



Amended Additional Documents Distributed for the City Council Meetings of September 18, 2023

Item No.	Agenda Item Description	Distributor	Document
CS.	PUBLIC COMMENT	Josh Albrektson	Email to Council
02.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Lisa Pendleton	Email to Council
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02.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Joanne Nuckols	Email to Council
02.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Keith Diggs	Email to Council
02.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Ed Elsner	Email to Council
02.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Angelica Frausto Lupo, Community Services Director	PowerPoint
03.	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 (6TH CYCLE) HOUSING ELEMENT	Josh Albrectson	Email to Council
03.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Angelica Frausto Lupo, Community Services Director	PowerPoint

04.	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)	Douglas Yokomizo	Email to Council
04.	CONSIDERATION OF A NEW GENERAL PLAN, ASSOCIATED DOWNTOWN SPECIFIC PLAN, AND PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT	Angelica Frausto Lupo, Community Services Director	PowerPoint

From: [Josh Albrektson](#)
To: [City Council Public Comment](#); [Roxanne Diaz](#)
Subject: Closed session public comment
Date: Friday, September 15, 2023 4:11:46 PM

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

I have sent more detailed e-mails to the individual council members and the city attorney.

You adopted a Housing Element that was reviewed by HCD and HCD deemed compliant.

In this latest general plan you have removed the vast majority of the Ostrich Farm and Huntington Drive mixed use areas. This is a SIGNIFICANT amount of zoning that is in the Housing Element that you are eliminating.

A small amount of Fremont was increased to 70 DU/acre, but this does not compare to the amount of zoning that is in your approved Housing Element.

Your stipulated judgement in Californians for Homeownership versus the City of South Pasadena, Case 22STCP01388 requires you to adopt the zoning in the Housing Element.

Attached here:

<https://www.southpasadenaca.gov/home/showpublisheddocument/30538/637989190353900000>

On page 6, line 11, it states the following:

The city shall complete all rezoning of property contemplated in the housing element within 120 days of its adoption of the housing element. For the purposes of this section, rezoning of the property shall not include any action required to be put to the vote of the electorate to consider a repeal of the City's 45 height limit or any subsequent required action should such a measure fail to bring the housing element into compliance.

You are required, by the stipulated judgment of the court, to rezone the Ostrich Farm and Huntington Drive to 70 DU/acre within 120 days. You get a break from doing the 45 height limit. You CANNOT just eliminate the density that is in your currently adopted and approved Housing Element.

The plan to adopt the general plan without these zones at the density stated in the Housing Element is an intentional violation of your stipulated judgement and blatantly illegal.

I fully believe the sole reason you are meeting and adopting the General Plan Monday Sept 18th instead of Sept 27th as you had originally planned is because you received the e-mail from me yesterday where I pointed out your General Plan is illegal.

I wish you the best of luck with HCD, this current court case, and future court cases if you choose to intentionally violate your stipulated judgement.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Lisa Pendleton](#)
To: [City Council Public Comment](#)
Cc: [Evelyn Zneimer](#); [Jack Donovan](#); [Janet Braun](#); [Jon Primuth](#); [Michael Cacciotti](#)
Subject: The South Pasadena General Plan Proposed Density has a Serious Error
Date: Friday, September 15, 2023 12:57:26 PM
Attachments: [Draft General Plan-SeriousError.pdf](#)

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.

Please see attached mark up of page 62.
The "Realistic Density" achieved by applied percentage reduction include Existing.

This is a TOTAL ERROR.

This document cannot be voted on since it has gross errors that have totally misrepresented the proposed increase of units in the City,

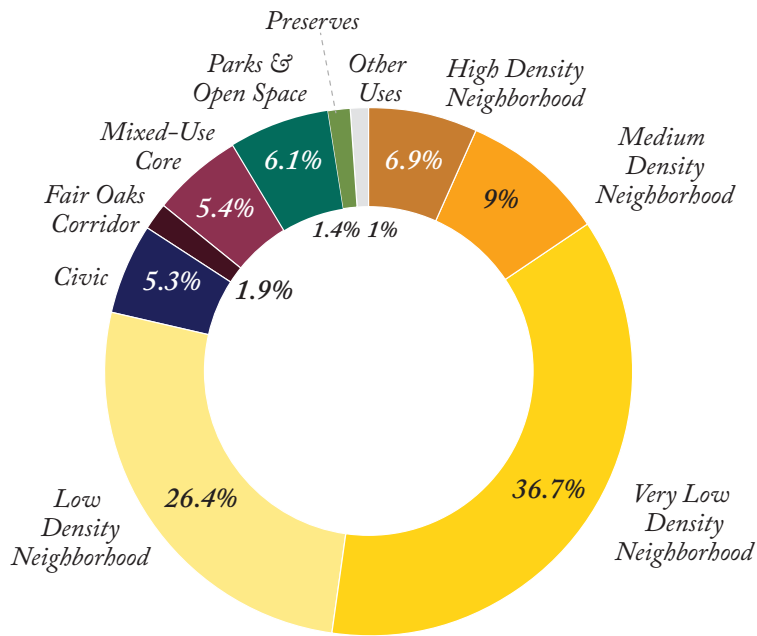


Figure B3.5. Percentage of 2023 Land Use Classification.

The "realistic capacity" column and total has a huge error. It is reducing by percentage the existing units along with the proposed.

The 13,917 total "Realistic Capacity" IS NOT ACCURATE. YOU CANNOT REDUCE EXISTING UNITS. THEY EXIST!!!!

When the existing units are deducted from each land use category and THEN the percentages are used only on the proposed new units and then added to the existing the "Realistic Capacity" is over 18,000 units with a projected "realistic" new units after deducting existing coming to over 6,000 units. THIS IS ABSOLUTELY WRONG and the public has been grossly misled and this document is seriously flawed. The entire process needs to be redone and the proposed density reduced to reflect what is needed to hit the 2,067 with appropriate buffer.

Also keep in mind none of the proposed density shown here is including the RHNA allowable ADUs of 297 units or the Density Bonus which is on top of the base density shown here. So this plan's proposed density is more than 3 x what is needed and must be redone..

Planning Designation	Density (units/acre)	Parcels	Acres	Residential			Non-residential (square feet)		
				Theoretical Unit Capacity	Adjustment	Realistic Capacity	Retail	Office	
Neighborhood Very Low	3	1,178	452.0	1,356	--	1,356			
Neighborhood Low	5	3,412	628.7	3,144	--	3,144			
Neighborhood Medium	30	683	154.5	4,635	35%	1,622			
Neighborhood High	45	375	118.3	5,322	35%	1,863			
Mixed-Use Core	70	307	92.1	6,447	50%	3,224	463,000	370,000	
Fair Oaks Corridor	110	91	32.8	3,610	75%	2,708	583,000	320,000	
Civic	n/a	53	90.5	n/a	--	--			
Parks and Open Space	n/a	37	104.9	n/a	--	--			
Preserves	n/a	6	23.4	n/a	--	--			
Other Uses	n/a	53	17.1	n/a	--	--			
Total						13,917 ^a	996,000 ^b	690,000 ^b	
Total Existing Residential Units							11,050		
Total New Units Projected over 20 year Period by General Plan (Realistic Capacity minus Existing Units)							2,867		

^a The residential total includes existing residential units and new residential growth projected in South Pasadena.

^b The non-residential numbers include existing retail and office development within South Pasadena.

Table B3.2. General Plan Capacity.

While there is relatively strong demand for a variety of land uses in South Pasadena, the actual amount and scale of development that can occur is limited by the amount of available land, financial feasibility of new development, fiscal priorities, and the level of density aligned with community character and vision. The location and amount of projected growth for the next 20 years in this General Plan is a result of market study; careful lot-by-lot assessment of catalytic sites with feasible site and floor plan designs, fiscal, and financial feasibility; and community preference. The General Plan projects 2,867 additional new residential units over a 20 year period.

Adjustment to Realistic Capacity: The General Plan seeks to direct majority of the growth to the Fair Oaks corridor. Fair Oaks Avenue is the major north south connector with direct drop off from the freeway. The corridor has significant retail anchors and collection of medium and large parcels. The auto oriented sites present an opportunity for reinforcing historic development patterns. The growth projection on Fair Oaks is fairly high, discounted only to 75% of its full potential.

Ostrich Farm and Downtown are the second area where there is additional scope for growth. The 50% discount for Mixed use Core is an average which includes lower discounting in Ostrich Farm where the parcels are bigger and higher discounting in downtown where parcels are smaller, and objective standards require response to rich historic context.

The 35% discounts to Neighborhood Medium and High suggest a slower and steady introduction of Missing Middle housing types in established areas.

From: [Josh Albrektson](#)
To: [City Council Public Comment](#); [Evelyn Zneimer](#); [Jon Primuth](#); [Jack Donovan](#); [Janet Braun](#); [Michael Cacciotti](#); [Armine Chaparyan](#); [Roxanne Diaz](#)
Subject: Item 2 public comment. Email 1 of 3.
Date: Saturday, September 16, 2023 8:01:53 AM

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

I wish I could be at the meeting, but Monday at 6:30 PM I will be on a cruise with my son heading out to sea.

Your staff has repeatedly proposed blatantly illegal things and the fact your city attorney hasn't done anything about it reeks of incompetence.

I want to be sure that you guys know that the intentional choices by your staff to try to violate the law is going to cost you dearly.

You have now moved to the top of the list of cities YIMBYLaw is actively trying to sue. Californians for Homeownership should be sending a letter that will let you know how they feel about you violating their stipulated judgment. The Assistant AG in charge of Housing is fully aware of what you are doing.

I have two separate e-mails. You should also be getting two separate letters from YIMBYLaw and Californians for Homeownership, hopefully in time for the meeting.

One e-mail from me is about how you guys are trying to adopt a general plan that is explicitly not consistent with your adopted Housing Element. YIMBYLaw is VERY interested in this and you should get a letter from them.

The second e-mail is about how you are violating the stipulated judgment from Californians for Homeownership.

Part of the reason Ca for Homes chose to sue South Pasadena first is because your old law firm pissed them off. It appears that you plan on repeating that error with your new law firm, and that is not a good idea.

I want to be sure you are aware of a lawsuit that Ca for Homes just won earlier this week against the City of Beverly Hills for their Housing Element. Beverly Hills is also represented by your city attorneys law firm.

This is a landmark decision that is going to make Beverly Hills life MUCH harder. If I were you guys, I would be doing everything possible to not be in their crosshairs again, but it might be too late for that now.

This is the Chris Elmendorf thread on the lawsuit:

<https://x.com/CSElmendorf/status/1702444680141472246?s=20>

And here is the Beverly Hills Courier article on the lawsuit.

<https://beverlyhillscourier.com/2023/09/14/court-rules-against-beverly-hills-in-housing-element-case/>

A Los Angeles County Superior Court judge ruled this week that Beverly Hills has failed in its legal responsibility to meet the state’s ambitious housing goals. The ruling comes in a lawsuit filed by Californians for Homeownership (CFH), a nonprofit organization sponsored by the California Association of Realtors. CFH has filed over 20 housing element lawsuits in the past few years against cities and counties. Ten of those cases have been settled, typically with agreements for specific timelines to revise or comply with housing element requirements and to comply with the so-called “builder’s remedy” in the interim.

In granting the petition for writ of mandate filed by CFH in Californians for Homeownership v. City of Beverly Hills, the court found that Beverly Hills had not complied with its legal duty to plan for housing under the regional housing needs allocation (RHNA) and housing element system.

