDINANCE**

**STATE OF CALIFORNIA)**  
**COUNTY OF LOS ANGELES)      SS**  
**CITY OF SOUTH PASADENA)**

I, Mark Perez, Deputy City Clerk of the City of South Pasadena, do hereby certify that Ordinance No. \_\_\_\_\_, was duly and regularly approved and adopted at a Regular meeting of the City Council on this XX<sup>th</sup> day of September, 2023, by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Mark Perez  
Deputy City Clerk

City of South Pasadena

Chapter 36 Zoning

Focused Amendments to Various Sections

**36.200.020 Zoning Map and Zoning Districts.**

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

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

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

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

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

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

<b>TABLE 2-1. ZONING DISTRICTS</b>		
<b>Zoning District Symbol</b>	<b>Zoning District Name</b>	<b>General Plan Land Use Classification Implemented by Zoning District</b>
Residential Districts		
RE	Residential Estate	<del>Estate and</del> Very Low Density <del>Residential</del> <u>Neighborhood</u>
RS	Residential Single Family	Low Density <del>Residential</del> <u>Neighborhood</u>
RM	Residential Medium Density	Medium Density <del>Residential</del> <u>Neighborhood</u>
RH	Residential High Density	High Density <del>Residential</del> <u>Neighborhood</u>



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

## **Division 36.220. Residential Zoning Districts**

### **36.220.010 Purpose of Division.**

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

### **36.220.020 Purposes of Residential Zoning Districts.**

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

- A. RE (Residential Estate) district. The RE zoning district applies to areas appropriate for detached, single-family residential homes on large estate parcels. The allowable residential density ~~ranges from one to 3.5~~ is a maximum of three dwelling units per acre. The RE zoning district is consistent with the ~~Estate/Very -Low Density~~ ResidentialNeighborhood land use designation of the General Plan.
- B. RS (Residential Single-Family) district. The RS zoning district is intended for areas appropriate for the development of detached, single-family homes. The allowable residential density ~~ranges from 3.51 to six~~ is a maximum of five dwelling units per acre. The RS zoning district is consistent with the Low Density ~~ResidentialNeighborhood~~ land use designation of the General Plan.
- C. RM (Residential Medium Density) district. The RM zoning district applies to areas appropriate for a variety of housing types. Typical residential land uses include single-family bungalow courts, courtyard housing, townhomes, duplexes, triplexes, ~~or multiplexes, and~~ other attached ~~or detached single-family dwellings- on smaller lots~~. The allowable residential density ranges from ~~65.1 to 1430~~ dwelling units per acre. The RM zoning district is consistent with the Medium Density ~~ResidentialNeighborhood~~ land use designation of the General Plan.
- D. RH (Residential High Density) district. The RH zoning district is intended for areas appropriate for high density ~~single-family~~ attached ~~or multi-family~~ dwelling units, including courtyard housing, townhouses, condominiums, and apartments. The allowable residential density ranges from ~~1430.1 to 2445~~ dwelling units per acre. The RH zoning district is consistent with the High Density ~~ResidentialNeighborhood~~ land use designation of the General Plan.

### **36.220.030 Residential Zoning District Land Uses and Permit Requirements.**

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

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

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

<b>TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS</b>	P	Permitted Use				
	CUP	Conditional Use Permit required				
	AUP	Administrative Use Permit required				
	—	Use not allowed				
	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
LAND USE (1)	RE	RS	RM	RH		
<b>RECREATION, EDUCATION, PUBLIC ASSEMBLY &amp; COMMUNITY FACILITY USES</b>						
Clubs, lodges and fraternal organizations	—	—	—	CUP		
Community center	—	—	—	CUP		
Private sport courts	AUP	AUP	AUP	AUP		
Community gardens	CUP	CUP	CUP	CUP	36.350.230	
<b>RESIDENTIAL USES</b>						
Accessory residential uses and structures	P( <del>3</del> (2))	P( <del>3</del> (2))	P( <del>3</del> (2))	P( <del>3</del> (2))	36.350.170	
Home occupation	P	P	P	P	36.410.030	
Multi-family dwellings	—	—	P	P	36.350.180, 190	
Organizational house (sorority, convent, etc.)	—	—	CUP	CUP		
Residential care facility, 6 persons or less	P	P	P	P		
Residential care facility, 7 persons or more	—	—	CUP	CUP	36.350.050	
Residential care facility for the elderly (RCFE)	—	—	CUP	CUP	36.350.050	

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

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

**36.220.040 Residential Zoning District General Development Standards.**

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

B. Altos de Monterey (AM) overlay district. Development standards for parcels within the AM overlay district are established by Section 36.250.030.

C. Design Guidelines ~~and Standards~~. Land uses and structures proposed within the residential zoning districts shall comply with the City’s Design Guidelines to the extent required by the Design Review Board and/or specific provisions of the Design Guidelines ~~, objective design standards, and to the extent permitted by State law. Qualifying residential projects shall comply with the ministerial approval process established by Section 36.410.040D.6.~~

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS				
	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
Minimum lot size	Minimum area and width for parcels proposed in new subdivisions.			
Area	12,500 sf	10,000 sf	10,000 sf	10,000 sf
Width	75 ft; 85 ft for a corner lot	50 ft; 60 ft for a corner lot	60 ft; 80 ft for a corner lot	<u>70 ft</u>
Residential density	Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or land use permit approval, as applicable.			
Allowable density	<del>1</del> <u>Maximum of 3.5</u> du/acre	<del>3.5</del> <u>Maximum of 5</u> du/acre	<del>5.1</del> <u>14 to 30</u> du/acre	<del>1430.1</del> <u>24 to 45</u> du/acre
<del>Minimum density allowed</del>	<del>Each legal parcel in a residential zoning district will be allowed one single family dwelling regardless of lot area; parcels in the RE, RS, and RM districts may also be allowed a second dwelling unit in compliance with Section 36.350.200 (Residential Uses—Second Dwelling Units).</del>			
<del>Minimum lot area/ multi-family unit</del>	<del>N.A.</del>		<del>3,200—7,300 sf</del>	<del>1,900—3,200 sf</del>
Setbacks	Minimum and, where noted, maximum setbacks required. See Section 36.300.030 for setback measurement, allowed projections into setbacks, and <u>specific</u> exceptions to setbacks.			
Front	25% of lot depth, with a minimum of 25 ft, and a maximum requirement of 35 ft		20 ft	<del>20 ft; 85 ft from street centerline on Huntington Drive</del> <u>15 ft</u>
Front exception	If 60 percent or more of the lots on the same block face have structures with front setbacks different from the above, the		<u>An additional minimum 5 ft setback from the property line shall be provided for every story above the second story.</u>	

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS				
	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
	required front setback shall be the average of the existing front setbacks, provided that no more than 45 feet shall be required in the RE district, and 35 ft shall be required elsewhere.			
Sides, each	10% of lot width	10% of lot width, 4 ft minimum	<u>An additional minimum 4-foot setback from the property line shall be provided for every additional story above the second story.</u>	<del>10 ft</del> <u>8 ft minimum; 10 ft minimum setback from the property line shall be provided for each story above the second story.</u>
Side, street side	20% of lot width, to a maximum requirement of 15 ft		15 ft <u>minimum</u>	
Rear	25 ft		<del>20 ft</del> <u>15 ft minimum; or 5 ft minimum abutting an alley</u>	<del>15 ft, or 5 ft if abuts an alley.</del> <u>20 ft minimum setback shall be provided for each additional story above the second story.</u>
Garage	An attached garage shall be set back a minimum of 10 ft from the front of the main structure		<u>N/A</u>	
Accessory structures	As required for primary structures, except that:		<u>See Section 36.350.170 (Residential Uses— Accessory Residential Structures)</u>	

**TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS**

Requirement by Zoning District (1)				
Development Feature	RE	RS	RM	RH
	<ul style="list-style-type: none"> <li>• A structure of 120 sf or less may be placed within a required side or rear setback, but not a front setback or in front of the frontmost dwelling unit on the lot;</li> <li>• A detached garage or carport or other accessory residential structure shall be located at least 5 ft from a side and/or rear property line, except if the required side yard setback for the dwelling/s is less than 5 ft, in which case the lesser side yard setback may be used for a detached garage or carport only. Such structures cannot be located in the front setback or in front of the frontmost dwelling unit on the lot;</li> <li>• Accessory structures shall be located at or beyond the required street-facing side yard setback for the dwelling/s, except if the Director determines that a lesser setback can be approved using the Administrative Use Permit process detailed in Section 36.350.170(C)(3)(e);</li> <li>• Private residential recreational facilities shall be located at least 5 ft from a side and/or rear property line and cannot be located in the front setback, or in front of the frontmost dwelling</li> </ul>			

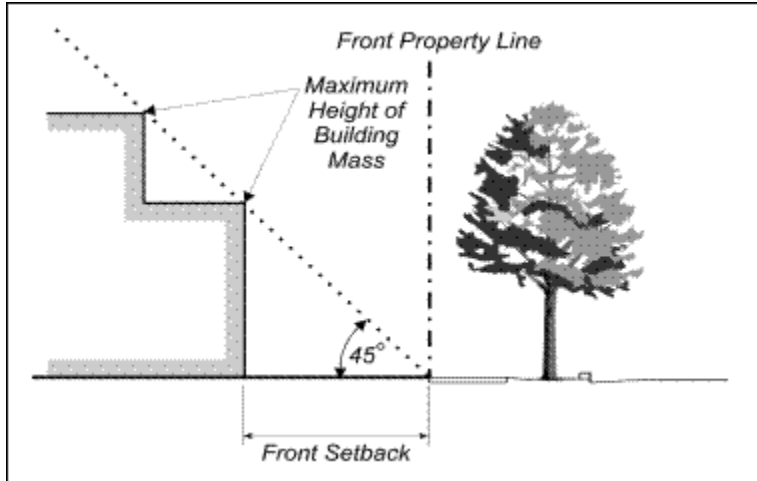


**TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS**

	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
	unit on the lot or in the street-facing side setback of a corner lot.  See also Section 36.350.170 (Residential Uses—Accessory Residential Structures).			
Building separation	10 ft between structures on the same site.		<u>Minimum distances shall comply with Fire Code requirements but in no case shall be less than 10 ft.</u>	
Lot coverage	Maximum percentage of total lot area that may be covered by structures.			
	40%		N/A	N/A
<del>Floor area ratio</del>	<del>Maximum allowable ratio of building floor area to lot area. See Article 7 (Definitions) for a definition and illustration.</del>			
<u>Floor area ratio requirement</u>	0.35		Single-family dwellings—0.50 Multifamily projects—1.25  N/A	Single-family dwellings—0.40  Multifamily projects—1.25  N/A
<del>Exception</del>	<del>Each dwelling unit may have an attached or detached garage or carport of up to 500 sf in addition to the above-listed FAR. Any square footage in excess of 500 sf is included in the FAR calculation.</del>			
Height limit	Maximum allowable height of structures in other than hillside areas (see Division 36.340 (Hillside Protection) for height limits in hillside areas). See Section 36.300.040 (Height Limits and Exceptions) for height measurement requirements.  See also Section 36.350.170 (Residential Uses—Accessory Residential Structures).			
Maximum height	35 ft		45 ft	

TABLE 2-3. RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS				
	Requirement by Zoning District (1)			
Development Feature	RE	RS	RM	RH
Multiple story exception	No portion of a structure shall encroach through a 45-degree angle projected perpendicularly from the front property line toward the rear property line. See Figure 2-1 in this Division. Building height in addition to the above limits may be authorized by design review (Section 36.410.040) to accommodate dormer windows and/or <del>nonhabitable</del> uninhabitable roof structures where appropriate to the architectural style of the dwelling.		N/A	
Open Space	<del>Not applicable</del> N/A		As required by Section 36.350.190 (Multi-Family Project Standards)	
Landscaping	As required by Division 36.330 (Landscaping Standards)			
Parking	As required by Division 36.310 (Parking and Loading)), <u>unless such development qualifies for an exception to providing parking under provisions of State law</u>			
Signs	As required by Division 36.320 (Signs)			
Notes: (1) Altos de Monterey exceptions. The standards and requirements for development within the Altos de Monterey (AM) overlay zoning district are different from those in this table; see Section 36.250.030.				

Figure 2-1. Height Limit Adjacent to Street



**36.220.050 Development of Small Nonconforming Residential Parcels.**

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

- A. Design compatibility. Proposed construction shall have exterior colors, forms, and materials that are consistent throughout and visually compatible with adjacent structures and the surrounding neighborhood. The size, mass, and scale of new dwellings shall also be visually compatible with adjacent structures and the surrounding neighborhood. New dwellings shall also comply with the City’s Residential Design Guidelines.
- B. Setbacks.
  1. The front and rear setback shall be 20 feet, or 15 feet for houses with a front porch.
  2. A second story shall be set back an additional five feet from the front of the house and three feet on both sides (which may be accommodated within a sloping roof), unless the architectural style requires a zero front or side second story setback, as determined by the Review Authority. In the latter case, the ground floor front setback shall be 25 feet.
- C. Driveway width. Driveways shall be limited to a maximum paved width of 10 feet with two feet clear of obstructions on either side, or 40 percent of the parcel frontage, whichever is less. Driveway width at property lines shall be limited to 10 feet.
- D. Front yard paving. No more than 45 percent of the total area of the front setback shall be paved for walkways, driveways, and/or other hardcover pavement.
- E. Reserved.
- F. Lot coverage. The maximum lot coverage shall be 50 percent.