In granting the petition for writ of mandate filed by CFH in Californians for Homeownership v. City of Beverly Hills, the court found that Beverly Hills had not complied with its legal duty to plan for housing under the regional housing needs allocation (RHNA) and housing element system.

“This is a milestone decision in state housing law,” said California Association of Realtors President Jennifer Branchini in a statement. “For far too long, cities and counties have used unrealistic and under- developed housing plans to skirt around state planning rules. This case proves that the Legislature’s recent improvements to housing element law go a long way toward solving this problem, so long as these new laws are vigorously enforced.”

Beverly Hills, like all other cities in California, is required to submit a housing element plan to the California Department of Housing & Community Development (HCD) outlining how it will create capacity for a state mandated number of new housing units by 2029.

The City Council adopted Beverly Hills’ housing element in October 2021, outlining the city’s ability to create capacity for 3,109 new units, including approximately 1,700 affordable units, per the state’s demands. HCD declined to certify both the city’s initial housing element and a second version adopted by council in February 2023, ordering both times that revisions be made to the plan including more details on suitable sites for housing development.

One of the key criticisms that the CFH’s writ petition levied against the city’s current housing element is its reliance on directing new housing development into commercial corridors and overestimating how many units can be built there. The nonprofit alleged that this is an unrealistic strategy for generating enough housing units to meet the city’s RNHA numbers.

“These are exactly the sorts of maneuvers that the recent changes to housing element law were designed to address,” said CFH attorney Matthew Gelfand. **“When cities include inappropriate sites and overcount the potential housing on those sites, it undermines the RHNA system and is deeply unfair to those cities that have put in the work and developed**

realistic housing plans.”

In a statement to the Courier in response to the writ, City Attorney Laurence Wiener said that the city intends to appeal the decision and is already working closely with the state to meet its housing requirements.

“The city has established a mixed-use zone in order to direct new development away from multi-family areas to preserve rent-stabilized units and avoid displacing tenants,” Wiener added.

CFH noted that it expects a final judgment in its lawsuit will require the city to revise its housing element on an expedited basis. Additionally, it believes that this week’s ruling will “provide needed clarity about the applicability of the builder’s remedy provisions to housing developments in the city.”

As the Courier has previously reported, builder’s remedy provisions in state law enable developers to sidestep local zoning regulations as long as the local jurisdiction is out of compliance with its housing element obligations. The provisions apply to proposed projects containing at least 20% affordable units.

This builder’s remedy issue is quickly becoming a prominent one in Beverly Hills. Developer Leo Pustilnikov has proposed several builder’s remedy projects in the city, including a proposed nineteen-story residential and hotel complex on South Linden Drive. Pustilnikov and his lawyer Dave Rand have previously expressed the view that because the city’s housing element has not received HCD certification, the city must accept builder’s remedy project applications.

“The city’s position that the builder’s remedy somehow doesn’t apply to Beverly Hills or somehow doesn’t allow us to obtain relief from zoning restrictions is not supported by the state law,” said Rand.

Rand said that his preference is to work collaboratively with the city to shape a project that is suitable to both parties, a tactic he has successfully used in other similarly situated jurisdictions.

In an interview at press time, Rand made the additional point that the city is an outlier compared to other neighboring affluent locations. Of the six member jurisdictions in the Westside Cities Council of Governments (WSCCOG), five have received certification for their housing element. Those five are Santa Monica, Culver City, West Hollywood, the city of Los Angeles (Districts 5 and 11) and the County of Los Angeles (Districts 2, 3 and 4).

The only WSCCOG member not in that category is Beverly Hills. Referring to this week’s writ as a “game changer,” Rand noted, “Going back for over a year now, housing advocates and the state have all been saying that Beverly Hills lacks a compliant city housing element. Applicants have been saying it and now a court of law has agreed. I believe the city was probably hoping that they would find a sympathetic ear in the form of a Superior Court judge, but that has not proven to be the case. The court could not have been clearer that the city’s housing element fails on multiple levels, paving the way for builder’s remedy projects to proceed.”

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

Mark Perez

From: Josh Albrektson [REDACTED]
Sent: Saturday, September 16, 2023 8:01 AM
To: Evelyn Zneimer; City Council Public Comment; Jon Primuth; Jack Donovan; Michael Cacciotti; Janet Braun; Roxanne Diaz; Armine Chaparyan
Cc: Sonja Trauss; Keith Diggs
Subject: Item 2 public comment, email 2 of 3

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

The main person who writes letters for YIMBYLaw happened to go on vacation on Wednesday. It is expected that a letter will be written by YIMBYLaw and delivered to you on this subject by the time of the meeting, but if this doesn't happen I have been asked as a temporary representative that YIMBYLaw believes the general plan is not internally consistent with the adopted housing element, that you should adopt the zoning as defined in the Housing Element, and that they will consider suing you if you choose not to adopt a general plan that is internally consistent with the Housing Element.

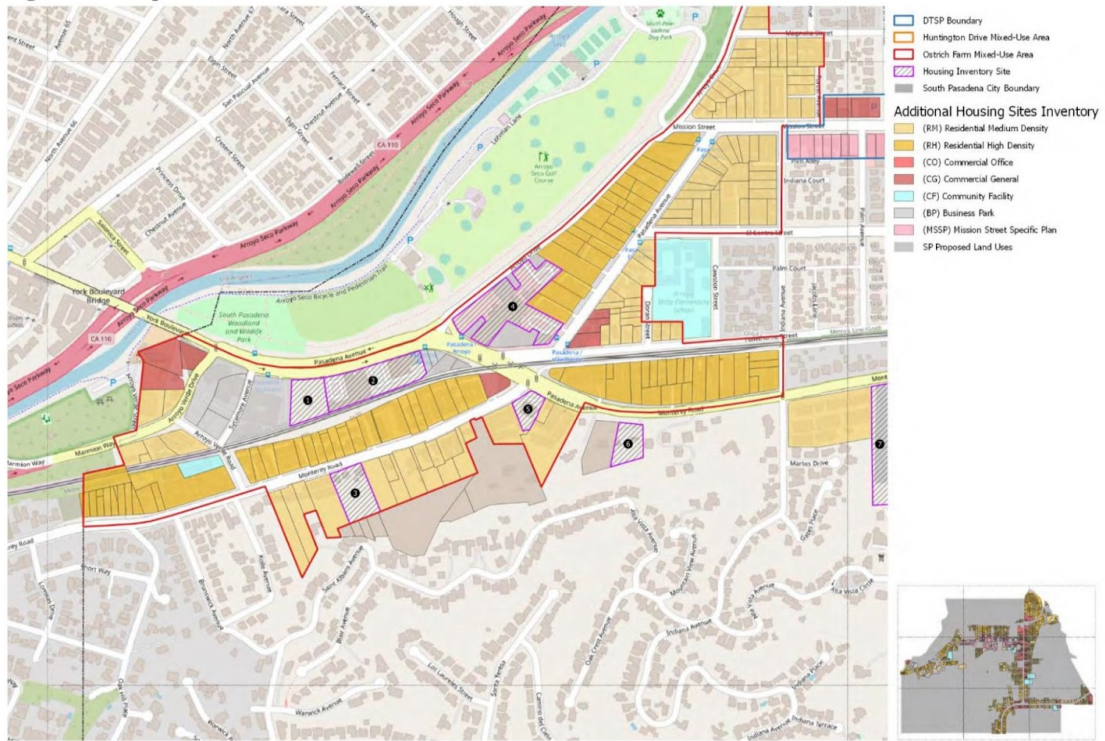
Everything below is my statement and only mine and is not the expressed views of YIMBYLaw, but they probably agree with me 100%.

I have included pictures in this e-mail. Quite frequently when I send in pictures by public comment, the pictures are not included in the record. So I will include an explicit description of the picture.

Picture 1 is Figure A-3.b of the adopted Housing Element. This picture is of the Ostrich Farm Area of South Pasadena. In this picture there is a red outline that the key states is "Ostrich farm mixed use area." That includes both sides to the street on Monterey, Pasadena, and portions of Mission street. This is page A1-15 of

the Housing

f 625 Figure A-3.b Map of Additional Sites to Accommodate Lower Income RHNA



Element.

Picture number 2 is Figure A-3.e of the Housing Element. This map is primarily the western portions of Huntington Drive. This has an orange outline which the key states is the Huntington Drive Mixed Use Area. That orange line includes both sides of Huntington Drive and parts of Fair Oaks. This is page A1-18 of the Housing Element.

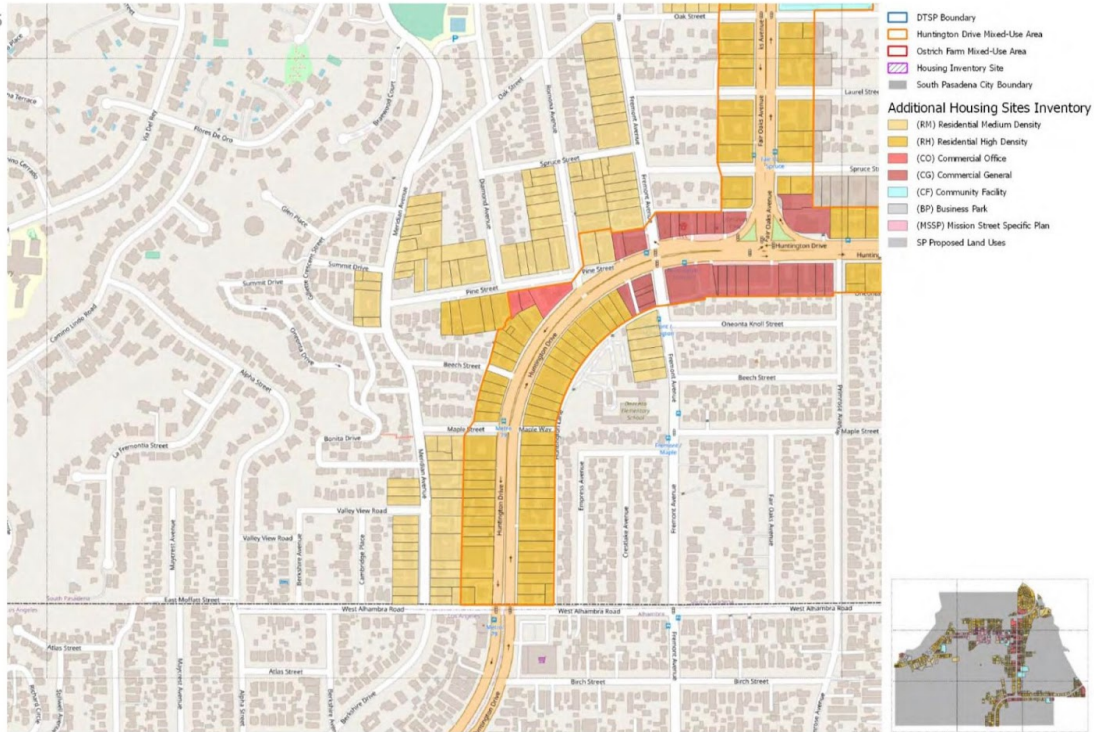
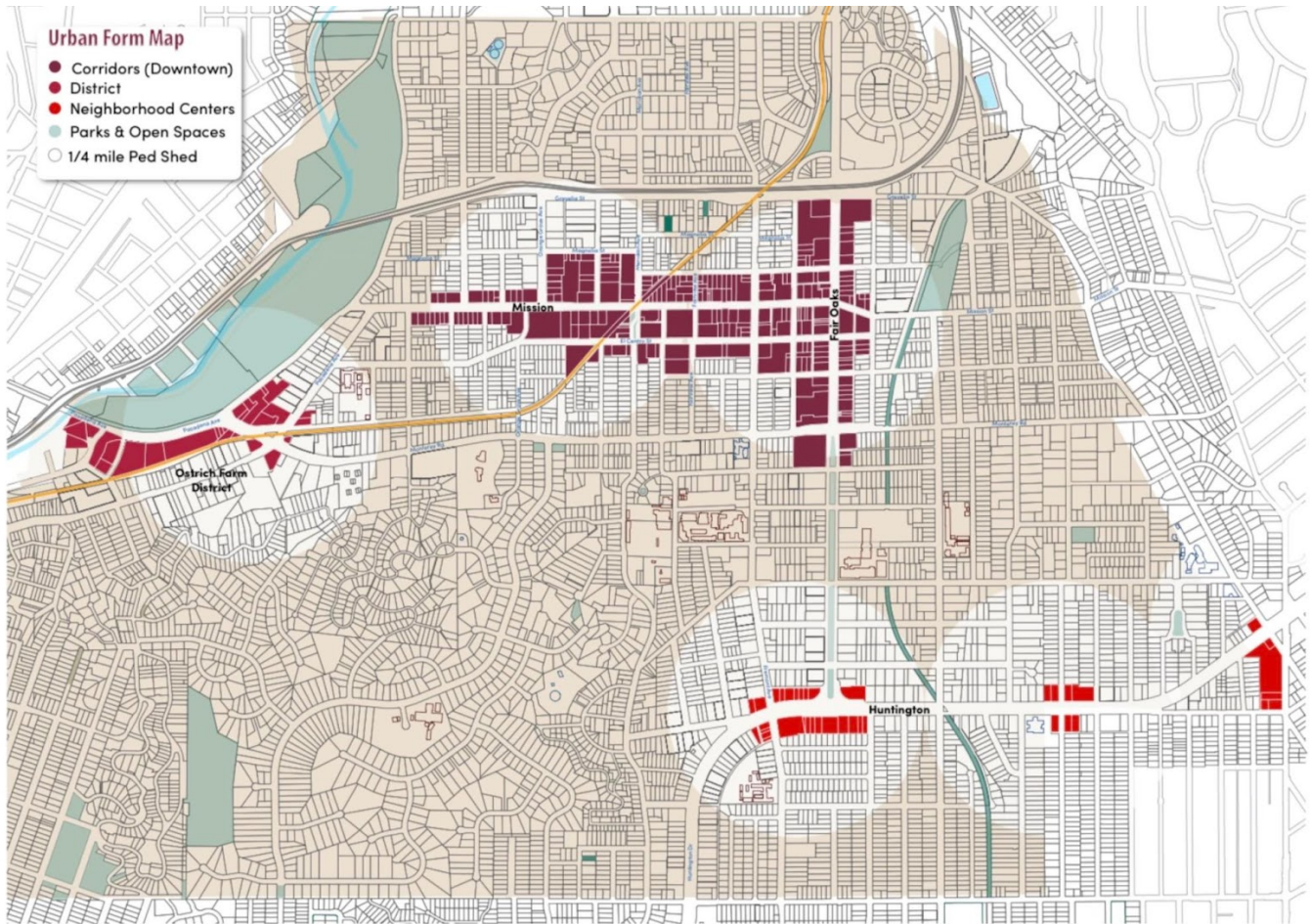


Figure A-3.f Map of Additional Sites to Accommodate Lower Income RHNA

Picture number 3 is Figure A-3.h of the Housing Element. This map is primarily the eastern part of Huntington drive. This has an orange outline which the key states is the Huntington Drive Mixed Use Area. That orange line includes both sides of Huntington Drive and parts of La Senda and Olive Ave. This is page A1-21 of the Housing Element.



Picture 4 is Figure B3.2 of page 56 of the final draft general plan. This shows the locations of every place that 70 DU/acre will be adopted



Almost every building that is zoned for 70 DU/acre in pictures 1, 2, and 3 of your HCD approved and adopted Housing Element has been eliminated in your General plan.

It is an absolute fucking requirement that your general plan have the same zoning as your Housing Element. That is legally what it means to be "Internally consistent."

Your staff has this listed as one of your General Plan Findings on page 13 of the Agenda Packet:

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

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

Internally consistent means that the zoning in the General Plan MATCHES the zoning in the Housing Element.

It DOES NOT mean that Alison Becker thinks that if the Housing Element was a person that the personhood of the Housing Element would feel that the goals expressed were accomplished by adopting a general plan with a significant downzone.

This is a blatant violation of the law by Alison and I specifically told her this was a violation of the law on March 7th 2023 when she tried to lie to me a very incorrect version of what "internally consistent" meant.

And what the fuck is your city attorney doing????? Like how the fuck does anybody with any law degree look at that fact that the zoning is VASTLY different between the two plans and allow Alison Becker to write out that it is internally consistent. Isn't it the job of Roxanne Diaz to stop the South Pasadena city staff from making these blatantly illegal claims?? Or does she just want to rack up legal fees when South Pasadena gets sued

again???

This kind of willful incompetence keeps happening under Armine. She has done a great job with the rest of the city government, but this has moved you to the top of cities that housing advocates want to sue. The fact this is a pretty explicit violation of your stipulated judgment means you probably won't adopt this, but if you did, I can guarantee you that you would be sued.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Josh Albrektson](#)
To: [City Council Public Comment](#); [Armine Chaparyan](#); [Jack Donovan](#); [Jon Primuth](#); [Evelyn Zneimer](#); [Janet Braun](#); [Michael Cacciotti](#); [Roxanne Diaz](#)
Cc: [Matthew Gelfand](#); [Anne Bagasao](#)
Subject: Item 2 public comment, 3 of 3
Date: Saturday, September 16, 2023 8:03:42 AM

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

The City of South Pasadena was sued by the Californians for Homeownership for not having a compliant Housing Element.

After negotiations there was a stipulated judgment issued by the Honorable Judge Chalfant issued on August 18th, 2022. It was signed by your then city attorney, Andrew Jared.

The judgment is attached here:

<https://www.southpasadenaca.gov/home/showpublisheddocument/30538/637989190353900000>

The following is header number (2) under the IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT:

(2) The city shall complete all rezoning of property contemplated in the housing element within 120 days of its adoption of the housing element. For the purposes of this section, rezoning of the property shall not include any action required to be put to the vote of the electorate to consider a repeal of the City's 45 height limit or any subsequent required action should such a measure fail to bring the housing element into compliance.

I have bolded and enlarged the relevant part.

The stipulated judgment requires that within 120 days you rezone all property AS ZONED IN THE HOUSING ELEMENT.

This is blatant and explicit. You don't have to do anything about the 45 height limit in the 120 days, but you ABSOLUTELY MUST rezone the complete Ostrich Farm and Huntington Drive zones to 70 DU/Acre as stated in your HCD approved and adopted Housing Element by Sept 27th, 2023.

More specifically you MUST zone properties Housing Element in Table VI-51 on pages 189 to 230 at the density listed in the table.

This includes Victor Tangs property where you specifically state on Page B1-208 that his property is *"included in the Ostrich Farm mixed-use area as shown in Figure A3.b (Page A1-15). This area will allow for densities of up to 70 du/ac."*

If you do not complete this rezoning by Sept 27th, 2023, this is an intentional violation of the order given to you by Judge Chalfant in your stipulated judgment.

I was going to contact Judge Chalfant to let him know that you are planning on violating his judgment, but I do not have to. Californians for Homeownership will.

If you want to know why you have so many legal fees, it is because Armine is allowing your planning staff to repeatedly propose illegal things, and your city attorney makes more when you get sued than when they prevent lawsuits.

I look forward to telling HCD how you have a developer that wants to build housing at the density he was told he would be zoned for in the Housing Element, but Alison Becker decided not to allow it. I am sure that will go over well when South Pasadena claims they really are trying to get housing built.

If I have enough time by HCD, I'll even play them at the last planning commission meeting where the property owner asked your staff for the zoning in the Housing Element and Alison said no.

Maybe I will play the video of the city council meeting on Feb 1st where the lawyer from Pavilions asked for 150 DU/acre and you gave them 110 and ask that HCD demand it be removed as a potential site.

If you guys do not adopt the Housing Element zoning as required by your stipulated judgment you can fully expect that everything will be litigated with HCD, and that includes South Pasadena Tenants Union and Care First, neither of which are happy with you right now.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Carol](#)
To: [City Council Public Comment](#)
Cc: [CCO](#)
Subject: I oppose adopting the draft General & Downtown Specific Plan & PEIR as is
Date: Sunday, September 17, 2023 4:39:44 PM

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

Comments to South Pasadena City Council,

I oppose adopting the draft General & Downtown Specific Plan & PEIR as is, which appears to have the goal of eliminating commercial uses in order to double the population and increase the scale of buildings with heights of up to 6-8(?) stories in our city! Exceeding RHNA numbers through razing our popular businesses will turn South Pasadena from the wonderful place we currently enjoy, and into a hell-scape of poor planning.

I understand you are under the gun of this crazy state-mandated new-build RHNA unit demands that we have to meet as a city, but whose idea is it to voluntarily commit "citi-cied" by **multiplying** the already unsupportable density the state has mandated by a factor of six? A buffer of planning for 2,500 units under the circumstances is understandable, but going from the required 2,067 units demanded by the state, to *over* **13,000+** is **suicidal and will over-burden our city's** school system, roads, water, sewer, and electricity (we already experience city wide blackouts)!

Currently South Pas has a "very walkable-friendly" rating hovering around 85/100, meaning you can reasonably walk to almost any of the business destinations where you wish to shop in town. But demolishing much needed businesses and our beautiful old craftsman houses in order to build monstrous sized apartment and condo units, destroys what makes this town special.

Not only will this plan increase traffic by forcing us into our cars to travel greater distances to *other* cities just to purchase groceries and hardware items, etc., but it also goes against council member Cacciotti's (hopefully honestly?) stated goals of reducing pollution and fighting climate change.

Does this version of the Downtown Specific Plan actually call for the demolition of Pavilions, Ralphs, Bristol Farms and Ace Hardware along with the surrounding stores????!! How can removal of essential commercial businesses be allowed without a provision for inclusion of a comparable replacement in the Mixed-Use areas?

Residents need to be warned that if you approve this plan, **once you up-zone, there is no going back.** By right, developers will be able to build **all of the 13,000+** units you have allocated, and...they ***will !!***

The goal of a planning a city should be that of improving it, not destroying it!

If HCD or SCAG are working behind the scenes trying to force our city to multiply RHNA numbers by a factor of 6 - then it **seems something inappropriate is taking place** and **we need lawyers to look into this and defend our city.**

Sincerely shocked,

Carol Kramer
South Pasadena, CA

From: [Joe Potts](#)
To: [City Council Public Comment](#)
Subject: General Plan / Downtown Specific Plan Update
Date: Monday, September 18, 2023 9:18:41 AM

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

The Mayor needs to explain out loud why the Council would want to move forward with a plan which appears to allow 6x the required 2067 new housing units plus a safety bumper, to meet RHNA numbers.