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

## **Division 36.230. Commercial Zoning Districts**

Sections:

36.230.010 Purpose of Division.

36.230.020 Purposes of Commercial Zoning Districts.

36.230.030 Commercial District Land Uses and Permit Requirements.

36.230.040 Commercial District General Development Standards.

36.230.050 Mixed Use Overlay Development Standards.

### **36.230.010 Purpose of Division.**

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

### **36.230.020 Purposes of Commercial Zoning Districts.**

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

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

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

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

D. MU (Mixed Use) Overlay District. The MU Overlay district may be applied to all CO, CG, and BP zoning districts as an overlay to allow for a wide range of development that contains a mix of functions, including commercial, entertainment, office, and housing. The MU Overlay District is consistent with the Mixed Use Core land use designation in the General Plan. The intent of this overlay district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development in the CO and CG zoning districts.

**36.230.030 Commercial District Land Uses and Permit Requirements.**

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

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

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

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

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

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

<b>TABLE 2-4.</b> <b>ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL &amp; BUSINESS PARK DISTRICTS</b>	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	<b>PERMIT REQUIREMENT BY ZONE</b>			<b>Specific Use Regulations</b>
<b>LAND USE (1)</b>	<b>CO</b>	<b>CG</b>	<b>BP</b>	
Outdoor recreation facilities	—	CUP	CUP	
Schools—Private	—	CUP	CUP	
Schools—Specialized education, tutoring, and training	—	AUP/ CUP	CUP	3,000 sf or smaller requires an AUP, greater than 3,000 sf requires a CUP
Special needs educational and training facilities	—	CUP	CUP	
Studios/health/fitness facility—Dance, martial arts, music, photography, etc.	AUP/ CUP	AUP/ CUP	CUP	3,000 sf or smaller requires an AUP, greater than 3,000 sf requires a CUP
Theaters and auditoriums	—	CUP	—	
Community gardens	CUP	CUP	CUP	36.350.230
<b>RESIDENTIAL USES</b>				
Emergency shelter	—	CUP	P	36.350.250



<b>TABLE 2-4.</b> <b>ALLOWED USES AND PERMIT REQUIREMENTS FOR</b> <b>COMMERCIAL &amp; BUSINESS PARK DISTRICTS</b>	P	Permitted Use		
	CUP	Conditional Use Permit required		
	AUP	Administrative Use Permit required		
	—	Use not allowed		
	<b>PERMIT REQUIREMENT BY ZONE</b>			<b>Specific Use Regulations</b>
<b>LAND USE (1)</b>	<b>CO</b>	<b>CG</b>	<b>BP</b>	
Live/work units	—	—	—	36.350.110
Mixed-use projects	P	P	P	36.350.120 <a href="#">36.230.050</a>
<a href="#">Multi-family dwellings (5)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P (6)</a>	<a href="#">36.230.050</a>
Single-room occupancy	—	—	P	36.350.260
Transitional and supportive housing, including low barrier navigation centers	P	P	P	
<b>RETAIL TRADE</b>				
Alcoholic beverage sales	—	CUP	—	36.350.040
Auto parts sales	—	P	—	
Auto sales and rental	—	CUP	CUP	
Building material stores	—	P	CUP	36.350.220
Coffee roasting and packaging, retail	—	CUP	—	
Construction/heavy equipment sales and rental	—	CUP	CUP	
Convenience and liquor stores	—	CUP	—	36.350.040
Department stores	—	P	—	
Equipment sales and rental	—	CUP	CUP	

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

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

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

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

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

**36.230.040 Commercial District General Development Standards.**

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

<b>TABLE 2-5. COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS</b>			
<b>Development Feature</b>	<b>Requirement by Zoning District</b>		
	<b>CO</b>	<b>CG</b>	<b>BP</b>
Minimum lot size	Minimum area and width for parcels proposed in new subdivisions.		
Area	10,000 sf		
Width	50 ft		
Setbacks	Minimum setbacks required. See Section 36.300.030 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.		
Front	25 ft on Fremont St. between the 110 freeway and Monterey Rd., 20 ft required otherwise.	None required	25 ft
Sides, each	15 ft if adjacent to an RS district; none required otherwise.		
Street side	None required		None required
Rear	None, except if adjacent to an alley 5 ft, or if adjacent to a RS district 25 ft		None required
Lot coverage	Maximum percentage of total lot area that may be covered by structures.		
	No maximum		50%
Height limit	Maximum allowable height of structures. See Section 36.300.040 (Height Limits and Exceptions) for height measurement requirements.		
Maximum height	35 ft		

TABLE 2-5. COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS			
Development Feature	Requirement by Zoning District		
	CO	CG	BP
Landscaping	As required by Division 36.330 (Landscaping Standards)		
Parking	As required by Division 36.310 (Parking and Loading)		
Signs	As required by Division 36.320 (Signs)		

**36.230.050 Mixed Use Overlay District Development Standards.**

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

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

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

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

<b><u>TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS</u></b>		
<b><u>Development Feature</u></b>	<b><u>Requirement</u></b>	<b><u>Notes</u></b>
<b><u>DEVELOPMENT INTENSITY</u></b>		
<b><u>Minimum Size or Area</u></b>	<b><u>20,000 sf</u></b>	
<b><u>Minimum Lot Frontage</u></b>	<b><u>80 ft</u></b>	
<b><u>Density Range for Residential</u></b>	<b><u>52 to 70 du/ac</u></b>	
<b><u>Maximum Lot Coverage</u></b>	<b><u>70%</u></b>	



**TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS**

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>Minimum Residential Unit Size</u>	<u>Studio – 450 sf</u> <u>One-bedroom – 750 sf</u> <u>Two-bedroom – 900 sf</u>	
<u>NON-RESIDENTIAL USES</u>		
<u>Location</u>	<u>Non-residential uses are required along the street frontage in the areas described in the General Plan for development within a Corridor, District, or Neighborhood Centers.</u>	<u>Residential units shall be located above the ground-floor level within the BP zoning district.</u>
<u>BUILDING HEIGHT AND FORM</u>		
<u>Maximum Height</u>	<u>45 ft</u>	<u>Non-habitable building features such as chimneys, cupolas, flagpoles, monuments, steeples, roof screens, equipment, and similar structures covering no more than 10% of the top floor roof area may exceed the maximum height by up to 8 ft.</u>
<u>Maximum Stories</u>	<u>4</u>	
<u>Maximum Floor Area by Story</u>	<u>Up through Second Story – 100%</u> <u>Third Story – 90%</u> <u>Fourth Story – 80%</u>	<u>The standard refers to the percentage relative to the ground-floor building footprint area</u>
<u>Maximum Building Length</u>	<u>150 ft</u>	
<u>BUILDING RELATIONSHIP TO STREET</u>		
<u>Minimum Building Frontage</u>	<u>60%</u>	
<u>Maximum Elevation of Building Entry Above the Street/Sidewalk Level and Maximum Recess Below the Street/Sidewalk Level</u>	<u>2 ft</u>	
<u>Minimum Ground Floor Height</u>	<u>12 ft</u>	
<u>NON-RESIDENTIAL USE GROUND FLOOR BUILDING DESIGN</u>		
<u>Maximum Blank Wall Length</u>	<u>25 ft</u>	
<u>Minimum Glazing</u>	<u>50%</u>	
<u>Minimum Tenant Space Width</u>	<u>25 ft</u>	
<u>Minimum Number of Entries</u>	<u>1 per 100 lineal ft</u>	

**TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS**

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>Minimum Wall Plane Articulation</u>	<u>To/From Window/Door – minimum 6 inches</u> <u>To/From Column/Other Feature – minimum 18 inches</u>	<u>Windows, door, columns, and other features shall be recessed or project forward to provide the respective minimum differential from the wall plane</u>
<u>Signs</u>	<u>As required by Division 36.320 (Signs)</u>	
<u>SETBACKS FOR NON-RESIDENTIAL</u>		
<u>Front – Ground Floor</u>	<u>Per the underlying zoning district</u>	<u>May be increased to 15 ft where outdoor uses or small plazas are provided directly in front of the non-residential use</u>
<u>Side – Ground Floor</u>	<u>Per the underlying zoning district</u>	
<u>Rear</u>	<u>Per the underlying zoning district</u>	
<u>SETBACKS FOR RESIDENTIAL</u>		
<u>Front – Ground Floor</u>	<u>20 ft minimum</u>	
<u>Side</u>	<u>10 ft minimum for first two floors</u> <u>15 ft minimum from property line for third floor and above</u>	<u>For any property adjacent to an RE or RS district, the minimum setback for the first and second stories shall be 20 feet, and any story above the second story shall be set back a minimum distance of 25 feet from the property line.</u>
<u>Rear</u>	<u>20 ft minimum for first two floors</u> <u>25 ft minimum for third floor and above</u>	<u>For any property adjacent to an RE or RS district, the minimum setback for the first and second stories shall be 30 feet, and any story above the second story shall be set back a minimum distance of 35 feet from the property line.</u>
<u>SETBACKS – GENERAL</u>		
<u>Setback from Access Driveway</u>	<u>5 ft minimum</u>	
<u>Distance Between Buildings</u>	<u>As required by the Fire Code, but no instance less than 10 ft</u>	
<u>PARKING, LOCATION AND DESIGN</u>		

**TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS**

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>Site Access/Driveway Location</u>	<p>The location of site access/driveways shall be prioritized as follows:                      (1) From an alleyway, (2) From a side street, or (3) If the previous two locations are infeasible as determined by the Director, then access from the front shall be limited to a maximum 24-footwide driveway.</p>	
<u>Location of Parking Spaces/Areas</u>	<p>The location of parking spaces/areas shall be limited as follows:                      (1) Located to the rear of the building or underground, and                      (2) Shall not be located within the front or side street setback areas.</p>	
<u>Number of Spaces for Non-Residential Uses</u>	<p>As required by Division 36.310 (Parking and Loading)</p>	<p>Shared parking or a reduction in parking subject to approval of a parking study – Section 36.310.060. Within one-half mile of a high-quality transit station, no parking minimums shall apply for any use except for hotels, motels, bed and breakfast inns, and similar transient lodging facilities per Government Code Section 65863.2.</p>
<u>Number of Spaces for Residential Uses</u>	<p>Studio – 0.50 space                      One-bedroom – 1 space                      Two-bedroom – 2 spaces                      Guest Space – 0.25 per unit</p>	<p>Guest spaces are not required if non-residential spaces are available during non-operational hours.</p> <p>Parking is reduced, not required, for qualifying development projects within one-half mile of a high-quality transit station, as defined in Government Code Section 65863.2.</p>

**TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS**

<u>Development Feature</u>	<u>Requirement</u>	<u>Notes</u>
<u>Design of Surface or Structure Parking</u>	<u>As required by Division 36.310 (Parking and Loading)</u>	<u>Unless modified by standards herein</u>
<u>LANDSCAPING AND OPEN SPACE</u>		
<u>Minimum Site Landscaping</u>	<u>20 %</u>	<u>Exclusive of areas on the site providing useable open space for residential uses.</u>  <u>Improved rooftop areas can be counted toward open space.</u>
<u>Minimum Driveway and Parking Area Side Landscaping</u>	<u>5 ft</u>	
<u>Minimum Total Combined Useable Open Space per Residential Unit (Common and Private Combined)</u>	<u>300 sf/du</u>	<u>Improved rooftop open space, balconies, and indoor common spaces can be counted toward usable open space.</u>
<u>Common Open Space Requirements</u>	<u>1,000 sf area minimum</u> <u>25 ft minimum depth and width</u>	
<u>Private Open Space Requirements</u>	<u>No private open space is required for individual units.</u>	<u>If individual balconies, ground floor patios, porches, or similar private open space are provided for a residential unit, such area shall have minimum dimensions of 6 ft width and 4 ft depth.</u>

## **Division 36.240. Special Purpose Zoning Districts**

### **36.240.010 Purpose of Division.**

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

### **36.240.020 Purposes of Special Purpose Zoning Districts.**

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

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

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

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

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

### **36.240.030 Special Purpose District Land Uses and Permit Requirements.**

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

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

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

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

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

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

**36.240.040 Special Purpose District General Development Standards.**

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

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

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

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

## Division 36.250. Overlay Zoning Districts

Sections:

36.250.010 Purpose of Division.

36.250.020 Applicability of Overlay Zoning Districts.

36.250.030 Altos de Monterey (AM) Overlay District.

36.250.040 ~~Focus Area (FAMixed Use (MU))~~ Overlay District.