Joe Potts
Meridian Ave

See Ya
Joe



From: [Joanne Nuckols](#)
To: [City Council Public Comment](#)
Subject: City Council Agenda 9/18/23
Date: Monday, September 18, 2023 10:24:46 AM

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City council, there are a number of questions asked by the public orally and in writing, but not answered and explained clearly, about the draft General Plan. Two are below:

1. If the city's RHNA allocation is 2,067 new units and you add a buffer up to approx 2,500 new units planned for, why does the documents anticipate adding approximately 13,000 new units? Is there some other mandate from SCAG, besides the RHNA number of which we are not aware? Once the city up zones, you cannot down zone unless those units are replaced somewhere else in town.
2. Why is the 1983 city voter mandated 45' height limit and voter mandated prohibition on any more than a 5% parking variance not thoroughly discussed with the public in the document so that the citizens understand the **voter mandate supercedes state law**, until and unless repealed, as stated by the City Attorney/staff in writing the Housing Element? The issue appears to be brushed aside as an annoyance other than a mandate that it surly is.

Until these two fundamental questions, and many others, can be answered satisfactorily, the council cannot approve the documents before you tonight. The General Plan is a promise to the people as to the future development of South Pasadena. The people deserve to know what is in their future and be a participant in that vision for the future.

Thank you for your consideration.


Joanne Nuckols

Mark Perez

From: Keith Diggs [REDACTED]
Sent: Monday, September 18, 2023 12:00 PM
To: Josh Albrektson
Cc: Evelyn Zneimer; City Council Public Comment; Jon Primuth; Jack Donovan; Michael Cacciotti; Janet Braun; Roxanne Diaz; Armine Chaparyan; Sonja Trauss
Subject: Re: Item 2 public comment, email 2 of 3

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We are indeed looking into this. Letter from YIMBY Law to follow.

Keith Diggs 
Attorney



On Sat, Sep 16, 2023 at 8:01 AM Josh Albrektson [REDACTED] wrote:

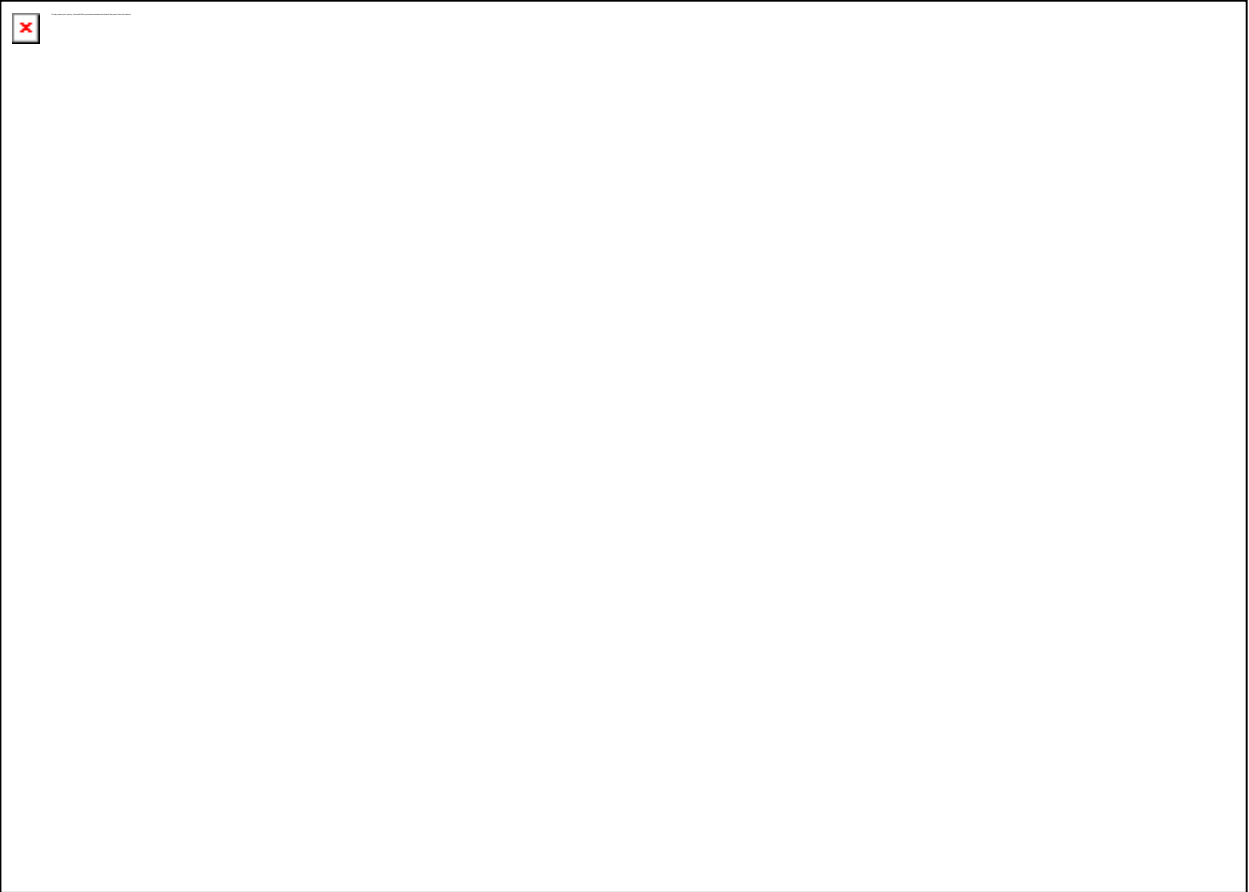
The main person who writes letters for YIMBYLaw happened to go on vacation on Wednesday. It is expected that a letter will be written by YIMBYLaw and delivered to you on this subject by the time of the meeting, but if this doesn't happen I have been asked as a temporary representative that YIMBYLaw believes the general plan is not internally consistent with the adopted housing element, that you should adopt the zoning as defined in the Housing Element, and that they will consider suing you if you choose not to adopt a general plan that is internally consistent with the Housing Element.

Everything below is my statement and only mine and is not the expressed views of YIMBYLaw, but they probably agree with me 100%.

I have included pictures in this e-mail. Quite frequently when I send in pictures by public comment, the pictures are not included in the record. So I will include an explicit description of the picture.

Picture 1 is Figure A-3.b of the adopted Housing Element. This picture is of the Ostrich Farm Area of South Pasadena. In this picture there is a red outline that the key states is "Ostrich farm mixed use area." That includes both sides to the street on Monterey, Pasadena, and portions of Mission street. This is page A1-15

of the Housing

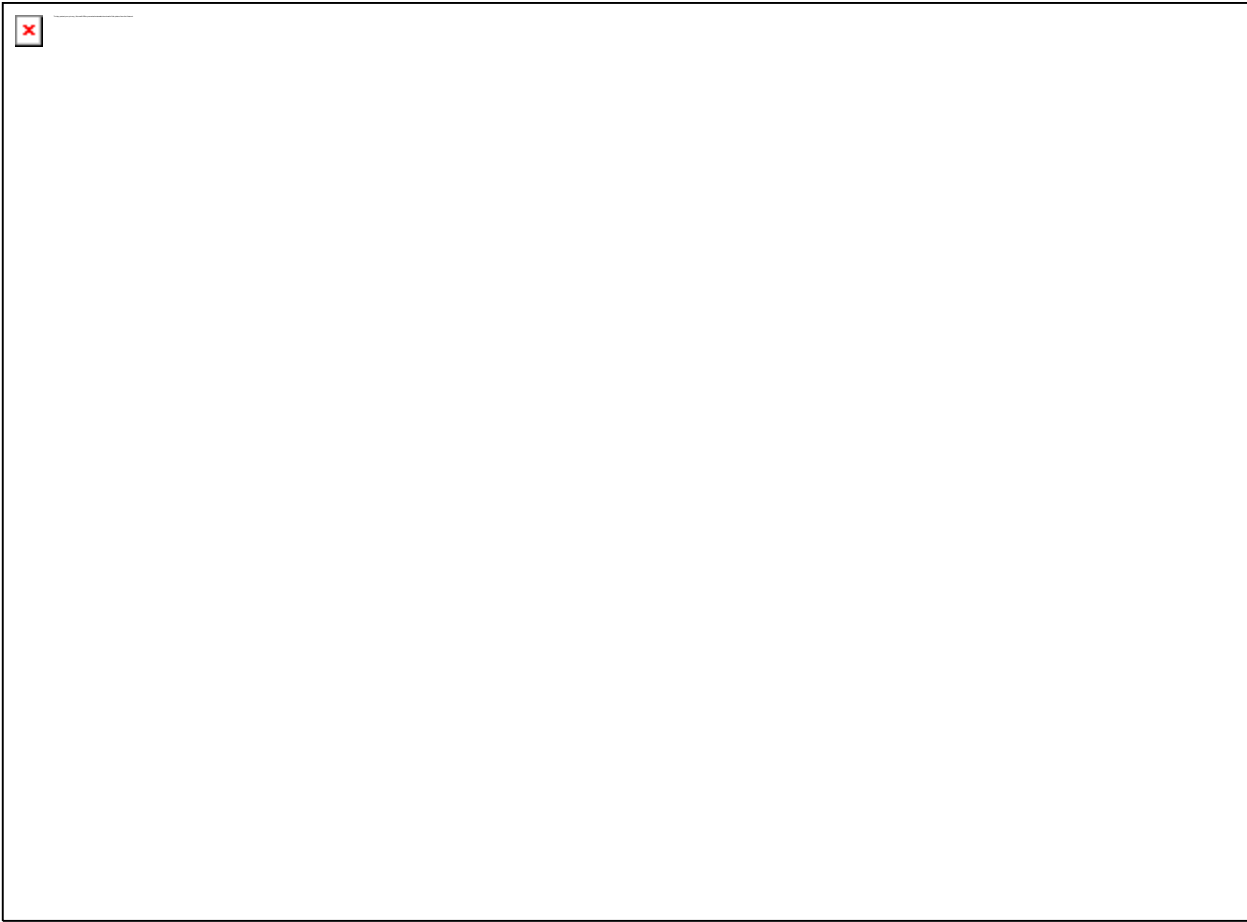


Element.

Picture number 2 is Figure A-3.e of the Housing Element. This map is primarily the western portions of Huntington Drive. This has an orange outline which the key states is the Huntington Drive Mixed Use Area. That orange line includes both sides of Huntington Drive and parts of Fair Oaks. This is page A1-18 of the Housing Element.



Picture number 3 is Figure A-3.h of the Housing Element. This map is primarily the eastern part of Huntington drive. This has an orange outline which the key states is the Huntington Drive Mixed Use Area. That orange line includes both sides of Huntington Drive and parts of La Senda and Olive Ave. This is page A1-21 of the Housing Element.



Picture 4 is Figure B3.2 of page 56 of the final draft general plan. This shows the locations of every place that 70 DU/acre will be adopted



Almost every building that is zoned for 70 DU/acre in pictures 1, 2, and 3 of your HCD approved and adopted Housing Element has been eliminated in your General plan.

It is an absolute fucking requirement that your general plan have the same zoning as your Housing Element. That is legally what it means to be “Internally consistent.”

Your staff has this listed as one of your General Plan Findings on page 13 of the Agenda Packet:

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

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

Internally consistent means that the zoning in the General Plan MATCHES the zoning in the Housing Element.