### 36.250.040 ~~Focus Area (FAMixed Use (MU))~~ Overlay District.

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

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

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

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

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

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



**36.410.040 Design Review.**

D. Design Review Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

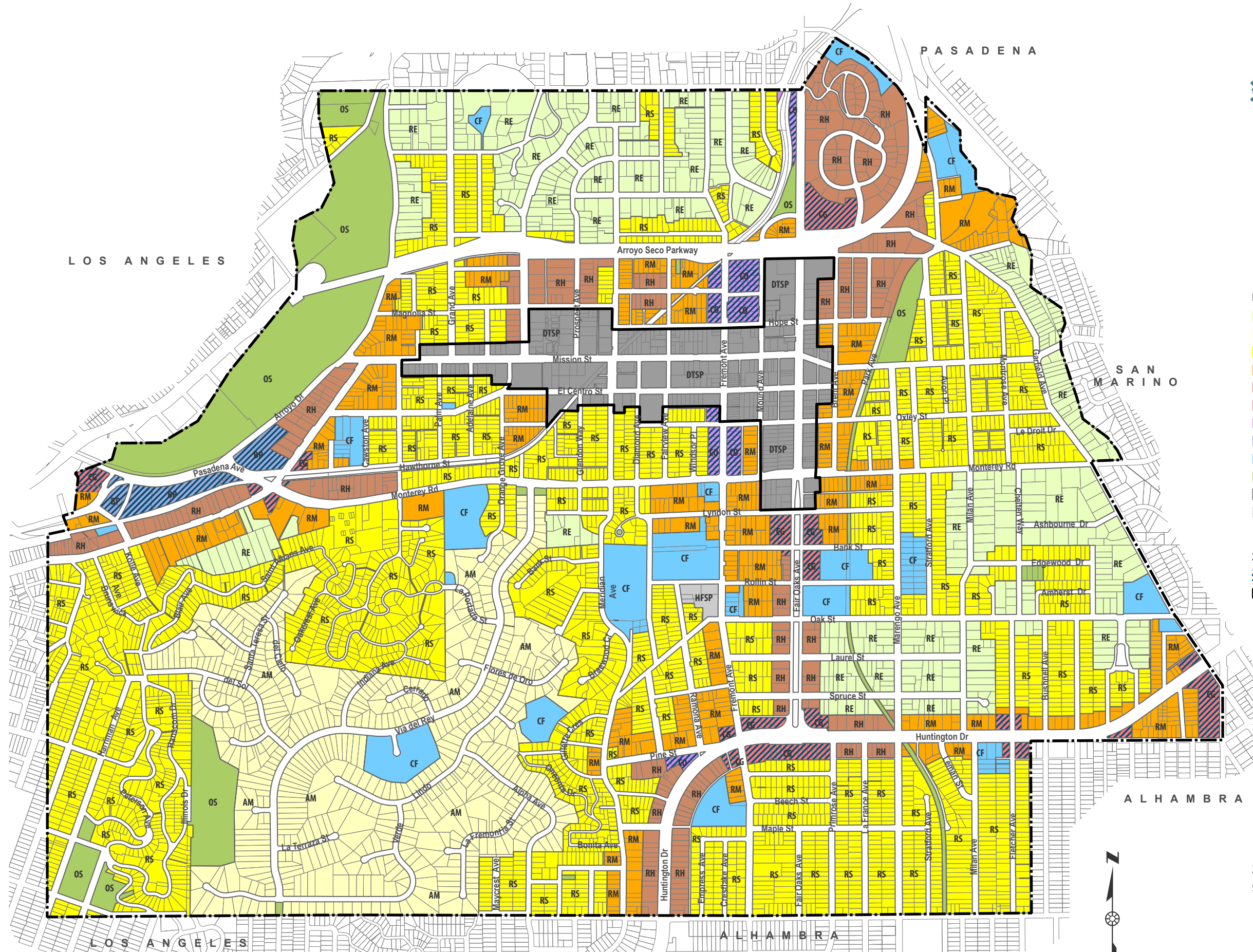
c. Modifications to existing graded and/or improved outdoor areas on a property subject to Division 36.340 (Hillside Protection), such as installation of an in-ground swimming pool, spa, patio covers, accessory structures less than 500 square feet, and similar feature not visible to the street.

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

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

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

# Draft Zoning Map



### Draft Zoning Districts

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

### Zoning Overlay and Specific Plan Boundary

- Mixed Use Overlay
- Downtown Specific Plan Boundary

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



**ATTACHMENT 2**  
P.C. Resolution No. 23-08

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**P.C. RESOLUTION NO. 23-08**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

**PASSED, APPROVED, AND ADOPTED** on this 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
Laura Dahl, Planning Commission Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
David Snow, Assistant City Attorney

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

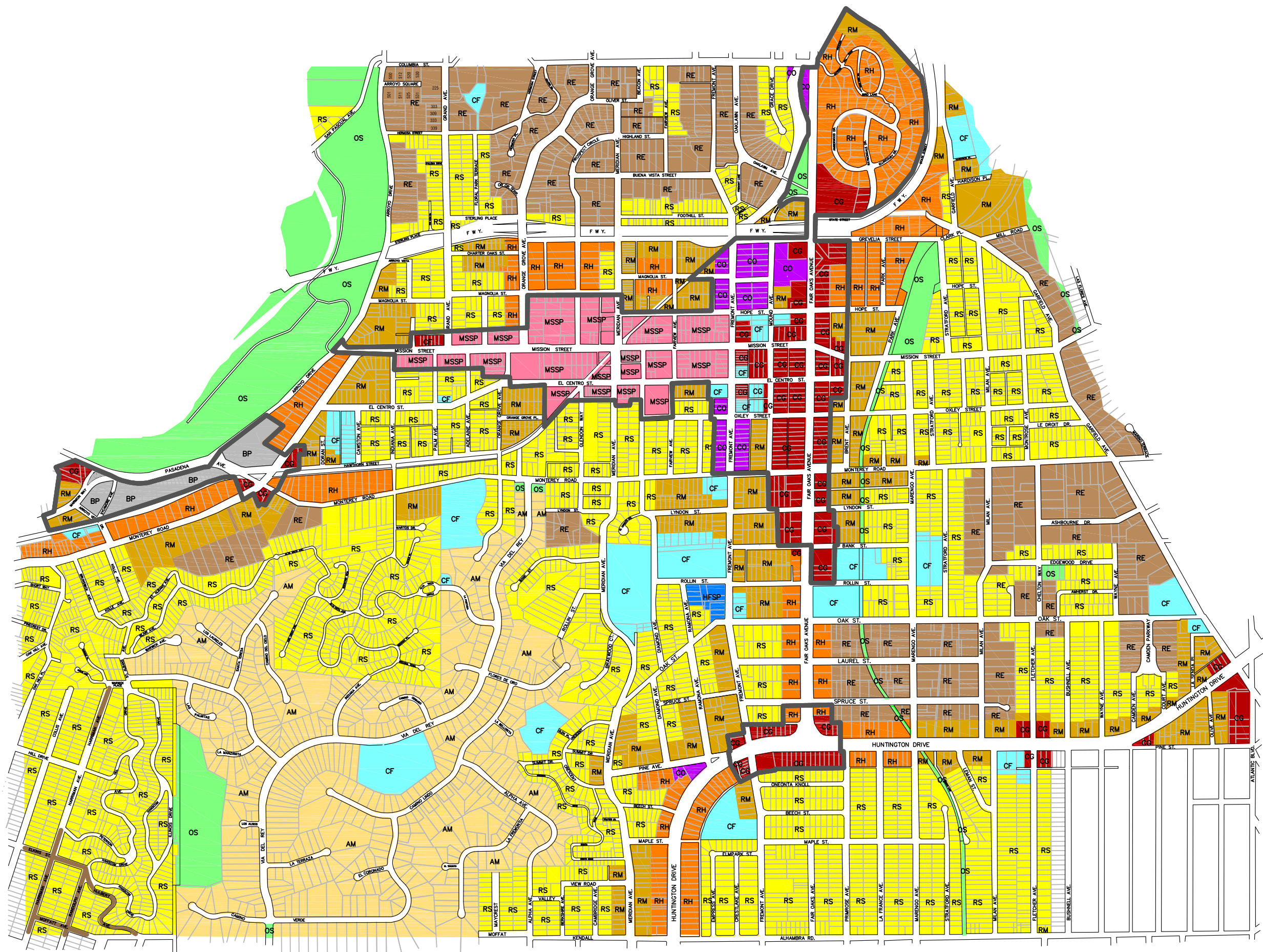
Exhibits:

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

**ATTACHMENT 3**  
Existing South Pasadena Zoning Map

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# City Of South Pasadena Zoning Map



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



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**ATTACHMENT 4**  
Updated Land Use Map



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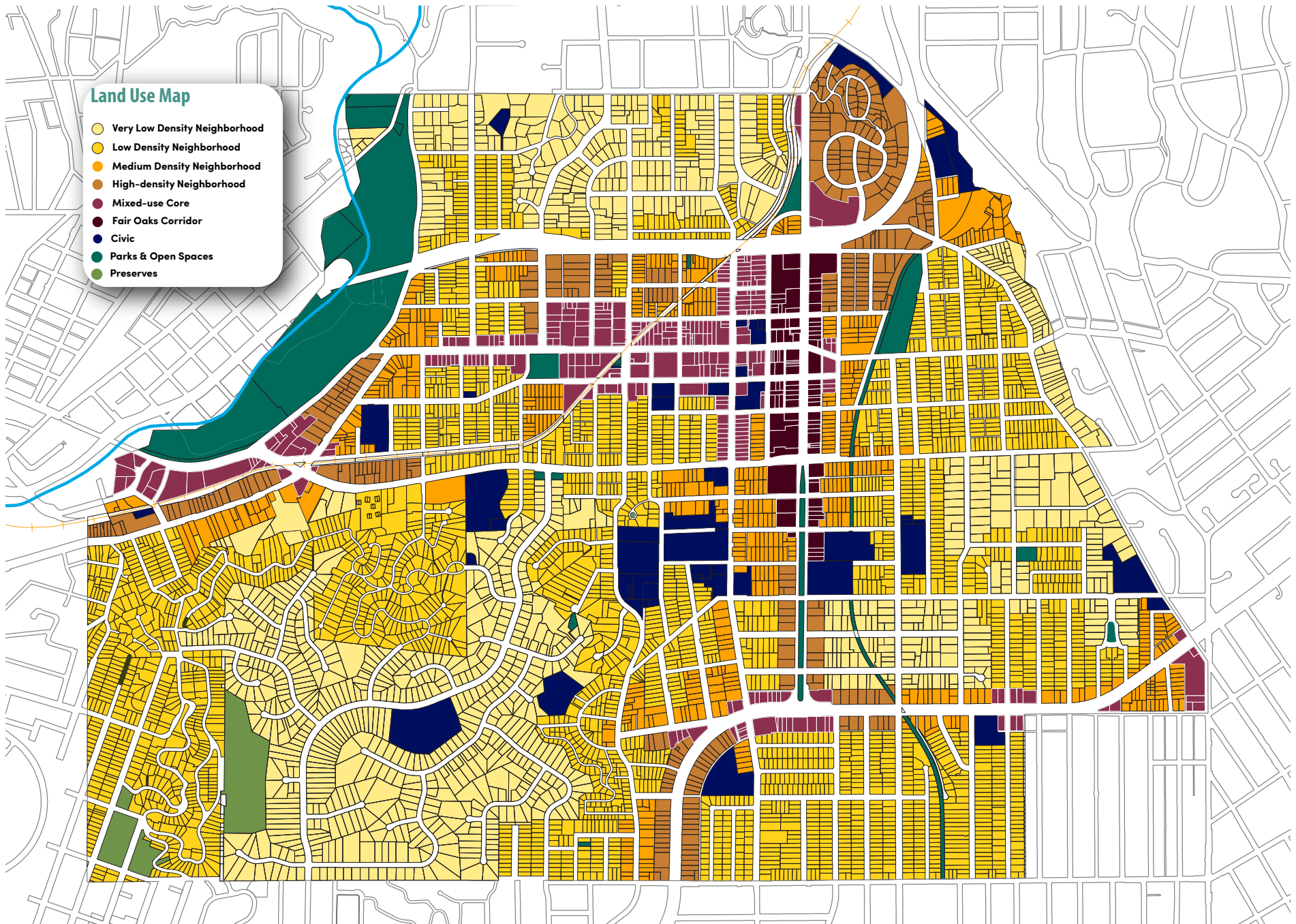


Figure B3.4 Land Use Map.

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# City Council Agenda Report

ITEM NO. 4

**DATE:** September 18, 2023

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

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

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

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## Recommendation

It is recommended that the City Council open a Public Hearing, receive public testimony on the project, and continue the Public Hearing to September 27, 2023, at which time the Council would consider introducing:

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

## Executive Summary

Certain Zoning Text Amendments must be adopted in order to comply with the Court Order that resolved the Housing Element lawsuit between the City and Californians for Homeownership, Inc. The proposed amendments would revise SPMC code sections regarding Density Bonus regulations and the City's Inclusionary Housing regulations, and would add a new Code section to address Employee Housing, consistent with State law. The revisions are directly tied to Housing Element programs.

## **Background**

The City recently adopted the 2021-2029 (6<sup>th</sup> Cycle) Housing Element, and is considering adoption of the General Plan, and Downtown Specific Plan (DTSP). The latter two documents implement the programs identified in the Housing Element. These documents will guide the City's growth and development for approximately 20 years, with a planning horizon of 2040.

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

The Court Order, among other things, required the City to remove certain parcels from the Suitable Sites list, to approve the Housing Element by May 31, 2023, and to implement certain programs of the Housing Element within 120 days of the adoption of the Housing Element. The City Council adopted the 2021-2029 Housing Element on May 30, 2023, in keeping with the legal deadline, which commenced the 120-day clock to adopt the applicable Housing Element Programs. The General Plan is also under consideration by the City Council and is anticipated to be adopted on September 27, 2023, in keeping with the Court-mandated deadline. The City must now process proposed amendments to its Zoning Ordinance.

## **City Council Study Session**

On August 29, 2023, the amendments were introduced to the City Council in a Study Session. Prior to the Study Session, the City Council received the proposed amendments and background information from the Planning Commission. During the Study Session, the City Council received testimony from the public, a staff presentation, and discussed the proposed amendments. No action was taken during the Study Session.

## **Analysis**

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

### SPMC Division 36.370 (Affordable Housing Incentives)

Changes are proposed to SPMC Division 36.370 (Affordable Housing Incentives) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) to implement Housing Element *Program 2.e—Facilitate Density Bonus for Projects with On-site Affordable Housing*. Changes would be made to Sections 36.370.010, 36.370.020, 36.370.030, 36.370.040, 36.370.050, 36.370.060, 36.370.070, 36.370.080, 36.370.090,

36.370.100, and 36.370.110. Due to the number of text revisions with the Project, it is not feasible to include all of the proposed changes in this staff report. The proposed amendments can be found in Exhibit 1 (Redline). While multiple revisions to Division 36.370 are proposed, the changes reflect text clean-ups that would make the City's code language consistent with State law and are considered routine. A draft Ordinance containing the proposed revisions follows as Attachment A.

SPMC Division 36.350 (Standards for Specific Land Uses)

Changes are proposed to Table 2-2 in SPMC Section 36.220.030 (Residential Zoning District Land Uses and Permit Requirements), along with Divisions 36.350 (Standards for Specific Land Uses) and Section 36.700.020 (Definitions of Specialty Terms and Phrases) to implement Housing Element *Program 2.h—Incentivize Special-Needs Housing*. The proposed changes are summarized below:

Section 36.220.030, Table 2-2

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

Section 36.350.265 (Residential Uses—Employee Housing)

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

*36.350.265 Residential Uses—Employee Housing.*

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

Section 36.700.020 (Definitions of Specialty Terms and Phrases)

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

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

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

SPMC Division 36.375 (Inclusionary Housing Requirements)

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

36.375.020 Applicability

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

Section 36.375.050 (Inclusionary Housing Requirement)

- A. *Amount required. A minimum of 15 percent of the total number of dwelling units in a residential or mixed-use project, excluding any bonus units added pursuant to State law or SPMC 36.370, shall be developed, offered to, and sold or rented to households of very low, lower, and moderate income, at an affordable housing cost, as follows:*
- B. *Inclusionary rental units. Rental projects subject to the inclusionary housing requirement shall provide 50 percent of required affordable units as extremely low or very low units and 50 percent as lower income units. In case of an uneven number, one more unit shall be provided as very low.*
- C. *Inclusionary ownership (for sale) subject to the inclusionary housing requirement shall provide affordable units at the moderate income level.*

*D. Fractional units. In the case that unit calculations result in a fractional number, the applicant shall choose one of the following options:*

- 1. Round up to next unit and provide the unit on site.*
- 2. Pay the fractional amount above the whole number as an in-lieu fee equivalent to the fraction multiplied by the in-lieu fee as established by City Council resolution. All whole number units shall be provided on site or alternatively as allowed in SPMC 36.375.060 (Alternatives to On-Site Provision).*

In addition to the foregoing, staff and the city attorney's office suggest cleanup/consistency revisions are recommended to SPMC Section 36.375.060 A. and B. for consistency with the increase in the threshold for applicability of the inclusionary requirements from 3 or more units to 10 or more units. The suggested revisions conform the language of Section 36.375.060 A. to provide that rental projects with fewer than 10 units could be subject to in lieu fees if/when adopted by the City Council, and to conform language of Section 36.375.060 B. to reflect that alternate options for compliance are available to projects of 10 or more units, rather than 5 or more as stated in the current ordinance.

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

### **General Plan Consistency**

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

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

As the 2021-2029 Housing Element was adopted by the City Council on May 30, 2023, and is part of the City's General Plan, a Zoning Text Amendment that is consistent with



the adopted Housing Element is, by definition, consistent with the General Plan. As the proposed Zoning Text Amendments implement the Housing Element Goal, Policy, and Programs listed above, therefore, the proposed Zoning Text Amendments are consistent with the General Plan.

### **Zoning Amendment Findings**

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

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

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

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

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

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

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

### **Environmental Analysis**

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

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

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

A Statement of Overriding Considerations is required documenting that the physical, social, and economic benefits of the General Plan and DTSP would outweigh the adverse impacts associated with the updated community vision and guiding documents. As the proposed Zoning Text Amendments were analyzed as part of the PEIR prepared for the General Plan Update/DTSP and Housing Element, no further CEQA analysis is required.

### Housing Element Environmental Assessment

In addition to the General Plan/DTSP PEIR, an Initial Study in conformity with 14 CCR 15080(c) and an Environmental Assessment in conformity with 14 CCR 15140, et seq., were prepared for the preparation and adoption of the City's 2021-2029 (6<sup>th</sup> Cycle) Housing Element. Based on the analysis presented in the Environmental Assessment, and as more thoroughly described therein, implementation of the proposed Project would result in the following significant and unavoidable impacts after implementation of feasible

mitigation measures: Air Quality (Air Quality Management Plan Consistency, Air Quality Standards Violation; Cumulative Air Quality Impacts); Greenhouse Gas Emissions (GHG Emissions); Noise (Direct and Cumulative Construction and Exterior Traffic Noise Standard Violation); and, Population and Housing (Population Growth). Table ES-1 presents a summary of significant environmental impacts identified in Sections 3.1 through 3.16 of the Environmental Assessment; Mitigation Measures (MMs) that reduce any significant impacts; and the level of significance of each impact after mitigation. Significant irreversible environmental changes and growth-inducing impacts are addressed in Section 5.0, Other CEQA Considerations of the Environmental Assessment. Therefore, the proposed Zoning Code implementation of the Housing Element program requirements will not trigger any further CEQA review.

#### Tribal Consultation

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

#### **Conclusion**

Based on the evidence presented in this staff report and the adopted 2021-2029 Housing Element, the City Council can make the findings to approve the Project. As such, draft Ordinances have been prepared for the City Council's consideration: Density Bonus (Attachment A), Employee Housing (Attachment B), and Inclusionary Housing Regulations (Attachment C).

#### **Next Steps**

- September 18, 2023: City Council conducts a Public Hearing, receives a staff presentation and public testimony on the project, and continues the Public Hearing to September 27, 2023.
- September 27, 2023: City Council concludes the continued Public Hearing, and once the Public Hearing is closed, considers certifying/adopting the PEIR, and approving the project with First Reading of Ordinances for Zoning Text Amendments and Zoning Map Amendments, and rescinding the MSSP.
- October 4, 2023: Assuming the project is approved on September 27, 2023, with the First Reading of the Ordinances, conduct a Second Reading and adopt said Ordinances.

Upon Second Reading of the Ordinances, and upon the adoption of the General Plan and Downtown Specific Plan, the City arguably would be in compliance with State law as well as satisfying its legal obligations set for them the Court Order. The Ordinances would take effect 30 days after the Second Reading.

**Fiscal Impact**

Staff time will be required to make the necessary revisions to the SPMC both online and in print; otherwise, there is no fiscal impact to enacting ordinances.

**Key Performance Indicators and Strategic Plan**

This project supports Priority 5 of the Strategic Plan: Plan for affordable housing to comply with state mandates and respond to community needs.

**Commission Review and Recommendation**

The Planning Commission considered the proposed Zoning Text Amendments in a Public Hearing on August 8, and August 21, 2023, and in a 5-0 vote, adopted Resolution No. P.C. 23-07, recommending the City Council approve the project. Resolution P.C. 23-07 is attached to this staff report.

**Legal Review**

The City Attorney has reviewed this item.

**Public Notification of Agenda Item**

A public notice for this Public Hearing was published in the South Pasadena Review on September 8, 2023. The public was also made aware of the Public Hearing through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

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

**Attachments:**

1. Density Bonus Redline Exhibit
2. Draft Density Bonus Ordinance
3. Draft Employee Housing Ordinance
4. Draft Inclusionary Housing Ordinance
5. Resolution No. P.C. 23-07

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# **Attachment 1 Density Bonus Redline Exhibit**

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## Division 36.370. Affordable Housing Incentives

### **36.370.010 Purpose of Division.**

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

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

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

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

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

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



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

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

for a density bonus.

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

### **36.370.030 Density Bonus Allowance.**

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

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

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

### **36.370.040 Incentives and/or Concessions.**

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

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

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

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

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

~~B.~~

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

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

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

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

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

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

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

#### ~~36.370.040 Density Bonus Allowance.~~

#### ~~36.370.050 Waivers.~~

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

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

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

#### 36.370.060 Alternative Parking Standards.

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

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

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

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

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

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

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

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

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

~~Table 1.3 Density Bonus Calculation for Moderate Income Ownership Units~~

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

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

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

**36.370.050**

**36.370.070 Density Bonus for Land Donations.**

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

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

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

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

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

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

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

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

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

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

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

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

**36.370.060**

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

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

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



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

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

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

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

**~~36.370.070 Alternative Parking Standards.~~**

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

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

**36.370.080**

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

**36.370.090 Location of Designated Dwelling Units.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~G.~~

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

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

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

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

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

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

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

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

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

#### ~~36.370.100~~36.370.110 Affordable Housing Covenant.

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

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

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

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

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

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

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

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

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

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

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

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

a. Restricts the sale of the unit in compliance with this Division during the applicable use restriction period,

b. Contains provisions as the City may require to ensure continued compliance with this Division and State law, and

c. Shall be recorded against the parcel containing the designated dwelling unit<sup>2</sup>.

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

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants,

2. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Division,

3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the number of bedrooms and monthly rent or cost of each unit, and

4. The applicable use restriction period in compliance with ~~Section 36-370.090(J)~~[this Division and State law](#);

I. ~~If required by the Commission as part of the affordable housing review the~~  
The covenant shall include the following information:



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

2. The approval and recordation shall take place ~~at the same time as~~prior to the final map or, where a map is not being processed, before issuance of Building Permits for the units.
  
3. The covenant shall be binding to all future owners, developers, and/or successors-in-interest. ”  
=

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# **Attachment 2**

## **Draft Density Bonus Ordinance**

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**[DRAFT] CITY OF SOUTH PASADENA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SOUTH PASADENA, CALIFORNIA, AMENDING DIVISION  
36.370 (AFFORDABLE HOUSING INCENTIVES) OF ARTICLE 3  
(SITE PLANNING AND GENERAL DEVELOPMENT  
STANDARDS) OF CHAPTER 36 (ZONING) OF THE CITY CODE  
OF THE CITY OF SOUTH PASADENA TO REVISE  
REGULATIONS TO CONFORM TO STATE DENSITY BONUS  
LAW (CALIFORNIA GOVERNMENT CODE SECTION 65915)**

**WHEREAS**, the State Legislature has declared that the lack of housing, including providing for a variety of housing types for all income levels and special needs groups, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

**WHEREAS**, the City Council of the City of South Pasadena adopted the City's 2021-2029 Housing Element on May 30, 2023; and

**WHEREAS**, the City's 2021-2029 Housing Element provides that the City will update its Zoning Code provisions for density bonuses (SPMC Division 36.370) as needed to comply with changes in state law (Program 2.e); and

**WHEREAS**, the City wishes to update the City Code to ensure consistency with state law as it may be amended from time to time, and clarify how to implement the density bonus program; and

**WHEREAS**, the Planning Commission considered this Ordinance on August 21, 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or against this matter; and

**WHEREAS**, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-07, recommending that the City Council adopt an ordinance amending City Code Division 36.370 substantially as set forth herein; and

**WHEREAS**, the City Council, at a regular meeting, considered the Ordinance on [REDACTED], 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or against this matter.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The facts set forth in the recitals of this Ordinance are true and correct.

**SECTION 2.** Findings. The City Council of the City of South Pasadena in approving the proposed City Code amendment hereby makes the following findings:

A. This Ordinance is consistent with State Housing Law, the South Pasadena 2021-2029 Housing Element, and the South Pasadena General Plan. This Ordinance clarifies the City's density bonus provisions to conform to the requirements of California Government Code Section 65915.

B. The proposed Ordinance amends portions of Chapter 36 (Zoning) of the South Pasadena City Code to conform with State Density Bonus Law and with the goals, policies, programs, and guidelines of the City's General Plan. Specifically, the Ordinance implements the following goal, policy, and program contained in the City's 2021-2029 Housing Element:

**Goal 2.0 Encourage and Assist in the Provision of Affordable Housing.** Facilitate the development of deed-restricted affordable housing units in locations distributed throughout the city in order to provide housing for a diverse community, including low-income households that are least able to afford adequate housing.

**Policy 2.2** Provide information to developers regarding the City's inclusionary housing requirements and the availability of streamlined density bonus opportunities in compliance with incentives for well-designed housing and implement approval processes that reflect the priority of providing housing in the community.

**Program 2.e Facilitate Density Bonus for Projects with On-Site Affordable Housing.** The City requires provision of inclusionary housing units for most multi-family developments. Projects complying with the ordinance by including on-site affordable units may also take advantage of State-mandated density bonuses and other incentives offered in SPMC Division 36.375 that support project feasibility. The City Code complies with State requirements

and encourages density bonuses in conjunction with the inclusionary housing requirement. The City will update the Zoning Code provisions for density bonuses (SPMC Division 36.370) as needed to comply with changes in state law.

C. The housing developments that would be authorized by this Ordinance would be established and maintained in a manner consistent with the City's General Plan and 2021-2029 Housing Element, specifically the goal, policy, and program described above, and all applicable provisions therein, which acknowledge the effect of the State-mandated density bonus law requirements.

D. Pursuant to City Code Section 36.620.070 B.1 (a and b) and B.2 (Findings and Decision), the City Council makes the following findings required for an amendment to the City's Zoning Code:

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

The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan in that the 2021-2029 General Plan Housing Element includes programs to amend the Zoning Ordinance for consistency with adopted State laws governing the provision of affordable housing.

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

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City in that it is necessary to modify zoning requirements, as required by State law, to support housing development and help alleviate the current housing crisis in the Los Angeles County region. Providing sufficient housing opportunities will promote the general welfare of all members of the community.

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

The proposed amendment is internally consistent with other applicable provisions of the City's Zoning Code in that, as applicable, the amendments include provisions to resolve internal conflicts to achieve consistency and ensure that the Zoning Code complies with state law.



**SECTION 3.** Division 36.370 (Affordable Housing Incentives) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the South Pasadena City Code is hereby amended in its entirety to read as follows:

**“Division 36.370. Affordable Housing Incentives**

**36.370.010 Purpose of Division.**

This Division provides incentives for the development of specific housing types that are affordable to the types of households and qualifying residents identified in Section 36.370.020 (Eligibility for Affordable Housing Incentives), including but not limited to, very low income, lower income, moderate income, and senior households, in accordance with Government Code Section 65915. The provisions of this Division shall be interpreted to fulfill the requirements of Government Code Section 65915, as the same may be amended from time to time. All references to Government Code Section 65915 shall be interpreted to include amendments to that Section as may be enacted by the state from time to time. If any provision of this Division should conflict with a provision of such statute, the statutory provision shall prevail.