It DOES NOT mean that Alison Becker thinks that if the Housing Element was a person that the personhood of the Housing Element would feel that the goals expressed were accomplished by adopting a general plan with a significant downzone.

This is a blatant violation of the law by Alison and I specifically told her this was a violation of the law on March 7th 2023 when she tried to lie to me a very incorrect version of what “internally consistent” meant.

And what the fuck is your city attorney doing????? Like how the fuck does anybody with any law degree look at that fact that the zoning is VASTLY different between the two plans and allow Alison Becker to write out that it is internally consistent. Isn't it the job of Roxanne Diaz to stop the South Pasadena city staff from

making these blatantly illegal claims?? Or does she just want to rack up legal fees when South Pasadena gets sued again???

This kind of willful incompetence keeps happening under Armine. She has done a great job with the rest of the city government, but this has moved you to the top of cities that housing advocates want to sue. The fact this is a pretty explicit violation of your stipulated judgment means you probably won't adopt this, but if you did, I can guarantee you that you would be sued.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Ed Elsner](#)
To: [City Council Public Comment](#)
Cc: [Jon Primuth](#); [Michael Cacciotti](#); [Janet Braun](#); [Evelyn Zneimer](#); [Jack Donovan](#)
Subject: Public Comment, Agenda Item 2., Special Meeting, September 18, 2023
Date: Monday, September 18, 2023 9:09:10 AM
Attachments: [Comment on Draft PEIR \(Elsner\).pdf](#)
[Existing Unit Counts \(September Draft GP\).pdf](#)

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The draft general plan should not be adopted, and the PEIR should not be certified, until the housing element is formally amended to correct the error-ridden Table VI-51 and to remove all medium density and high density residential parcels from the housing element's rezoning program.

The methodology used by the draft general plan to project housing growth (as illustrated in Tables B3.2 and B3.3) is deeply flawed:

- Offsetting 11,050 existing units from projected realistic capacity of 13,917 units to determine projected housing growth is essentially a projection that every existing housing unit in the City will be demolished and replaced during redevelopment.
- For the Neighborhood Very Low and Neighborhood Low planning designations, theoretical unit capacity and realistic capacity are the same, with no adjustment. In other words, the draft general plan is projecting that all of the single family residential parcels that comprise these planning designations will be redeveloped at maximum capacity.
- For the Mixed-Use Core and Fair Oaks Corridor planning designations, to get from a combined realistic capacity of 5,932 units ($3,224 + 2,708 = 5,932$, see Table B3.2) to a combined projected growth of 1,920 units ($490 + 880 + 350 + 140 + 0 + 60 = 1,920$, see Table B3.3), you would need to subtract 4,012 existing units ($2,184 + 1,828 = 4,012$, see attached table). But according to Table VI-51 of the adopted housing element, this is an impossibility, as these planning designations have a total of only 497 existing units. (That number is actually overstated by hundreds of units, as Table VI-51 counts existing units for parcels that shouldn't have any, such as Trader Joe's on Mission Street.) When 497 existing units are subtracted from realistic capacity of 5,932 units, the result is 5,435, not 1,920, a difference of 3,515 units. The draft general plan therefore understates projected housing growth by at least the same amount.

In reliance on the erroneous Table VI-51, the City Council adopted the housing element,

and the current situation is similar.

The most significant error in Table VI-51 of the housing element was the failure to include the 400% development capacity adjustment in the calculation of anticipated development capacity for any parcel with a specified density greater than 50 units/acre.

This error, which was known before the housing element was adopted but never flagged in any agenda report or discussed in open session, resulted in a 2,641 unit understatement of total anticipated development capacity, or the entire 2,067 RHNA allocation plus a 28% buffer.

By adopting the housing element, the City Council effectively approved a rezoning program that was double what was required.

The agenda report for tonight's special meeting indicates that "Table VI-51 of the Housing Element will be revised" (p. 2-77) to change the 70 units/acre density specified in the table for every medium density and high density residential parcel on Huntington Drive (the 70 units/acre density specified for every parcel along the Huntington Drive corridor was another aspect of Table VI-51 that was known before the housing element was adopted, but whose implications were never disclosed in any agenda report or discussed in open session.)

The housing element should instead be revised to correct the 400% adjustment error, to correct the overstated existing unit count for the listed mixed-use and downtown specific plan parcels, and to remove all medium density and high density residential parcels from the table, and from the housing element's rezoning program.

When the 400% adjustment error and overstated existing unit count are corrected, it is clear that the City's RHNA allocation and buffer can be met by rezoning the mixed-use and downtown specific plan parcels listed in Table VI-51, without having to rezone any medium density or high density residential parcels.

Moreover, when medium density residential and high density residential parcels are removed from the corrected Table VI-51, the total anticipated development capacity would still be higher than projected in the adopted housing element, by hundreds of units.

Rezoning the listed neighborhood medium and neighborhood parcels is not required to meet the RHNA allocation; is not a required component of the housing element's missing middle housing program; and is not required by any other provision of the housing element law.

On the other hand, removing medium density and high density residential parcels from the housing element's rezoning program would mitigate environmental impacts and promote

the housing element's express goals of conserving existing housing stock and minimizing tenant displacement.

Any revision of Table VI-51 would require a formal amendment of the housing element; this process should begin as soon as possible, and no action should be taken on the draft general plan and PEIR until the process is complete.

Even if the City met the 120-day rezoning deadline by adopting the draft general plan as written, litigation should be expected given the inconsistencies between the adopted housing element and the draft general plan, especially relating to the specified 70 units/acre density for every parcel on the Huntington Drive corridor.

The City should get ahead of this by proactively amending the housing element as recommended above, with full transparency about the reasons why and the demonstrable benefits of correcting the substantial errors in Table VI-51 and removing medium density and high density residential parcels from the rezoning program (e.g., increased anticipated development capacity, mitigation of environmental impacts, conservation of existing housing stock, and minimization of tenant displacement).

The attached comment to the draft PEIR, previously submitted to the community development department on September 6th, goes into more detail on the above issues.

The adopted housing element gave away the farm based on bad data, and adopting the draft general plan as written would only dig a deeper hole.

It is worth the effort to fix the housing element and revise the general plan and PEIR accordingly, even if that means having to defend the actions in court.

Ed Elsner

[REDACTED]
[REDACTED]

Ed Elsner
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September 6, 2023

Ms. Alison Becker
Deputy Director of Community Development
1414 Mission Street
South Pasadena, California 91030
VIA EMAIL (CDD@southpasadenaca.gov) ONLY

Dear Ms. Becker,

Please accept for consideration this comment on the environmental analysis presented in the Draft Program Environmental Impact Report (“PEIR”) for the General Plan and Downtown Specific Plan Update & 2021–2029 Housing Element Implementation Programs (“Project”).

The PEIR does not comply with CEQA as follows:

1. The PEIR does not disclose the true scope of the Project;
2. The PEIR does not analyze tenant displacement impacts;
3. The PEIR does not adequately analyze impacts on the Huntington Drive corridor; and
4. The PEIR should further analyze the Distributed Housing Alternative.

More specific comments are provided below.

1. The PEIR Does Not Disclose The True Scope Of The Project.

a. The Housing Element Understates Anticipated Development Capacity.

In section 2.4.4, the PEIR recites that “for purposes of this PEIR, a total of 2,775 new DUs are analyzed as being developed.” Table 2-2 of the PEIR “summarizes the 6th Cycle RHNA allocation for the City of South Pasadena that

the Project accommodates,” breaking down the RHNA allocation and surplus by income group:

**TABLE 2-2
 2021–2029 HOUSING ELEMENT RHNA ALLOCATION**

Income Group	Number of New Units Allocated to City ^a	Percentage	RHNA Surplus ^b
Extremely Low and Very Low Income	757	37%	177
Low Income	398	19%	
Moderate Income	334	16%	144
Above Moderate Income	578	28%	316
Total	2,067	100%	708
Total Dwelling Units		2,775	

Sources: ^a SCAG 2021; ^b South Pasadena 2023.

The primary source for Table 2-2 is Table VI-52 of the housing element:

Table VI-52
 COMPARISON OF SITE CAPACITY AND RHNA

INCOME GROUP	TOTAL RHNA	UNITS APPROVED SINCE 6/30/21	ADUS WITH APPROVED BUILDING PERMITS SINCE 6/30/21	PROJECTED ACCESSORY DWELLING UNITS	UNITS ON VACANT AND NON-VACANT SITES WITH SUITABLE ZONING (TABLE VI-44)	UNITS ON VACANT SITES NEEDING ZONING CHANGES (SITE 1 TABLE IV-50)	UNITS ON NON-VACANT SITES NEEDING ZONING CHANGES (TABLE IV-44 AND 50)	UNITS DUE TO REZONING (TABLE VI-51)	TOTAL CAPACITY	SURPLUS RHNA	SURPLUS RHNA PERCENT
Extremely Low	757	0	1	45	0	70	522	533	1,332	177	15%
Very Low		0	1	27							
Low		0	3	130							
Moderate	334	0	1	6	0	0	205	266	478	144	43%
Above Moderate	578	9	22	89	109	0	286	379	894	316	55%
TOTAL	2,067	9	29	297	109	70	1,083	1,178	2,775	708	34%

Note: The income levels assigned to the ADUs approved since June 30, 2021 are based on the SCAG ADU affordability analysis.

The 2,775 total includes 1,178 units from Table VI-51 of the housing element. Table VI-51 identifies listed parcels as potential housing sites under the housing element’s rezoning program (Program 3.a.). Listed parcels are identified by assessor parcel number (APN), and for each parcel, the table specifies the current general plan land use, parcel size, existing unit count, density, and total capacity.

Total capacity is calculated by multiplying parcel size and density (as specified in the table for each parcel) and subtracting existing units to account for the demolition and replacement of existing units during redevelopment. Thus, total

capacity represents a net addition to the City’s housing inventory resulting from the redevelopment of any given parcel.

To determine the anticipated development capacity for the listed parcels, and recognizing that not every parcel would be redeveloped, Table VI-51 assigns a 5% base probability of development to each parcel and then applies a series of “development capacity adjustments” to the base probability, depending on the characteristics of each parcel.

There are downward adjustments for historic districts (50%), commercial use (50%), newer construction (50%), and environmental constraints (50%). Upward adjustments are applied to parcels with a specified density greater than 50 units/acre (400%) and parcels located within 1/2 mile of a major transit stop (150%). For each listed parcel, the total adjustment is applied to total capacity to determine anticipated development capacity. For all listed parcels, the total anticipated development capacity is 1,178.

For parcels with a specified density greater than 50 units/acre, the housing element provides the following explanation:

- **Density ≥ 50 du/ac:** It is anticipated that sites with a higher allowed intensity will be more likely to be redeveloped due to the higher potential return on investment by the property owners and developers of these sites. Therefore, sites with a residential zoning capacity of 50 du/ac or more are given a 400% development capacity adjustment.

Although Table VI-51 displays the 400% adjustment for every eligible parcel, the adjustment is not actually included in the calculation of the total adjustment for any parcel, as illustrated in this cropped screenshot of parcel 5313003045:

Development Capacity Adjustments							
Base Probability	Historic	Commercial Utilization	Buildings Constructed since 2000	Environmental Constraints	Density > 50du/ac	Within 1/2 Mile of Major Transit Stop	Total Adjustment
5%	100%	100%	100%	100%	400%	100%	5%

When the error is corrected, and the 400% adjustment is applied to every parcel with a specified density greater than 50 units/acre, the total anticipated

development capacity for all listed parcels is 3,819 units, not 1,178, a difference of 2,641 units.

The record indicates that the housing element's anticipated development capacity of 2,775 housing units is erroneous. Cal. Code Regs. tit. 14, §15384(a). To the extent that the Project description is based on the housing element's understated total anticipated development capacity, the PEIR does not convey the Project's true scope. "If a final environmental impact report (EIR) does not 'adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,' informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law. [Citation.]" *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201.

The adjustment error in question was brought to the City's attention two months before the housing element was reviewed and approved by the Planning Commission and City Council. During a reopened comment period for the 5th draft housing element in late March 2023, this commenter submitted several written comments concerning the error. A March 22nd comment made the following recommendation:

Also, the 400% density adjustment should be included in the total development capacity adjustment for every listed site with a residential zoning of 50 du/ac or more. There is likely a formula error in the spreadsheet that needs to be resolved.

A follow-up comment submitted the next day stated the amounts of the corrected anticipated development capacity and the understatement:

Once the 400% development capacity adjustment is correctly applied to listed sites with a density of 50 du/ac or more, the new total anticipated development capacity is 3,819 housing units according to my calculation.

To put this in perspective, this is 2641 more housing units than the 1,178 total anticipated development capacity stated in the draft housing element for the sites listed in the uncorrected Table VI-51.

On March 24, 2023, this commenter met in person with City staff, on staff's invitation, to discuss the written comments. The former city attorney was present as well. He cited timing concerns, and the potential consequences of missing the court-ordered deadline to adopt a 6th cycle housing element, as reasons to submit the draft to HCD that day with no corrections to Table VI-51.

The draft housing element submitted to HCD published the written comments and the City's response, which included a “non-denial denial” of the adjustment error:

screened before building the new table. Staff also acknowledged the possibility of a formula error in the table. Upon further review after the meeting with the commenter, the City's Housing Element consultant determined that there is not a formula error in the table.

Although technically correct (unlike the underlying Excel file, the table is two-dimensional graphic containing no formulas), the response did not address the concern. The response did not deny that the 400% adjustment was not included in the total adjustment for any listed parcel, or that once corrected, the total anticipated development capacity for all parcels listed in Table VI-51 is 3,819 units.

Notwithstanding the timing issues cited by the former city attorney on March 24th, the March draft of the housing element was rescinded on April 28, 2023. A changed version was released, with no corrections to Table VI-51, and a new 7-day comment period was opened.

The April draft was submitted to HCD for review at the end of the comment period on May 5, 2023. On May 16, 2023, HCD issued a letter concluding that the April draft met the statutory requirements of the housing element law.

On May 17, 2023, the Planning Commission adopted a resolution recommending that the City Council adopt the draft housing element, and on May 30, 2023, the City Council adopted the housing element.

The written comments and the City's response were published in the final May draft reviewed by the Planning Commission and City Council. However, the adjustment error was not disclosed in the agenda reports, and to the best of this commenter's recollection, the error was not discussed by anyone in open session.

When the adjustment error is corrected, it becomes clear that rezoning Medium Density Residential and High Density Residential parcels (i.e., condominiums and apartment buildings) is unnecessary, and that the City's entire RHNA allocation and required buffer can be accommodated by the rezoning of the remaining parcels listed in Table VI-51. If Medium Density Residential and High

Density Residential parcels are removed from the housing element's rezoning program (Program 2.a.), the total anticipated development capacity would be 2,033, or 855 more units than Table VI-51's total anticipated development of 1,178.

For the foregoing reasons, the housing element should be amended to correct the 400% development capacity adjustment error in Table VI-51, and to remove Medium Density Residential and High Density Residential parcels from the housing element's rezoning program. The latter is a feasible alternative that would mitigate environmental impacts and promote Goal 1.0 ("Conserve and maintain the existing housing stock") and Goal 6.0 ("[T]he City is committed to ensuring that all of its renter households maintain housing stability and affordability so that they can stay and thrive in South Pasadena") of the housing element. 14 Cal. Code Regs. tit. 14, §15126.6. No reasonable interpretation of any provision of the housing element law would require the rezoning of these parcels, given the housing element's understated total anticipated development capacity and the tenant displacement impacts discussed in section 2. below.

The PEIR should be revised accordingly before the amended housing element is reviewed by the Planning Commission and the City Council. In addition to the implementation programs, the Project should be defined as including the amended housing element. Unlike the adopted housing element, the amended housing element would not be exempt from CEQA (because it would not be necessary to comply with a court order). Gov't Code §65759(a).

If these recommendations are not accepted, the PEIR should provide detailed, reasoned analysis addressing the adjustment error and the housing element's understated anticipated development capacity. "The [lead agency's] written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response." Cal. Code Regs. tit. 14, §15088(c).

Informal, ad hoc modification of Table VI-51 to achieve an error-free 2,775 unit count (for example by deleting parcels, changing densities, or tweaking adjustments) would not be a sufficient response to this comment. An informal

modification, which could be changed at will, would violate the fundamental principle that “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 (original italics). The errors in Table VI-51 may be corrected only through formal amendment of the housing element (see section 3. below for further discussion of the legal effect of Table VI-51).

b. The Draft General Plan Understates Projected Housing Growth.

Using a different methodology, different existing unit counts, and different adjustments, the draft general plan projects housing growth at 2,775 units, precisely and conveniently the same amount as the housing element’s erroneously understated total anticipated development capacity.

The starting point for the growth projections in the draft general plan is the unit capacity for six “planning designations”: Neighborhood Very Low, Neighborhood Low, Neighborhood Medium, Neighborhood High, Mixed-Use Core, and Fair Oaks Corridor.¹

Unit capacity is calculated by multiplying acres and density, and the total unit capacity shown on Table B3.2 of the draft general plan for the six planning designations is 24,570 housing units:

¹ This comment assumes that the Neighborhood Medium and Neighborhood High planning designations include all of the Medium Density Residential and High Density Residential parcels listed in Table VI-51 of the housing element, and that the Mixed -Use Core and Fair Oaks Corridor planning designations include the remaining listed parcels.

Planning Designation	Density (units/acre)	Parcels	Acres	Residential			Non-residential (square feet)	
				Unit Capacity	Adjustment	Realistic Capacity	Retail	Office
Neighborhood Very Low	3	1,187	454.5	1,364	--	1,364		
Neighborhood Low	5	3,398	625.6	3,128	--	3,128		
Neighborhood Medium	30	687	153.3	4,600	35%	1,610		
Neighborhood High	45	378	119	5,353	35%	1,874		
Mixed-Use Core	70	306	93.1	6,515	50%	3,257	463,000	370,000
Fair Oaks Corridor	110	91	32.8	3,610	75%	2,707	533,000	320,000
Civic	n/a	51	90.2	n/a	--	--		
Parks and Open Space	n/a	38	105.3	n/a	--	--		
Preserves	n/a	6	23.4	n/a	--	--		
Other Uses	n/a	53	17.1	n/a	--	--		
Total		6,195	1,714.3	24,570		13,940	996,000	690,000

The residential and non-residential numbers include existing development within South Pasadena.

Table B3.2. General Plan Capacity.

Next, realistic capacity is determined by applying adjustments to four of the planning designations. The higher the percentage of the adjustment, the higher the probability of development. Without explanation, no adjustment is applied to the planning designations least likely to be redeveloped (Neighborhood Very Low and Neighborhood Low), which effectively means a 100% probability of redevelopment for those planning designations.

The total realistic capacity for the six planning designations is 13,940 housing units, according to Table B3.2.

A note below the table states that “[t]he residential...numbers include existing development within South Pasadena.” Unlike the housing element adjustments, the draft general plan adjustments are applied to unit capacity before existing units are subtracted.

Overall, the draft general plan adjustments reflect a higher probability of development than the housing element adjustments, and the draft general plan contemplates more extensive redevelopment within the six planning designations. For example, a 35% adjustment is applied across the board to the Neighborhood Medium planning designation. By comparison, in the housing element, the typical

Neighborhood Medium parcel with a specified 30 units/acre density is given a 5% adjustment.

If there is any correlation between the draft general plan adjustments and the housing element adjustments, it has not been disclosed in the PEIR.

In another deviation from the housing element, the draft general plan uses a total existing unit count representing the City's entire housing inventory. This would include thousands of housing units with no appreciable likelihood of being redeveloped, such as detached single family residences. By contrast, Table VI-51's total existing unit count is tied to the existing unit counts of the parcels identified in that table as potential housing sites.

According to a FAQ document dated August 21, 2023, the City's entire 11,186 existing unit count was subtracted from the total realistic capacity of 13,940 units shown in Table B3.2 to arrive at the 2,067 RHNA allocation plus a capacity buffer:

**GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN
ADDITIONAL FREQUENTLY ASKED QUESTIONS**

August 21, 2023

Q1. What is a build-out analysis and was one conducted for the proposed plans?

A build-out analysis is used to estimate and describe the amount and the location of future development that may occur within a specified area and timeframe. The 2023 Draft General Plan does include a build-out analysis in the table found on page 62. Column 5, titled Unit Capacity calculates the theoretical full build out. A. The full build-out number is then revised to estimate likely development that could occur over the General Plan time horizon (approximately 20 years). 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.

When 11,186 is subtracted from 13,940, the total is 2,754; to reach a total of 2,775, the existing unit count that must have been used was 11,165. These existing units were apportioned among the six planning designations and subtracted from realistic capacity to determine the projected residential growth counts shown in Table B3.3, broken down by "place type" and totaling 2,775 units:

Pattern	Residential	Non-residential	
		Retail	Office
Districts			
Ostrich Farm	490 units	5,000 square feet	100,000 square feet
Corridors (within the Downtown Specific Plan)			
Fair Oaks Avenue	880 units	75,000 square feet	100,000 square feet
Mission Street	350 units	25,000 square feet	25,000 square feet
Neighborhood Centers			
Huntington Drive and Garfield Avenue	140 units	10,000 square feet	50,000 square feet
Huntington Drive and Fletcher Avenue	--	5,000 square feet	--
Huntington Drive and Fremont Avenue	60 units	10,000 square feet	25,000 square feet
Neighborhoods			
High Density	455 units	--	--
Medium Density	350 units	--	--
Low Density	40 units	--	--
Very Low Density	10 units	--	--
Total	2,775 units	130,000 square feet	300,000 square feet

Table B3.3. Projected Growth by Place Types.

Table B3.3’s projected growth counts, including the 2,775 total, have been incorporated into Table 2-3 of the PEIR, in the “Residential (DUs)” column (which means that if any revisions are made to Table B3.3 of the draft general plan, the same revisions must be made to Table 2-2 of the PEIR):

**TABLE 2-3
 CITY OF SOUTH PASADENA DEVELOPMENT CAPACITY (2040)**

	Size (acres)	Residential (DUs)	Non-Residential (sf)	
			Commercial	Office
Focus Areas				
<i>Corridors (within the Downtown Specific Plan Area)</i>				
Fair Oaks Avenue	80.0	880	75,000	100,000
Mission Street		350	25,000	25,000
Districts				
Ostrich Farm	13.4	490	5,000	100,000
Neighborhood Centers				
Huntington Drive & Garfield Avenue	4.5	140	10,000	50,000
Huntington Drive & Fletcher Avenue	1.6	0	5,000	0
Huntington Drive & Fremont Avenue	7.4	60	10,000	25,000
Neighborhoods (Throughout Remainder of the City)				
High Density		455	0	0
Medium Density		350	0	0
Low Density		40	0	0
Very Low Density		10		
	Totals	2,775	130,000	300,000
			430,000	
DU: dwelling units; sf: square feet; N/A: not available Source: South Pasadena 2023a.				