**36.370.020 Eligibility for Affordable Housing Incentives.**

- A. A housing development that qualifies for a density bonus and other incentives pursuant to Government Code Section 65915 shall be eligible for the affordable housing incentives identified in this Division 36.370. The applicant shall comply with all requirements stated in Government Code Section 65915.
- B. Except as otherwise required by Government Code Section 65915 density bonus units shall not be included when calculating the total number of housing units for purposes of determining the number of affordable units that qualifies the housing development for a density bonus.
- C. An applicant shall not receive a density bonus or any other affordable housing incentive under this Division if the housing development would be excluded under Government Code Section 65915, which includes, but is not limited to, projects that fail to “replace” existing housing units, as required by state law.

**36.370.030 Density Bonus Allowance.**

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

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

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

### **36.370.040 Incentives and/or Concessions.**

A. If requested by the applicant, a project that qualifies for a density bonus in accordance with Section 36.370.020(A) also shall be entitled to the number of incentives or concessions as set forth in Government Code Section 65915(d). A request for a concession(s) or incentive(s) should be accompanied by documentation demonstrating that the concession(s) or incentive(s) results in identifiable and actual cost reductions to provide for affordable housing costs, as further described in Government Code Section 65915(d)(1)(A). The applicant is entitled to the concession(s) or incentive(s) requested unless the City makes a written finding, based upon substantial evidence, of any of the relevant written findings as stated in Government Code Section 65915(d)(1).

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

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

### **36.370.050 Waivers.**

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

state law and/or incorporating any incentives or concessions required to be granted.

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

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

### **36.370.060 Alternative Parking Standards.**

An applicant proposing a project that complies with the requirements found in Section 36.370.020 may request, and is entitled to, the parking ratios identified by Government Code Section 65915(p).

### **36.370.070 Density Bonus for Land Donations.**

A. Land donation bonus. An applicant proposing a tentative subdivision map, parcel map, or other residential development that donates land to the City as provided for in this Section shall be entitled to a density bonus as provided for in this Section.

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

C. Density Bonus allowance for land donations. If an applicant donates land in compliance with requirements set forth in Subsection B, a density bonus as set forth in Government Code Section 65915(g)(1) shall be granted.

### **36.370.080 Density Bonus and Incentives for Childcare Facilities.**

A. An applicant proposing to construct a housing development that conforms to the requirements of Government Code Section 65915(b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to the project, the City shall grant either an additional density bonus or a concession or incentive as provided for in Government Code Section 65915(h)(1).

B. A proposed project shall be eligible for the density bonus or concession or incentive described in this Section only if the project is made subject to, and the project applicant agrees to adhere to the conditions of approvals set forth in Government Code Section 65915(h)(2).

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

**36.370.090 Location of Designated Dwelling Units.**

A. Location/dispersal of units. The designated dwelling units reserved as affordable units shall contain on average the same number of bedrooms as the market rate units. The designated dwelling units shall be dispersed throughout the development, and shall have the same materials and finish quality as the market rate units, and shall include a dishwasher, and washer and dryer if those appliances are provided in the market rate units.

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

**36.370.100 Processing of Density Bonus Review and Affordable Housing Review.**

A. Density bonus review or affordable housing review. A request for a density bonus, including any requests for incentives and/or concessions or waivers, shall be reviewed administratively by the Director. If a project that includes a request for a density bonus is also subject to another discretionary entitlement request that requires approval by the Planning Commission or City Council, the density bonus request, including any requests for incentives and/or concessions or waivers, shall be reviewed by the Planning Commission or City Council through the affordable housing review process.

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

C. Density bonus review. If a density bonus is requested for a project that is subject only to ministerial review and approval, the Director shall process and grant the density bonus, alternative parking standards, and any incentives and/or concessions and waivers for that proposed project provided that the Director finds that the project is in compliance with the requirements of Government Code Section 65915 and the provisions of this Division. No public hearing or noticing

is required for such requests. Solely the applicant may appeal the decision of the Director to the City Manager on the grounds of an error in the application of this Division or State law. In making such an appeal, the applicant shall adequately describe the error in the application of this Division or State law.

D. Affordable housing review. The Planning Commission shall conduct an affordable housing review for proposed density bonus projects that include any discretionary approvals concurrently with the Commission's review of the other discretionary approval(s). Following proper noticing and a public hearing pursuant to Division 36.630 (Public Hearings), the Planning Commission, if it finds that the proposed project complies with applicable sections of this Division and State law, shall grant the density bonus, reduced parking standards, incentives and/or concessions, and waivers requested, unless it makes necessary findings as set forth in this Division and State law to reject the requested density bonus, reduced parking standards, incentives and/or concession, waivers, or any combination thereof.

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

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

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

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

### **36.370.110 Affordable Housing Covenant.**

Following the granting of a density bonus request or an affordable housing review in compliance with Section 36.370.100 (Processing of Density Bonus Requests and Affordable Housing Review), the applicant shall enter into an agreement with the City in a form approved by the Director and City Attorney to ensure the continued affordability of all affordable units or the continued reservation of such units for qualifying senior citizens in accordance with

Government Code Section 65915. Prior to receiving a building permit for any project that receives a density bonus or any incentive, concession, waiver, or reduction of development standards pursuant to this Division, such agreement shall be recorded as a covenant against the property.

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

- A. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;
- B. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;
- C. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for moderate, low and very low-income households, as published by the United States Department of Housing and Urban Development (HUD);
- D. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
- E. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;
- F. In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services;
- G. In the case of for-sale housing developments, the affordable housing covenant shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable use restriction period:
  - 1. Designated dwelling units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior housing.

2. The applicable restriction period in compliance with the provisions of this Division and State law.
3. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:
  - a. Restricts the sale of the unit in compliance with this Division during the applicable use restriction period,
  - b. Contains provisions as the City may require to ensure continued compliance with this Division and State law, and
  - c. Shall be recorded against the parcel containing the designated dwelling unit.

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

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants,
2. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Division,
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the number of bedrooms and monthly rent or cost of each unit, and
4. The applicable use restriction period in compliance with this Division and State law;

I. The covenant shall include the following information:

1. The total number of units approved for the housing development, including the number of designated dwelling units,
2. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines,

3. The marketing plan for the affordable units,
4. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units,
5. Duration of the use restrictions for designated dwelling units, in compliance with this Division and State law,
6. A schedule for completion and occupancy of the designated dwelling units,
7. A description of the additional incentive(s) being provided by the City,
8. A description of the remedies for breach of the affordable housing covenant by the owners, developers, and/or successor(s)-in-interest of the project, and
9. Other information as necessary for the City to verify the implementation of, and compliance with this Division;

J. Execution of covenant.

1. Following agreement on the terms of the covenant by all parties, the City shall record the completed covenant on the parcels designated for the construction of designated dwelling units, at the Los Angeles County Registrar Recorder's/County Clerk's Office.
2. The approval and recordation shall take place prior to the final map or, where a map is not being processed, before issuance of Building Permits for the units.
3. The covenant shall be binding to all future owners, developers, and/or successors-in-interest."

**SECTION 4.** Environmental Findings. This Ordinance reflects an action to implement the City's adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council



hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council's adoption of the Housing Element. Each of these provide separate and independent bases demonstrating compliance with the CEQA.

**SECTION 5.** Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**SECTION 6.** This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED AND ADOPTED ON** this XX<sup>th</sup> day of September, 2023.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

Mark Perez  
Deputy City Clerk

---

Roxanne Diaz, City Attorney

**CITY OF SOUTH PASADENA**  
**CITY CLERK'S DIVISION**  
**CERTIFICATION OF ORDINANCE**

**STATE OF CALIFORNIA)**  
**COUNTY OF LOS ANGELES)      SS**  
**CITY OF SOUTH PASADENA)**

I, Mark Perez, Deputy City Clerk of the City of South Pasadena, do hereby certify that Ordinance No. \_\_\_\_\_, was duly and regularly approved and adopted at a Regular meeting of the City Council on this XX<sup>th</sup> day of September, 2023, by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Mark Perez  
Deputy City Clerk

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**Attachment 3**  
**Draft Employee Housing Ordinance**

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**[DRAFT] CITY OF SOUTH PASADENA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SOUTH PASADENA, CALIFORNIA, AMENDING  
CHAPTER 36 ARTICLE 2 DIVISION 36.22 AND CHAPTER  
36 ARTICLE 3 DIVISION 36.350 OF THE CITY CODE OF  
THE CITY OF SOUTH PASADENA RELATING TO  
EMPLOYEE HOUSING**

**WHEREAS**, the adopted 2021-2029 Housing Element calls for amendment of the code of the City of South Pasadena to address employee housing pursuant to the Employee Housing Act (Health and Safety Code Section 17000 *et seq.*)(Program 2. h); and

**WHEREAS**, on August 21, 2023, the South Pasadena Planning Commission considered this Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and

**WHEREAS**, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-07 recommending that the City Council adopt an Ordinance substantially as set forth herein; and

**WHEREAS**, on \_\_\_\_\_, 2023, the City Council, at a regular meeting, considered the Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and

**WHEREAS**, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

**Section 2. Findings.** The City Council of the City of South Pasadena in approving the proposed Code amendments hereby makes the following findings:

A. The proposed use is in conformance with the actions, goals, objectives, policies, and programs of the General Plan;

The Ordinance implements the goals and policies contained in the City's 2021-2029 Housing Element with respect to employee housing. The Ordinance amends the Code to implement the programs of the Housing Element to remove constraints on the development of housing.

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

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by enabling, consistent with State law, the development of employee housing in the community, and by providing opportunities for individuals of various economic strata to reside and engage in the South Pasadena community, and by providing opportunities for safe housing accommodations for employees.

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

The Ordinance has been designed to be internally consistent with all applicable provisions contained in the Zoning Code, and implements the 2021-2029 Housing Element.

**Section 4.** Table 2-2 "Allowed Uses and Permit Requirements for Residential Zoning Districts" of Section 36.220.030 (Residential Zoning District Land Uses and Permit Requirements) of Division 36.220 (Residential Zoning Districts) of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena is hereby amended to read as follows with all other provisions of Section 36.220.030 remaining in effect without amendment:

TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use				
	CUP	Conditional Use Permit required				
	AUP	Administrative Use Permit required				
	—	Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	RE	RS	RM	RH		
RECREATION, EDUCATION, PUBLIC ASSEMBLY & COMMUNITY FACILITY USES						
Clubs, lodges and fraternal organizations	—	—	—	CUP		
Community center	—	—	—	CUP		
Private sport courts	AUP	AUP	AUP	AUP		
Community gardens	CUP	CUP	CUP	CUP	36.350.230	
RESIDENTIAL USES						
Accessory residential uses and structures	P(2)	P(2)	P(2)	P(2)	36.350.170	
Home occupation	P	P	P	P	36.410.030	
Multi-family dwellings	—	—	P	P	36.350.180, 190	
Organizational house (sorority, convent, etc.)	—	—	CUP	CUP		
Residential care facility, 6 persons or less	P	P	P	P		
Residential care facility, 7 persons or more	—	—	CUP	CUP	36.350.050	
Residential care facility for the elderly (RCFE)	—	—	CUP	CUP	36.350.050	
Accessory dwelling unit	P	P	P	P	36.350.200	
Employee Housing	P	P	—	—	36.350.265	
RESIDENTIAL USES (Continued)						



TABLE 2-2. ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	P	Permitted Use				
	CUP	Conditional Use Permit required				
	AUP	Administrative Use Permit required				
	—	Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	RE	RS	RM	RH		
Existing single-family dwelling	P	P	P	P		
New single-family dwelling	P	P	—	—		
Transitional and supportive housing	P	P	P (multi-family types located in the RM district are subject to specific use regulations 36.350.180,190)	P (multi-family types located in the RH district are subject to specific use regulations 36.350.180,190)		
<b>SERVICE USES</b>						
Bed & breakfast inn (B&B)	CUP	CUP	CUP	CUP	36.350.070	
Child day care center	—	—	CUP	CUP	36.350.080	
Child day care— Small family day care home	P	P	P	P	36.350.080	
Child day care— Large family day care home	P	P	P	P	36.350.080	
Medical services— Extended care	—	—	—	CUP		
Mortuaries and funeral homes	—	—	—	CUP		
Notes: (1) See Article 7 for land use definitions. (2) Permit required determined by Section 36.350.170.						

**Section 5.** Section 36.700.020 (“Definitions of Specialty Terms and Phrases”) of Division 36.700 (“Definitions/Glossary”) of Article 7 (“Definitions”) of Chapter 36 (“Zoning”) of the City Code of South Pasadena is hereby amended to add a new definition of

“Employee Housing” between the definitions of “Emergency Shelter” and “Enlargement of Use” to read as follows, with all other defined terms in Section 36.700.020 remaining without amendment:

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

**Section 6.** A new Section 36.350.265 (“Residential Uses - Employee Housing”) is hereby added to of Division 36.350 (“Standards for Specific Land Uses”) of Article 3 (“Site Planning and General Development Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is added to read as follows:

**“36.350.265 Residential Uses–Employee Housing.**

A. Applicability. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees shall be allowed in all zoning districts in which single-family residences are allowed and shall be deemed a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Employee housing for six or fewer employee shall not be considered a boarding house, rooming house, hotel, dormitory, or other term that implies that such employee housing differs from a single-family dwelling.

B. Employee housing for six of fewer employees shall be subject to the same ordinances and standards applicable to a single-family residence except to the extent that any such ordinance of standard is preempted by the Employee Housing Act (California Health and Safety Code Section 17000, *et seq.*).