Existing unit counts are not specified in Table B3.2 or Table B3.3, but the count for each planning designation is easily determined from the tables. Once place types are matched to planning designations, the basic formula is Realistic Capacity (Table B3.2) - Projected Growth (Table B3.3) = Existing Unit Count. The following table matches place types to planning designations and performs the calculations:

Planning Designation	Realistic Capacity (Table B3.2)	Place Type (Table B3.3)	Projected Growth (Table B3.3)	Existing Unit Count
Neighborhood Very Low	1364		10	1354
		Very Low Density	10	
Neighborhood Very Low	3128		40	3088
		Low Density	40	
Neighborhood Medium	1610		350	1260
		Medium Density	350	
Neighborhood High	1874		455	1419
		High Density	455	
Mixed-Use Core	3257		1040	2217
		Ostrich Farm	490	
		Mission Street	350	
		Huntington Drive and Garfield Avenue	140	

Planning Designation	Realistic Capacity (Table B3.2)	Place Type (Table B3.3)	Projected Growth (Table B3.3)	Existing Unit Count
		Huntington Drive and Fletcher Avenue	0	
		Huntington Drive and Fremont Avenue	60	
Fair Oaks Corridor	2707		880	1827
		Fair Oaks Avenue	880	
TOTAL:	13940		2775	11165

The PEIR affirms that the 2,775 unit total shown in Table B3.3 of the draft general plan is scope-defining, and that this total (along with projected non-residential development) is the basis of all analyses in the PEIR:

2,272-acre City. The Project analyzed herein would accommodate a maximum of 2,775 DUs (i.e., the 6th Cycle RHNA allocation and HCD-recommended surplus) and 430,000 sf of non-residential uses, comprised of retail and office development, in addition to existing land uses. This represents the buildout condition that is the basis of all analyses in this PEIR. However, while this PEIR

However, apportionment of the City’s existing unit count among the six planning designations exposes a fundamental flaw in the draft general plan methodology.

To explain, for the Mixed-Use Core and Fair Oaks Corridor planning designations, the draft general plan subtracts a combined existing unit count of 4,044² from the combined realistic capacity of 5,964,³ for a combined projected growth of 1,920 units.⁴

But according to the housing element, these two planning designations have the lowest actual existing unit counts, with most parcels having 0 or 1 existing units. Filtering out Neighborhood Medium and Neighborhood High parcels, the actual combined existing unit count for the remaining Mixed-Use Core and Fair Oaks Corridor parcels is 497, according to Table VI-51.

Because redevelopment of Mixed-Use Core and Fair Oaks Corridor parcels would not affect the continued existence of housing units elsewhere, existing units in other planning designations cannot properly be subtracted from realistic capacity to determine projected growth.

² 2,217 (Mixed-Use Core) + 1,827 (Fair Oaks Corridor) = 4,044 (Combined Existing Unit Count).

³ 3,257 (Mixed-Use Core) + 2,707 (Fair Oaks Corridor) = 5,964 (Combined Realistic Capacity).

⁴ 1,040 (Mixed-Use Core) + 880 (Fair Oaks Corridor) = 1,920 (Combined Projected Growth).

If the existing unit counts in Table VI-51 of the housing element are correct, 497 is the maximum existing unit count that could possibly be subtracted from realistic capacity, and the draft general plan is necessarily and improperly subtracting existing units from other planning designations to determine projected growth for the Mixed-Use Core and Fair Oaks Corridor planning designations.

When 497 existing units are subtracted from the 5,964 realistic capacity, the result is a projected growth of 5,467 units, not 1,920, a difference of 3,547 units. Assuming that the existing unit counts in Table VI-51 of the housing element are correct, Table B3.3 of the draft general plan understates projected growth by at least 3,547 units.

The accuracy of the existing unit counts in Table VI-51, however, is uncertain. It is not possible to determine an actual existing unit count for the Neighborhood Medium and Neighborhood High planning designations, as Table VI-51 of the housing element erroneously reports the existing unit count as 0 for every Neighborhood High parcel and as 1 for numerous Neighborhood Medium parcels that have multiple existing units according to the county assessor's parcel descriptions.

For example, parcel 5319037001 is identified in the housing element as a high density residential parcel with 0 existing units. However, there is a 20-unit apartment building on the parcel, according to the assessor's online portal (portal.assessor.lacounty.gov/parceldetail/5319037001).

These errors were brought to the City's attention at the same time as the adjustment error discussed in section 1.a. above. From the March 22, 2023 written comment:

The table undercounts existing housing units. For example, every listed site whose current land use is High Density Residential is incorrectly shown as having "0" existing units. This

The following recommendation was made in the same comment:

Every listed Medium Density Residential site and High Density Residential site whose existing unit count is shown as "0" or "1" is suspect and should be checked by searching the APN on the County Assessor's online portal (<https://portal.assessor.lacounty.gov/>). The existing unit count for each site should be updated as necessary.

No changes were made to the draft housing element, and the response (published in the March, April, and May drafts of the housing element) speaks for itself:

- **How addressed:** City staff met with commenter on 3/24/23, prior to his final comment, to discuss his concerns. Staff acknowledged the limitations of the dataset that is used for the capacity analysis (Table VI-51). Data was pulled from our vendor's site and was not closely screened before building the new table. Staff also acknowledged the possibility of a formula

There is no analysis in the PEIR of the differing methodologies, no disclosure or analysis of the limitations of the dataset used for the housing element, and no reconciliation of the conflicting existing unit counts for the Mixed-Use Core and Fair Oaks corridor planning designations.

“Although perfection in preparing the EIR is not required, the agency must reasonably and in good faith discuss a project in detail sufficient to enable the public to discern the “analytic route” that the “agency traveled from evidence to action.” [Citations.]” *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 215-216.

Moreover, “[a] project description that gives conflicting signals to decision makers and the public about the nature of the project is fundamentally inadequate and misleading.” *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.

The City should amend the housing element as recommended in section 1.a. above (including the removal of Neighborhood Medium and Neighborhood High parcels from the housing element’s rezoning program), revise the draft general plan for consistency, and revise the PEIR accordingly, before these documents are reviewed by the Planning Commission and City Council.

If these recommendations are not accepted, the PEIR should provide detailed, reasoned analysis addressing the differing projection methodologies, the limitations of the dataset used for Table VI-51 of the housing element, the conflicting existing unit counts (especially the draft general plan's use of a 4,044 existing unit count for the Mixed-Use Core and Fair Oaks Corridor planning designations), the correlation if any between the draft general plan adjustments and the housing element adjustments, and the absence of any adjustment for the

Neighborhood Low and Neighborhood Very Low planning designations in Table B3.2 of the draft general plan.

2. The PEIR Does Not Analyze Tenant Displacement Impacts.

There was no meaningful disclosure of tenant displacement impacts before the housing element was reviewed by the Planning Commission and City Council, and to the best of this commenter’s recollection, none was requested.

Also, Table VI-51’s erroneous reporting of the existing unit counts for Neighborhood Medium and Neighborhood High parcels makes it impossible to estimate displacement impacts from the information provided in that table.

The PEIR itself maintains that the magnitude and location of the tenant displacement that “could” occur is “speculative”:

The General Plan and DTSP Update & 2021–2029 Housing Element Implementation Programs call for the conservation of the City’s established residential neighborhoods. Thus, most of the residential land uses in the City are expected to remain in place. New residential development on the limited number of vacant lots in the City would not involve any displacement of housing; however, transitions to higher densities within the focus areas or those lots outside the focus areas that have been determined a possibility for redevelopment and currently contain residential land uses could result in displacement. However, the magnitude and location of any such displacements is speculative at this time due to lack of sufficient information.

On the contrary, the magnitude of tenant displacement that could result from redevelopment can be estimated by applying the PEIR’s assumed vacancy rate (5.5%) and persons per household (2.48) to the combined existing unit count for the Neighborhood Medium and Neighborhood High planning designations (as derived from Tables B3.2 and B3.3 of the draft general plan). The combined existing unit count represents the number of existing units that the draft general plan expects to be demolished and replaced during redevelopment.

Table B3.2 of the draft general plan projects a combined realistic capacity of 3,484⁵ housing units for the Neighborhood Medium and Neighborhood High planning designations. When the combined existing unit count of 2,679⁶ is subtracted, the combined projected growth is 805 units.

⁵1,610 (Neighborhood Medium) + 1,874 (Neighborhood High) =3,484 (Combined Realistic Capacity).

⁶ 1,260 (Neighborhood Medium) + 1,419 (Neighborhood High) = 2,679 (Combined Existing Units)

Development of a condominium parcel would require unanimous agreement among the individual owners, so as a practical matter, few if any of the 2,679 existing units would be condominium units, and the displacement impacts would fall squarely on tenants residing in apartments.

Assuming a vacancy rate of 5.5% and 2.48 persons per household, 2,532 of the 2,679 existing units would be occupied by 6,279 tenants. Tenants comprise 53.5% of the PEIR's assumed population of 25,580, for a total of 13,685.

In other words, the draft general plan projects that 25% of the City's population, consisting of 46% of the City's tenants, would be displaced by redevelopment of Neighborhood Medium and Neighborhood High parcels.

The location of tenant displacement is not speculative: it would occur in the Neighborhood Medium and Neighborhood High neighborhoods indicated on the draft general plan's land use map. By contrast, redevelopment of Mixed-Use Core and Fair Oaks Corridor parcels (which can comfortably accommodate the entire RHNA allocation, buffer, and more) would result in little to no displacement of residential tenants.

Whether or not the response to this comment defends the draft general plan's methodology and existing unit counts, the PEIR should quantify and analyze the Project's impacts on residential tenants. If this recommendation is not accepted, the PEIR should provide detailed, reasoned analysis addressing the PEIR's assertion that "the magnitude and location of any such displacements is speculative at this time due to lack of sufficient information."

3. The PEIR Does Not Adequately Analyze Impacts On The Huntington Drive Corridor.

Table VI-51 is a mandatory component of the housing element with legal effect under the housing element law. Gov't Code §65583(c)(1). The information provided in Table VI-51 is required by statute (Gov't Code §65853.2(b), (g)(1), and (g)(2)) and by the terms of the settlement agreement in the *Californians for Homeownership, Inc. v. City of South Pasadena* housing element litigation:

- iii. For every non-vacant site identified as a site for housing in the housing element, including sites identified for rezoning, the City will specifically identify, on a parcel-by-parcel basis, the information that it contends satisfies its obligations under 65583.2(g)(1) (for all non-vacant sites) and 65583.2(g)(2) (for non-vacant sites identified to provide lower-income housing).

In particular, Table VI-51 specifies a density of 70 units/acre for every parcel on Huntington Drive, regardless of planning designation. This has “No Net Loss” implications (see Gov’t Code 65853(b) and (g)) and implications for project approvals under the Housing Accountability Act (see Gov’t Code §65589.5(j)(4)).