C. Employee housing shall be subject to all applicable requirements of the Employee Housing Act (California Health and Safety Code Section 17000, *et seq.*)”

**Section 7.** Environmental Findings. This Ordinance reflects an action to implement the City’s adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council’s adoption of the Housing Element. Each of

these provide separate and independent bases demonstrating compliance with the CEQA.

**Section 8.** Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**Section 9.** This ordinance shall take effect thirty (30) days after its final passage and shall be considered to have been adopted after Ordinance No. \_\_\_\_ [the Zoning Code Update Ordinance]. Within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED AND ADOPTED ON this XX<sup>th</sup> day of September, 2023.**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
Roxanne Diaz, City Attorney

# **Attachment 4**

## **Draft Inclusionary Housing Ordinance**

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**[DRAFT] CITY OF SOUTH PASADENA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SOUTH PASADENA, CALIFORNIA, AMENDING  
DIVISION 36.375 OF THE CITY CODE OF THE CITY OF  
SOUTH PASADENA CODE RELATING TO  
INCLUSIONARY HOUSING REQUIREMENTS**

**WHEREAS**, the adopted 2021-2029 Housing Element calls for amendment of the City Code of the City of South Pasadena to update inclusionary housing program requirements (Program 2.m); and,

**WHEREAS**, on August 21, 2023, the South Pasadena Planning Commission considered this Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and,

**WHEREAS**, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 23-07 recommending that the City Council adopt an Ordinance substantially as set forth herein; and,

**WHEREAS**, on \_\_\_\_\_, 2023, the City Council, at a regular meeting, considered the Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and,

**WHEREAS**, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Recitals. The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

**Section 2.** Findings. The City Council of the City of South Pasadena in approving the proposed Code amendments hereby makes the following findings:

A. The proposed use is in conformance with the actions, goals, objectives, policies, and programs of the General Plan;

The Ordinance implements the goals and policies contained in the City's 2021-2029 Housing Element. The Ordinance amends the Code to implement the programs of the Housing Element to require affordable housing units in new residential and mixed-use development projects consisting of ten or more residential units and reflects a fifteen percent (15%) inclusionary housing requirement as specified in the adopted Housing Element.

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

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by making affordable housing available in the community, and by providing opportunities for individuals of all economic strata to reside and engage in the South Pasadena community.

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

The Ordinance has been designed to be internally consistent with all applicable provisions contained in the Zoning Code, and implements the 2021-2029 Housing Element.

**Section 3.** Section 36.375.020 ("Applicability") of Division 36.375 ("Inclusionary Housing Requirements") of Article 3 ("Site Planning and General Development Standards") of Chapter 36 ("Zoning") of the City Code of the City of South Pasadena is amended to read as follows:

"36.375.020 Applicability.

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

**Section 4.** Section 36.375.050 (Inclusionary Unit Requirement) of Division 36.375 ("Inclusionary Housing Requirements") of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena is hereby amended in its entirety to read as follows:

"36.375.050 Inclusionary Unit Requirement.

A. Amount required. A minimum of 15 percent of the total number of dwelling units in a residential or mixed-use project, excluding any bonus units added pursuant to State law or SPMC 36.370, shall be developed, offered to, and sold or rented to households of very low, lower, and moderate income, at an affordable housing cost, as follows:

B. Inclusionary rental units.

Rental projects subject to the inclusionary housing requirement shall provide 50 percent of required affordable units as extremely low or very low units and 50 percent as lower income units. In case of an uneven number, one more unit shall be provided as very low.

C. Inclusionary ownership (for sale) units. Developers of ownership (for sale) projects subject to the inclusionary housing requirement may choose whether to provide the required inclusionary units as moderate income, low-income, very-low income, or a combination thereof.

D. Fractional units. In the case that unit calculations result in a fractional number, the applicant shall choose one of the following options:

1. Round up to next unit and provide the unit on site.
2. Pay the fractional amount above the whole number as an in-lieu fee equivalent to the fraction multiplied by the in-lieu fee as established by City Council resolution. All whole number units shall be provided on site or alternatively as allowed in SPMC 36.375.060 (Alternatives to On-Site Provision)."

**Section 5.** Section 36.375.060 (Alternatives to On-Site Provision) of Division 36.375 (Inclusionary Housing Requirements) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the City Code of the City of South Pasadena is hereby amended in its entirety to read as follows:

"36.375.060 Alternatives to On-Site Provision.

As an alternative to developing required inclusionary units within an affected residential project, the requirements of this division may be satisfied by the following as applicable to the size of the project:

A. For rental projects of fewer than ten units or for any ownership project: payment of an in-lieu fee as established by City Council resolution and updated from time to time as deemed appropriate, subject to the provisions of SPMC 36.375.110 (In-Lieu Fee Payment and Administration).

B. For rental projects of ten or more units, the applicant may choose one of the following, subject to Planning Commission approval:



1. Provision of an equivalent number of off-site units consistent with SPMC 36.375.050 (Inclusionary Unit Requirement) above, subject to the provisions of SPMC 36.375.100(A) (Deed restriction). The following shall apply to this alternative:

a. The off-site units shall be located on a property within 1,500 feet of the proposed project, or in a comparable neighborhood as determined by the Planning Commission.

b. The affordable units shall be of comparable size and quality to the market rate units in the proposed project and subject to the relevant standards in SPMC 36.375.070 (Standards Governing Inclusionary Units).

2. Rehabilitation/conversion of an equivalent number of existing units to affordable units consistent with SPMC 36.375.050 (Inclusionary Unit Requirement) above, subject to the provisions of SPMC 36.375.100(A) (Deed restriction). The following shall apply to this alternative:

a. The acquisition and rehabilitation shall be applied to market rate units within the City and the conversion of those units to affordable units;

b. Eligible improvements. The rehabilitation of the market rate units shall improve the units' structural integrity and livability to include improvements to the roofing, flooring, plumbing, heating, and air conditioning as applicable.

3. Dedication of land that is zoned and developable for housing, subject to City Council acceptance, greater or equal to the average cost of construction of the units within the project, with the valuation subject to Planning Commission approval."

**Section 6. Environmental Findings.** This Ordinance reflects an action to implement the City's adopted Housing Element, which was included within the scope of the Program Environmental Impact Report (PEIR) prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) for the General Plan Update, Downtown Specific Plan and Housing Element Implementation Project. The City Council, exercising its independent judgment, previously adopted Resolution No. [insert number] certifying the Final PEIR, making required findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding considerations for the Project of which this Ordinance is a part. In approving this Ordinance, the City Council hereby relies on the environmental determinations and findings set forth in Resolution No. [insert number], which is hereby incorporated herein by reference. The amendments made by this Ordinance were also contemplated by the Environmental Assessment prepared and adopted in conjunction with the City Council's adoption of the Housing Element. Each of these provide separate and independent bases demonstrating compliance with the CEQA.

**Section 7. Severability.** If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**Section 8. Effective Date.** This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED AND ADOPTED ON** this XX<sup>th</sup> day of XXXX, 2023.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Jon Primuth, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Mark Perez, Deputy City Clerk

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Roxanne Diaz, City Attorney

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**Attachment 5**  
**PC Resolution 23-07**

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**RESOLUTION NO. P.C. 23-07**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 3.** Based upon the foregoing, the Planning Commission recommends:

- A. That the City Council approve the revisions to the SPMC and amend Divisions 36.370 (Affordable Housing Incentives), 36.350 (Standards for Specific Land Uses), 36.375 (Inclusionary Housing Requirements), and 36.700.020 (Definitions of Specialty Terms and Phrases) as set forth in draft Ordinances attached hereto as Attachments A, B, and C.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption.



**PASSED, APPROVED, AND ADOPTED** on this 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
Laura Dahl, Planning Commission Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk

\_\_\_\_\_  
David Snow, Assistant City Attorney

**I HEREBY CERTIFY** the foregoing Resolution No. P.C. 23-07 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 21<sup>st</sup> day of August, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Mark Perez, Deputy City Clerk



# City Council Agenda Report

ITEM NO. 5

**DATE:** September 18, 2023

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

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

**SUBJECT:** **Approve Fund Allocation and Consideration of the Approval of the First Contract Amendment with Rangwala Associates to complete the General Plan Update and Downtown Specific Plan Documents in an amount not-to-exceed \$26,200**

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## Recommendation

It is recommended that the City Council:

1. Allocate and appropriate \$26,200 from General Fund Account 101-0000-0000-3200-000 to Community Development Department Professional Services Account Number 101-7010-7011-8170-000; and
2. Authorize the City Manager to execute the First Amendment to the Rangwala Associates Professional Services Agreement (PSA) for the General Plan Update and Downtown Specific Plan to finalize documents in the amount of \$26,200 for a total not-to-exceed amount of \$177,100.

## Executive Summary

The City entered into a PSA with Rangwala Associates in May, 2023 in order to revise and complete the General Plan Update and Downtown Specific Plan (GP/DTSP). Given the tight timeline to complete the project consistent with the associated Court Order, additional funding is needed to cover preparation and attendance at additional public meetings, finalization of the General Plan and refinement of the Downtown Specific Plan, consistent with Planning Commission recommendations. Therefore, a contract amendment is required at this time.

## Background

The General Plan is the City's constitution for development that lays out in policy and implementation actions the community's vision of the future. It is a long-range plan, intended to guide land use decisions for 20 or more years into the future. The City initiated an update to its 1998 General Plan in 2017. In early 2020, the effort was essentially suspended, as the City focused time and attention on addressing the unexpected significant increase in the City's Regional Housing Needs Assessment (RHNA) allocation.

The RHNA allocation of 2,067 housing units for all income levels combined with a unit buffer requirement greatly impacted the approach to the finalization of the General Plan and Downtown Specific Plan. While staff and consultant team(s) have worked diligently to stay on schedule and within budget, the compressed document production schedule and expanded public hearing processes have exhausted existing contract resources with several new tasks needed to finalize the documents without funding.

### **Analysis**

Rangwala Associates remains uniquely qualified and well positioned to aid the City's efforts to complete the GP/DTSP planning process and required final documents. Consistent with the Planning Commission recommendations, the following activities and deliverables are being added to the existing scope of work:

Before adoption:

- Additional time needed to finalize the Draft General Plan and DTSP (\$6,000)
- Prep and attendance for additional City Council meeting (\$2,400)

Post adoption:

DTSP revisions/additions

- Reordering scale of development typologies and related frontages (\$4,800)
- Section on How to Navigate this Document (\$2,400)
- Comprehensive Index (\$2,400)
- Evaluation of and possible creation of DTSP "transition overlay zone" (\$4,800)
- 15% contingency (additional changes and public workshop/public hearing, if necessary).

The First Amendment to the existing Rangwala Associates Professional Services Agreement will add \$26,200 and expand the scope of work, all other provisions of the agreement remain the same.

### **Fiscal Impact**

The First Amendment to the Rangwala Associates PSA includes a contract amount of \$26,200. Funding for this contract is requested from General Fund Fund balance reserves, Account No. 101-0000-0000-3200-000 to fund the Community Development Department Professional Services appropriations in Account Number 101-7010-7011-8170-000.

### **Alternative**

The alternative to the proposed contract amendment will impact the City's ability to complete the documents by the Court Ordered deadline, 120 days from adoption of the Housing Element (May 30, 2023).

**Key Performance Indicators and Strategic Plan**

The City's General Plan is foundational to the implementation of most of the City's 2021-2026 Strategic Plan goals: 2) Economic Development, 3) Public Safety, 4) Infrastructure, and 5) Housing.

**Commission Review and Recommendation**

This matter was not reviewed by a commission or board.

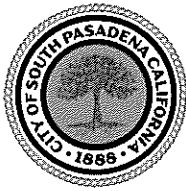
**Attachments:**

1. Rangwala Associates PSA
2. Rangwala Associates – First Amendment

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**ATTACHMENT 1**  
Rangwala Associates PSA

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Rangwala Associates  
 March 2023  
 CONTRACT #

**CONTRACT APPROVAL COVERSHEET**

<b>Project Name:</b> Rangwala Associates		<b>Approval Authority</b>	
<b>Department:</b> Community Development Department, Planning Division		City Manager (<\$30,000) City Council (>\$30,000) <input type="checkbox"/>	
<b>Date:</b> 05/18/2023		<b>City Council Approval Date:</b> N/A	
<b>Submitted By:</b> Lillian Estrada	<b>Ext:</b> 223	<b>Agenda Item #:</b> N/A	
<b>Contract Approval Routing</b>			
	<b>Name</b>	<b>Approval (Initials) DS</b>	<b>Date</b>
Contracts Coordinator	Lillian Estrada	LE DS	5/25/2023
Department Director	Angelica Frausto-Lupo	AF DS	5/25/2023
Finance Director	John Downs	JD DS	5/25/2023
Risk Management	Luis Frausto	LF DS	5/30/2023
City Attorney	Andrew Jared	AJ DS	6/1/2023
City Manager	Armine Chaparyan	AC DS	6/1/2023
City Clerk	Mark Perez	MP	6/1/2023
<b>Purpose of Contract/Scope of Services</b>			
<p>Professional Services Agreement for Consultant Services between the City of South Pasadena and <b>Rangwala Associates</b>. for services: Community Engagement, Urban Design and Urban Planning, Exhibit A.</p> <p>This agreement will commence on May 18, 2023, for a total not to exceed One Hundred Fifty Thousand and Nine Hundred Dollars and no/100 Cents (\$150,900.00)</p>			
<b>Document Checklist</b>			
<b>Insurance Requirements Met?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Additional/Special Insurance or Bond Required:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		<b>FPPC filing required?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Financials</b>			
<b>Contract Amount:</b> \$150,900.00		<b>Contract Term (or Expiration Date):</b> Upon completion of work; but no later than June 17, 2024.	
<b>Accounts to Encumber: #101-7010-7011-8170-000</b>			



**PROFESSIONAL SERVICES AGREEMENT  
FOR CONSULTANT SERVICES**

**(City of South Pasadena / Rangwala Associates)**

**1. IDENTIFICATION**

This PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of South Pasadena, a California municipal corporation (“City”), and **Rangwala Associates** (“Consultant”).

**2. RECITALS**

- 2.1. City has determined that it requires the following professional services from a consultant: technical assistance in the areas of community engagement, urban design and urban planning to revise and complete the City’s General Plan update and Downtown Specific Plan.
- 2.2. Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.
- 2.3. Consultant represents that it has no known relationships with third parties, City Council members, or employees of City which would (1) present a conflict of interest with the rendering of services under this Agreement under Government Code Section 1090, the Political Reform Act (Government Code Section 81000 *et seq.*), or other applicable law, (2) prevent Consultant from performing the terms of this Agreement, or (3) present a significant opportunity for the disclosure of confidential information.

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

**3. DEFINITIONS**

- 3.1. “Scope of Services”: Community Engagement, Urban Design and Urban Planning, Exhibit A
- 3.2. “Agreement Administrator”: The Agreement Administrator for this project is Alison Becker, AICP, Deputy Community Development Director. The Agreement Administrator shall be the principal point of contact at the City for this project. All services under this Agreement shall be performed at the request of the Agreement Administrator. The Agreement Administrator will establish the timetable for completion of services and any interim milestones. City reserves the right to change this designation upon written notice to Consultant

- 3.3. “Approved Fee Schedule”: Consultant’s compensation rates are set forth in the fee schedule attached hereto as Exhibit B and incorporated herein by this reference. This fee schedule shall remain in effect for the duration of this Agreement unless modified in writing by mutual agreement of the parties.
- 3.4. “Maximum Amount”: The highest total compensation and costs payable to Consultant by City under this Agreement. The Maximum Amount under this Agreement is One Hundred Fifty Thousand and Nine Hundred Dollars (\$150,900.00).
- 3.5. “Commencement Date”: May 18, 2023.
- 3.6. “Termination Date”: Upon completion of the work but no later than June 17, 2024.

#### 4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Termination Date unless extended by written agreement of the parties or terminated earlier under Section 18 (“Termination”) below. Consultant may request extensions of time to perform the services required hereunder. Such extensions shall be effective if authorized in advance by City in writing and incorporated in written amendments to this Agreement.

#### 5. CONSULTANT’S DUTIES

- 5.1. **Services.** Consultant shall perform the services identified in the Scope of Services Exhibit A. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement.
- 5.2. **Coordination with City.** In performing services under this Agreement, Consultant shall coordinate all contact with City through its Agreement Administrator.
- 5.3. **Budgetary Notification.** Consultant shall notify the Agreement Administrator, in writing, when fees and expenses incurred under this Agreement have reached eighty percent (80%) of the Maximum Amount. Consultant shall concurrently inform the Agreement Administrator, in writing, of Consultant’s estimate of total expenditures required to complete its current assignments before proceeding, when the remaining work on such assignments would exceed the Maximum Amount.
- 5.4. **Business License.** Consultant shall obtain and maintain in force a City business license for the duration of this Agreement.
- 5.5. **Professional Standards.** Consultant shall perform all work to the standards of Consultant’s profession and in a manner reasonably satisfactory to City. Consultant

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shall keep itself fully informed of and in compliance with all local, state, and federal laws, rules, and regulations in any manner affecting the performance of this Agreement, including all Cal/OSHA requirements, the conflict of interest provisions of Government Code § 1090 and the Political Reform Act (Government Code § 81000 et seq.).

- 5.6. **Avoid Conflicts.** During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if such work would present a conflict interfering with performance under this Agreement. However, City may consent in writing to Consultant's performance of such work.
- 5.7. **Appropriate Personnel.** Consultant has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. Kaiser Rangwala shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.
- 5.8. **Substitution of Personnel.** Any persons named in the proposal or Scope of Services constitutes a promise to the City that those persons will perform and coordinate their respective services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. If City and Consultant cannot agree as to the substitution of key personnel, City may terminate this Agreement for cause.
- 5.9. **Permits and Approvals.** Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.
- 5.10. **Notification of Organizational Changes.** Consultant shall notify the Agreement Administrator, in writing, of any change in name, ownership or control of Consultant's firm or of any subcontractor. Change of ownership or control of Consultant's firm may require an amendment to this Agreement.
- 5.11. **Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of City. In addition, pursuant to Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall

be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under this Agreement.

## 6. SUBCONTRACTING

- 6.1. **General Prohibition.** This Agreement covers professional services of a specific and unique nature. Except as otherwise provided herein, Consultant shall not assign or transfer its interest in this Agreement or subcontract any services to be performed without amending this Agreement.
- 6.2. **Consultant Responsible.** Consultant shall be responsible to City for all services to be performed under this Agreement.
- 6.3. **Identification in Fee Schedule.** All subcontractors shall be specifically listed and their billing rates identified in the Approved Fee Schedule, Exhibit B. Any changes must be approved by the Agreement Administrator in writing as an amendment to this Agreement.
- 6.4. **Compensation for Subcontractors.** City shall pay Consultant for work performed by its subcontractors, if any, only at Consultant's actual cost plus an approved mark-up as set forth in the Approved Fee Schedule, Exhibit B. Consultant shall be liable and accountable for any and all payments, compensation, and federal and state taxes to all subcontractors performing services under this Agreement. City shall not be liable for any payment, compensation, or federal and state taxes for any subcontractors.

## 7. COMPENSATION

- 7.1. **General.** City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept payment in accordance with the Fee Schedule in full satisfaction for such services. Compensation shall not exceed the Maximum Amount. Consultant shall not be reimbursed for any expenses unless provided for in this Agreement or authorized in writing by City in advance.
- 7.2. **Invoices.** Consultant shall submit to City an invoice, on a monthly basis or as otherwise agreed to by the Agreement Administrator, for services performed pursuant to this Agreement. Each invoice shall identify the Maximum Amount, the services rendered during the billing period, the amount due for the invoice, and the total amount previously invoiced. All labor charges shall be itemized by employee name and classification/position with the firm, the corresponding hourly rate, the hours worked, a description of each labor charge, and the total amount due for labor charges.
- 7.3. **Taxes.** City shall not withhold applicable taxes or other payroll deductions from payments made to Consultant except as otherwise required by law. Consultant shall be solely responsible for calculating, withholding, and paying all taxes.

- 7.4. **Disputes.** The parties agree to meet and confer at mutually agreeable times to resolve any disputed amounts contained in an invoice submitted by Consultant.
- 7.5. **Additional Work.** Consultant shall not be reimbursed for any expenses incurred for work performed outside the Scope of Services unless prior written approval is given by the City through a fully executed written amendment. Consultant shall not undertake any such work without prior written approval of the City.
- 7.6. **City Satisfaction as Precondition to Payment.** Notwithstanding any other terms of this Agreement, no payments shall be made to Consultant until City is satisfied that the services are satisfactory.
- 7.7. **Right to Withhold Payments.** If Consultant fails to provide a deposit or promptly satisfy an indemnity obligation described in Section 11, City shall have the right to withhold payments under this Agreement to offset that amount.

## 8. INTENTIONALLY OMITTED

## 9. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material (“written products” herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City except as provided by law. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

## 10. RELATIONSHIP OF PARTIES

- 10.1. **General.** Consultant is, and shall at all times remain as to City, a wholly independent contractor.
- 10.2. **No Agent Authority.** Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant’s employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.
- 10.3. **Independent Contractor Status.** Under no circumstances shall Consultant or its employees look to the City as an employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this independent contractor relationship on Consultant’s previously earned California Public Employees Retirement System (“CalPERS”) retirement benefits, if any, and Consultant specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social

security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation, and other applicable federal and state taxes.

- 10.4. **Indemnification of CalPERS Determination.** In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

## 11. INDEMNIFICATION

- 11.1 **Definitions.** For purposes of this Section 11, "Consultant" shall include Consultant, its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement. "City" shall include City, its officers, agents, employees and volunteers.
- 11.2 **Consultant to Indemnify City.** To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and defend City from and against any and all claims, losses, costs or expenses for any personal injury or property damage arising out of or in connection with Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or failure to comply with any provision in this Agreement.
- 11.3 **Scope of Indemnity.** Personal injury shall include injury or damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, Property damage shall include injury to any personal or real property. Consultant shall not be required to indemnify City for such loss or damage as is caused by the sole active negligence or willful misconduct of the City.
- 11.4 **Attorneys Fees.** Such costs and expenses shall include reasonable attorneys' fees for counsel of City's choice, expert fees and all other costs and fees of litigation. Consultant shall not be entitled to any refund of attorneys' fees, defense costs or expenses in the event that it is adjudicated to have been non-negligent.
- 11.5 **Defense Deposit.** The City may request a deposit for defense costs from Consultant with respect to a claim. If the City requests a defense deposit, Consultant shall provide it within 15 days of the request.
- 11.6 **Waiver of Statutory Immunity.** The obligations of Consultant under this Section 11 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City.

- 11.7 **Indemnification by Subcontractors.** Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 11 from each and every subcontractor or any other person or entity involved in the performance of this Agreement on Consultant’s behalf.
- 11.8 **Insurance Not a Substitute.** City does not waive any indemnity rights by accepting any insurance policy or certificate required pursuant to this Agreement. Consultant’s indemnification obligations apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

**12. INSURANCE**

- 12.1. **Insurance Required.** Consultant shall maintain insurance as described in this section and shall require all of its subcontractors, consultants, and other agents to do the same. Approval of the insurance by the City shall not relieve or decrease any liability of Consultant Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.
- 12.2. **Documentation of Insurance.** City will not execute this agreement until it has received a complete set of all required documentation of insurance coverage. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant’s obligation to provide them. Consultant shall file with City:
  - Certificate of Insurance, indicating companies acceptable to City, with a Best's Rating of no less than A:VII showing. The Certificate of Insurance must include the following reference: General Plan and Downtown Specific Plan.
  - Documentation of Best’s rating acceptable to the City.
  - Original endorsements effecting coverage for all policies required by this Agreement.
  - City reserves the right to obtain a full certified copy of any Insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of the right to exercise later.
- 12.3. **Coverage Amounts.** Insurance coverage shall be at least in the following minimum amounts:

- Professional Liability Insurance: \$2,000,000 per occurrence,  
\$2,000,000 aggregate
- General Liability:
  - General Aggregate: \$2,000,000
  - Products Comp/Op Aggregate \$2,000,000
  - Personal & Advertising Injury \$2,000,000
  - Each Occurrence \$2,000,000
  - Fire Damage (any one fire) \$ 100,000
  - Medical Expense (any 1 person) \$ 10,000

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- Workers' Compensation:
  - Workers' Compensation                      Statutory Limits
  - EL Each Accident                              \$1,000,000
  - EL Disease - Policy Limit                      \$1,000,000
  - EL Disease - Each Employee                      \$1,000,000
  
- Automobile Liability
  - Any vehicle, combined single limit      \$1,000,000

Any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be the greater of (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured

- 12.4. **General Liability Insurance.** Commercial General Liability Insurance shall be no less broad than ISO form CG 00 01. Coverage must be on a standard Occurrence form. Claims-Made, modified, limited or restricted Occurrence forms are not acceptable.
- 12.5. **Worker's Compensation Insurance.** Consultant is aware of the provisions of Section 3700 of the Labor Code which requires every employer to carry Workers' Compensation (or to undertake equivalent self-insurance), and Consultant will comply with such provisions before commencing the performance of the work of this Agreement. If such insurance is underwritten by any agency other than the State Compensation Fund, such agency shall be a company authorized to do business in the State of California.
- 12.6. **Automobile Liability Insurance.** Covered vehicles shall include owned if any, non-owned, and hired automobiles and, trucks.
- 12.7. **Professional Liability Insurance or Errors & Omissions Coverage.** The deductible or self-insured retention may not exceed \$50,000. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work. Coverage shall be continued for two years after the completion of the work by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
- 12.8. **Claims-Made Policies.** If any of the required policies provide coverage on a claims-made basis the Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work. Claims-Made Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective

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date, the Consultant must purchase “extended reporting” coverage for a minimum of five (5) years after completion of contract work.

- 12.9. **Additional Insured Endorsements.** The City, its City Council, Commissions, officers, and employees of South Pasadena must be endorsed as an additional insured for each policy required herein, other than Professional Errors and Omissions and Worker’s Compensation, for liability arising out of ongoing and completed operations by or on behalf of the Consultant. Consultant’s insurance policies shall be primary as respects any claims related to or as the result of the Consultant’s work. Any insurance, pooled coverage or self-insurance maintained by the City, its elected or appointed officials, directors, officers, agents, employees, volunteers, or consultants shall be non-contributory. All endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. General liability coverage can be provided using an endorsement to the Consultant’s insurance at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37.
- 12.10. **Failure to Maintain Coverage.** In the event any policy is canceled prior to the completion of the project and the Consultant does not furnish a new certificate of insurance prior to cancellation, City has the right, but not the duty, to obtain the required insurance and deduct the premium(s) from any amounts due the Consultant under this Agreement. Failure of the Consultant to maintain the insurance required by this Agreement, or to comply with any of the requirements of this section, shall constitute a material breach of this Agreement.
- 12.11. **Notices.** Contractor shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. Consultant shall provide no less than 30 days’ notice of any cancellation or material change to policies required by this Agreement. Consultant shall provide proof that cancelled or expired policies of insurance have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages. The name and address for Additional Insured Endorsements, Certificates of Insurance and Notices of Cancellation is: City of South Pasadena, Attn: Office of the City Clerk, South Pasadena, CA 91030.
- 12.12. **Consultant’s Insurance Primary.** The insurance provided by Consultant, including all endorsements, shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant’s insurance and shall not contribute with it.
- 12.13. **Waiver of Subrogation.** Consultant hereby waives all rights of subrogation against the City. Consultant shall additionally waive such rights either by endorsement to each policy or provide proof of such waiver in the policy itself.

12.14. **Report of Claims to City.** Consultant shall report to the City, in addition to the Consultant's insurer, any and all insurance claims submitted to Consultant's insurer in connection with the services under this Agreement.

12.15. **Premium Payments and Deductibles.** Consultant must disclose all deductibles and self-insured retention amounts to the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within retention amounts. Ultimately, City must approve all such amounts prior to execution of this Agreement.

City has no obligation to pay any premiums, assessments, or deductibles under any policy required in this Agreement. Consultant shall be responsible for all premiums and deductibles in all of Consultant's insurance policies. The amount of deductibles for insurance coverage required herein are subject to City's approval.

12.16. **Duty to Defend and Indemnify.** Consultant's duties to defend and indemnify City under this Agreement shall not be limited by the foregoing insurance requirements and shall survive the expiration of this Agreement.

### 13. MUTUAL COOPERATION

13.1. **City Cooperation in Performance.** City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.

13.2. **Consultant Cooperation in Defense of Claims.** If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

### 14. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

Alison Becker, AICP  
Deputy Community Development Director  
City of South Pasadena  
1414 Mission Street  
South Pasadena, CA 91030  
Telephone: (626) 403-7222  
Facsimile: (626) 403-7241

If to Consultant:

Kaiser Rangwala  
Rangwala Associates  
23361 Aetna Street  
Woodland Hills, CA 91367  
Telephone:

With courtesy copy to:

Andrew L. Jared  
South Pasadena City Attorney  
Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd. Ste. 850  
Pasadena, CA 91101  
Telephone: (213) 542-5700  
Facsimile: (213) 542-5710

## 15. SURVIVING COVENANTS

The parties agree that the covenants contained in paragraph 5.11 (Records), paragraph 10.4 (Indemnification of CalPERS Determination), Section 11 (Indemnity), paragraph 12.8 (Claims-Made Policies), paragraph 13.2 (Consultant Cooperation in Defense of Claims), and paragraph 18.1 (Confidentiality) of this Agreement shall survive the expiration or termination of this Agreement, subject to the provisions and limitations of this Agreement and all otherwise applicable statutes of limitations and repose.

## 16. TERMINATION

- 16.1. **City Termination.** City may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 16.2. **Consultant Termination.** Consultant may terminate this Agreement for a material breach of this Agreement upon 30 days' notice.
- 16.3. **Compensation Following Termination.** Upon termination, Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement. The City shall have the benefit of such work as may have been completed up to the time of such termination.

- 16.4. **Remedies.** City retains any and all available legal and equitable remedies for Consultant's breach of this Agreement.

## 17. INTERPRETATION OF AGREEMENT

- 17.1. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 17.2. **Integration of Exhibits.** All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed on by City and Consultant.
- 17.3. **Headings.** The headings and captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the language of the section or paragraph shall control and govern in the construction of this Agreement.
- 17.4. **Pronouns.** Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 17.5. **Severability.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to the extent necessary to, cure such invalidity or unenforceability, and shall be enforceable in its amended form. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 17.6. **No Presumption Against Drafter.** Each party had an opportunity to consult with an attorney in reviewing and drafting this agreement. Any uncertainty or ambiguity shall not be construed for or against any party based on attribution of drafting to any party.

## 18. GENERAL PROVISIONS

- 18.1. **Confidentiality.** All data, documents, discussion, or other information developed or received by Consultant for performance of this Agreement are deemed confidential and Consultant shall not disclose it without prior written consent by City. City shall grant

such consent if disclosure is legally required. All City data shall be returned to City upon the termination or expiration of this Agreement.

- 18.2. **Conflicts of Interest.** Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Consultant further agrees to file, or shall cause its employees or subcontractor to file, a Statement of Economic Interest with the City's Filing Officer if required under state law in the performance of the services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.
- 18.3. **Non-assignment.** Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.4. **Binding on Successors.** This Agreement shall be binding on the successors and assigns of the parties.
- 18.5. **No Third-Party Beneficiaries.** Except as expressly stated herein, there is no intended third-party beneficiary of any right or obligation assumed by the parties.
- 18.6. **Time of the Essence.** Time is of the essence for each and every provision of this Agreement.
- 18.7. **Non-Discrimination.** Consultant shall not discriminate against any employee or applicant for employment because of race, sex (including pregnancy, childbirth, or related medical condition), creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition (cancer-related), marital status, ancestry, or sexual orientation. Employment actions to which this provision applies shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; or in terms, conditions or privileges of employment, and selection for training. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, the provisions of this nondiscrimination clause.
- 18.8. **Waiver.** No provision, covenant, or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing signed by one authorized to bind the party asserted to have consented to the waiver. The waiver by City or

Consultant of any breach of any provision, covenant, or condition of this Agreement shall not be deemed to be a waiver of any subsequent breach of the same or any other provision, covenant, or condition.

- 18.9. **Excused Failure to Perform.** Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.10. **Remedies Non-Exclusive.** Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance from the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any or all of such other rights, powers or remedies.
- 18.11. **Attorneys' Fees.** If legal action shall be necessary to enforce any term, covenant or condition contained in this Agreement, the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs expended in the action.
- 18.12. **Venue.** The venue for any litigation shall be Los Angeles County, California and Consultant hereby consents to jurisdiction in Los Angeles County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.

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

“City”

City of South Pasadena

By: Armine Chaparyan  
Signature

Printed: Armine Chaparyan

Title: City Manager

Date: 6/1/2023

“Consultant”

Kaiser Rangwala, Rangwala Associates

By: Kaiser Rangwala  
Signature

Printed: Kaizer Rangwala

Title: Principal

Date: May 22, 2023

**Attest:**

By: Mark Perez  
Mark Perez, Deputy City Clerk

Date: 6/1/2023

**Approved as to form:**

By: Andrew Jared  
Andrew Jared, City Attorney

Date: 6/1/2023

**Exhibit A**

## Scope of Services

<p><b>TASK 1.</b> Project Coordination</p> <p>Deliverables:</p> <ul style="list-style-type: none"> <li>• Progress Report(s)</li> <li>• Invoice(s)</li> </ul>	<p>Consultant will maintain regular telephone and email communications with the City, as appropriate, to discuss the status of Project implementation and/or to resolve issues in collaboration with City staff. This task also includes administrative coordination with sub-consultants and invoicing tasks.</p>
<p><b>TASK 2.</b> Revise Vision within General Plan Update (GP) Downtown Specific Plan (DTSP) New Growth Areas</p> <p>Deliverables:</p> <ul style="list-style-type: none"> <li>• 2 workshops</li> <li>• Outcome memorandum</li> </ul>	<p>Upon receipt of the approved Housing Element, including expansion of growth focus areas and targeted rezoning of density to address comments received by the California Department of Housing and Community Development, Consultant will develop, organize and execute a public engagement event with cooperation and support from City Staff. This event is intended to revisit and revision the development capacity presented in the General Plan to be consistent the Housing Element. This task includes a brief outcome memo outlining the key revisions to the GP and DTSP and a Study Session with the Planning Commission.</p>
<p><b>TASK 3.</b> Revision of Documents</p> <p>Deliverables:</p> <ul style="list-style-type: none"> <li>• Administrative Draft</li> <li>• Public Draft</li> <li>• Final Draft</li> </ul>	<p>Upon receipt of the most recent internal drafts of the GP, DTSP and the adopted Housing Element from the City and City Counsel, Consultant will revise the documents according to the outcomes of the public engagement visioning and the requirements of the Housing Element. Approval Drafts of the documents will be electronically submitted to the City for review to confirm that all comments have been appropriately incorporated based on prior coordination. This task assumes that necessary revisions will be substantive where required by the certified Housing Element.</p>
<p><b>TASK 4.</b> Attendance/Presentations at Public Meetings</p>	<p>This task includes staff time for preparation and attendance at required public meetings and one Open House event during the Plan adoption process.</p>



## Exhibit B

## Fee Schedule

<b>Rangwala &amp; Associates</b>					
		<b>RA</b>		<b>Rincon (GIS)</b>	<b>Other</b>
		<b>Hrs</b>	<b>@\$300</b>	<b>Hrs</b>	<b>@150</b>
<b>1</b>	<b><u>Project Coordination</u></b>				
	Kick off mtg	4	\$1,200		
	Discovery	12	\$3,600		
	Status Mtg w/staff	24	\$7,200		
<b>2</b>	<b><u>Revise Vision</u></b>				
	2 workshops (6/3 & 6/17)				
	Downtown, Huntington, Ostrich Farm	90	\$27,000		\$3,000
	Additional Mtgs/Discussions	20	\$6,000		
	PC Study Session (8/8)	16	\$4,800		
<b>3</b>	<b><u>Revision of Documents</u></b>				
	General Plan	44	\$13,200	28	\$4,200
	DTSP	36	\$10,800	6	\$900
	<b>Admin Draft (6/30)</b>				
	Address Legislation	28	\$8,400		
	Update Land Use Element maps, tables, and figures	72	\$21,600	16	\$2,400
	Amend DTSP Code	52	\$15,600		
	<b>Public Draft (7/10)</b>	28	\$8,400		
	<b>Final Draft (9/15)</b>	18	\$5,400		
<b>6</b>	<b><u>Public Meetings</u></b>				
	<b>Open House (8/26)</b>	8	\$2,400		
	<b>Public Hearings</b>				
	Joint Mtg (CC/PC) 10/4	12	\$3,600		
	City Council (10/18)	8	\$2,400		
	Sub Total		\$140,400	\$7,500	\$3,000
	<b>TOTAL</b>				<b>\$150,900</b>

**ATTACHMENT 2**  
Rangwala Associates – First Amendment

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FIRST AMENDMENT TO  
AGREEMENT FOR SERVICES

THIS AMENDMENT (“Amendment”) is made and entered into on the **XX** day of September, 2023 by and between the CITY OF SOUTH PASADENA (“City”) and Psomas. (“Consultant”).

RECITALS

WHEREAS, on May 17, 2023, the City Council authorized the City Manager to execute a contract with Rangwala Associates to finalize the General Plan Update and Downtown Specific Plan;

WHEREAS, the City and Consultant desire to amend the scope of the contract to account for final changes in the Plans recommended by the Planning Commission that are necessary to improve the draft documents.

NOW, THEREFORE, THE CITY AND THE CONSULTANT AGREE AS FOLLOWS:

1. PARAGRAPH 3.1 “Scope of Services” is amended by adding an additional Scope of Services as set forth in Exhibit 1, attached and incorporated by this Amendment.

2. PARAGRAPH 3.4 “Maximum Amount” is amended to read as follows: The highest total compensation and costs payable to Consultant by the City under this Agreement. The Maximum Amount under this agreement is One hundred Seventy-Seven Thousand and One Hundred Dollars (\$177,100), which is comprised of One Hundred Fifty Thousand, Nine Hundred Eighty Dollars (\$150,900) for the original Scope of Services; and Twenty-Six Thousand Two Hundred Dollars (\$26,200) to support additional activities necessary to finalize the General Plan Update and Downtown Specific Plan documents.

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

“CITY”  
City of South Pasadena

“Consultant”  
Rangwala Associates

By: \_\_\_\_\_  
*Signature*

By: \_\_\_\_\_  
*Signature*

Printed: Arminé Chaparyan

Printed: \_\_\_\_\_

Title: City Manager

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Attest:**

By: \_\_\_\_\_  
Mark Perez, Deputy City Clerk

Date: \_\_\_\_\_

**Approved as to form:**

By: \_\_\_\_\_  
Roxanne Diaz, City Attorney

Date: \_\_\_\_\_

**Exhibit 1**

**Amended Scope of Services**

<p><b>TASK 3.</b></p> <p><b>Revision of Documents (Augment)</b></p> <p><b>Deliverables:</b></p> <ul style="list-style-type: none"><li>• <b>Administrative Draft</b></li><li>• <b>Public Draft</b></li><li>• <b>Final Draft</b></li></ul>	<p><b>The consultant will complete a series of revisions to the Downtown Specific Plan recommended by the Planning Commission, including</b></p> <ul style="list-style-type: none"><li>• <b>Reordering scale of development typologies and related frontages</b></li><li>• <b>Section on How to Navigate this Document</b></li><li>• <b>Comprehensive Index</b></li><li>• <b>Evaluation of and possible creation of DTSP “transition overlay zone”</b></li></ul>
<p><b>TASK 4.</b></p> <p><b>Attendance/Presentations at Public Meetings (Augment)</b></p>	<p><b>This task includes staff time for preparation and attendance at required public meetings event during the Plan adoption process.</b></p>

## Fee Schedule

<b>Rangwala &amp; Associates</b>			
		<b>Hrs</b>	<b>@\$300</b>
<b>3</b>	<b><u>Revision of Documents</u></b>		
	Additional Time	20	\$6,000
	Reordering scale of typologies	16	4,800
	New Section “How To Navigate ...”	8	2,400
	Comprehensive Index	8	2,400
	“transition overlay zone”	16	4,800
<b>6</b>	<b><u>Public Meetings</u></b>		
	<b>Public Hearings</b>		
	<b>City Council</b>	<b>8</b>	<b>2,400</b>
<b>NEW 7</b>	<b>15% Contingency</b>		<b>3,400</b>
	<b>TOTAL</b>		<b>\$26,200</b>