Having specified a density of 70 units/acre for every parcel on Huntington Drive, including Neighborhood Medium and Neighborhood High parcels, the City is also obligated by the settlement agreement (and by Program 3.n. of the housing element) to include the parcels in a 2024 height limit ballot measure:

- iv. The housing element will contain (1) a program to seek, through voter approval by December 31, 2024, the repeal of the City’s 45-foot height limit as to at least any residential or mixed-use (including residential) project on the parcels for which the housing element anticipates a base density in excess of 50 units/acre; and (2) a program to complete a mid-cycle revision of the City’s housing element, reducing all for which the housing element anticipates a base density in excess of 50 units/acre sites to an assumed maximum density of 50 units/acre, within nine months in the event that the proposal is not approved by the City’s voters.

Although the draft general plan purports to establish lower densities of 30 units/acre for Neighborhood Medium parcels and 45 units/acre for Neighborhood High parcels citywide, the settlement agreement expressly requires inclusion of “the parcels for which *the housing element* anticipates a base density in excess of 50 units/acre” (emphasis added).

A density of 70 units/acre for Neighborhood Medium and Neighborhood High parcels on Huntington Drive is also consistent with Program 3.a. of the housing element, which provides 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” (emphasis added).

Therefore, unless the housing element is amended, the City is obligated to implement the 70 units/acre density specified in Table VI-1 by adopting a consistent general plan amendment. Gov’t Code §§65300.5, 65583(c)(8); see

generally *Friends of Aviara v. City of Carlsbad* (2012) 210 Cal.App.4th 1103. (It should be noted that if adopted by the City Council, the draft general plan would not satisfy this obligation.)

In short, the density specified in Table VI-51 of the housing element is fixed and may not be modified except through a formal amendment process.

If any parcel with a specified density greater than 50 units/acre is omitted from the 2024 height limit ballot measure, the City would be in violation of the settlement agreement. The PEIR should not assume that the City will violate the settlement agreement and should instead provide adequate analysis of the impacts of the Project on the Huntington Drive corridor.

4. The PEIR Should Further Analyze The Distributed Housing Alternative.

Section 4.2.3 of the PEIR identifies a “Distributed Housing Alternative” that would “[demonstrate] the City’s capacity to support the Project’s 2,775 housing units, at different income levels, by identifying housing sites that are more evenly distributed throughout the City instead of concentrating residential capacity at higher intensities primarily in the strategic focus areas near the Metro A Line and arterial roadways.”

The main differences between the Project and the Distributed Housing Alternative would be “(1) substantive changes in residential densities within more established neighborhoods [i.e., single-family residential neighborhoods] and (2) targeting open space and other undeveloped spaces for housing.”

The PEIR observes that the Distributed Housing Alternative would “lead to a reduced ability to to preserve existing housing stock” and “would not achieve many of the Project objectives identified above.” The PEIR mentions various impacts (e.g. increased pollutants, changes to existing visual conditions, potentially increased effect on historic resources) and states that the alternative “would not reduce any identified significant and unavoidable impacts of the Project and would worsen several impact categories.” Last, the PEIR states that based on “community input,” the Distributed Housing Alternative is “not preferable” to the Project’s proposed pattern of housing development.

The PEIR concludes as follows: “Therefore, the Distributed Housing Alternative has been eliminated from detailed consideration, and further analysis of this alternative in this PEIR is not required.”

Notably, the PEIR does not expressly state that the Distributed Housing Alternative is infeasible. Cal. Code Regs. tit. 14, §15126.6(a). But not only is the Distributed Housing Alternative feasible, it was the only legally-compliant alternative identified during the multi-year housing element planning process.

The PEIR should further analyze the Distributed Housing Alternative. Cal. Code Regs. tit. 14, §15126.6. If this recommendation is not accepted, the PEIR should provide detailed, reasoned analysis addressing the feasibility of Distributed Housing Alternative, both now and in 2024 if the height limit ballot measure fails, and a mid-cycle revision of the housing element is compelled.

In any event, failure of the ballot measure is an inherent possibility of the Project, and its impacts should be analyzed by the PEIR. If there is a feasible, legally-compliant alternative other than the Distributed Housing Alternative for a mid-cycle housing element revision, the PEIR should identify and analyze it.

Thank you for your consideration.

Very Truly Yours,

Ed Elsner

Planning Designation	Realistic Capacity (Table B3.2)	Place Type (Table B3.3)	Projected Growth (Table B3.3)	Existing Unit Count
Neighborhood Very Low	1356		10	1346
		Very Low Density	10	
Neighborhood Very Low	3144		40	3104
		Low Density	40	
Neighborhood Medium	1622		350	1272
		Medium Density	350	
Neighborhood High	1863		455	1408
		High Density	455	
Mixed-Use Core	3224		1040	2184
		Ostrich Farm	490	
		Mission Street	350	
		Huntington Drive and Garfield Avenue	140	
		Huntington Drive and Fletcher Avenue	0	
		Huntington Drive and Fremont Avenue	60	
Fair Oaks Corridor	2708		880	1828
		Fair Oaks Avenue	880	
TOTAL:	13917		2775	11142

General Plan Update Downtown Specific Plan

September 18, 2023

Prepared By: Community Development Department

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Agenda

SOUTH PASADENA CITY HALL

Project Overview:

- **General Plan**
- **Downtown Specific Plan**
- **Program EIR**
- **Recommendation to City Council**

Timeline

SOUTH PASADENA CITY HALL

- 2014: Project Initiation
- 2016: Rangwala and Associates hired
- 2017-2018: Public Engagement/Outreach
- 2019-2022: RHNA/Housing Element
- 2020-2022: COVID-19 Pandemic
- 2022: Lawsuit and Court Order

Background

SOUTH PASADENA CITY HALL

- All Cities must have a General Plan
- General Plan must be internally consistent
- Housing Element/RHNA issues
- Housing Element adopted on May 30, 2023
- Court Order requires a short timeline

General Plan Update

- RHNA requires capacity for 2,067 units
(State required City to plan for 2,775 units)
- Contemplates 430,000 SF of commercial space
- Growth is focused in commercial corridors
- GP seeks to preserve single-family areas

Downtown Specific Plan

- Encompasses the former Mission Street Specific Plan (MSSSP)
- Expanded area includes Fair Oaks Avenue
- Form-based Code
- MSSSP will be rescinded

Program EIR (PEIR)

Significant and unavoidable impacts, requiring a statement of overriding considerations, will result in the following areas:

- Aesthetics
- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Noise
- Population and Housing

Public Outreach

- The General Plan/DTSP reflect community input gathered from many public meetings
- More than 1,000 residents participated in GP/DTSP meetings in 2017-2019
- Recent meetings were held in June 2023

Comment Letters

Major Concerns:

- Perceived Loss of Commercial Centers
- Concern over GP capacity (total dwelling units and population)
- Concern over the ballot initiative

Next Steps

SOUTH PASADENA CITY HALL

September 27th

Public Hearing and City Council action

October 4th

Second Reading on related Ordinances



Questions?

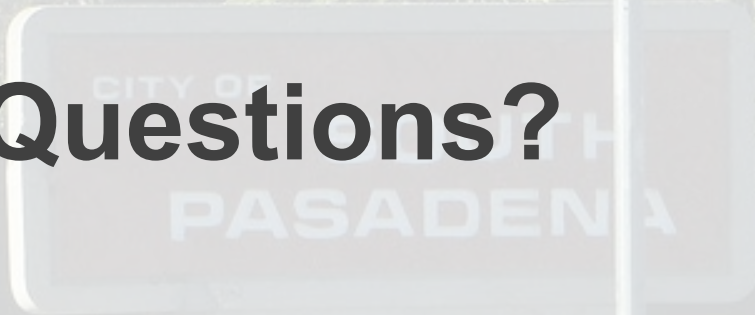


Table B3.3 (alternative)

CITY OF SOUTH PASADENA DEVELOPMENT CAPACITY (2040)

	Size (acres)	Residential (DUs)	Non-Residential (sf)	
			Commercial	Office
Focus Areas				
<i>Corridors (within the Downtown Specific Plan Area)</i>				
Fair Oaks Avenue	80.0	880	75,000	100,000
Mission Street		350	25,000	25,000
<i>Districts</i>				
Ostrich Farm	13.4	490	5,000	100,000
<i>Neighborhood Centers</i>				
Huntington Drive & Garfield Avenue	4.5	140	10,000	50,000
Huntington Drive & Fletcher Avenue	1.6	0	5,000	0
Huntington Drive & Fremont Avenue	7.4	60	10,000	25,000
Neighborhoods (Throughout Remainder of the City)				
High Density		455	0	0
Medium Density		350	0	0
Low Density		40	0	0
Very Low Density		10		
Totals		2,775	130,000	300,000
			430,000	
DU: dwelling units; sf: square feet; N/A: not available Source: South Pasadena 2023a.				

SUMMARY OF EXISTING AND PROJECTED DEMOGRAPHICS

	Size (acres)	Residential (DU)	Non-Residential (sf)		Population
			Commercial	Office	
Existing Citywide Totals	2,272	11,156 ^a	866,000 ^b	390,000 ^b	25,580 ^a
Proposed Citywide Totals	2,272	13,931	996,000	690,000	32,462
Difference	-	2,775 (25%)	130,000 (15%)	300,000 (77%)	6,882 (27%)
DU: dwelling units; sf: square feet; N/A: not available Note: The estimated population increase in this table assumes full occupancy of 2,775 DUs at the average household size of 2.48 based on 2022 California Department of Finance demographic data. Sources: ^a DOF 2022 ^b HR&A 2017					

Table B3.2 (page 62)

Planning Designation	Density (units/acre)	Parcels	Acres	Residential			Non-residential (square feet)	
				Theoretical Unit Capacity	Adjustment	Realistic Capacity	Retail	Office
Neighborhood Very Low	3	1,178	452.0	1,356	--	1,356		
Neighborhood Low	5	3,412	628.7	3,144	--	3,144		
Neighborhood Medium	30	681	153.7	4,610	35%	1,614		
Neighborhood High	45	375	118.3	5,322	35%	1,863		
Mixed-Use Core	70	309	92.9	6,503	50%	3,252	463,000	370,000
Fair Oaks Corridor	110	91	32.8	3,610	75%	2,708	533,000	320,000
Civic	n/a	53	90.5	n/a	--	--		
Parks and Open Space	n/a	37	104.9	n/a	--	--		
Preserves	n/a	6	23.4	n/a	--	--		
Other Uses	n/a	53	17.1	n/a	--	--		
Total						13,937 ^a	996,000 ^b	690,000 ^b
Total Existing Residential Units						11,050		
Total New Units Projected over 20 year Period by General Plan (Realistic Capacity minus Existing Units)						2,887		

^a The residential total includes existing residential units and new residential growth projected in South Pasadena.

^b The non-residential numbers include existing retail and office development within South Pasadena.

Table B3.2. General Plan Capacity.

Table B3.3 (page 63)

Pattern	Residential	Non-residential	
		Retail	Office
Districts			
Ostrich Farm	490 units	5,000 square feet	100,000 square feet
Corridors (within the Downtown Specific Plan)			
Fair Oaks Avenue	880 units	75,000 square feet	100,000 square feet
Mission Street	350 units	25,000 square feet	25,000 square feet
Neighborhood Centers			
Huntington Drive and Garfield Avenue	140 units	10,000 square feet	50,000 square feet
Huntington Drive and Fletcher Avenue	--	5,000 square feet	--
Huntington Drive and Fremont Avenue	60 units	10,000 square feet	25,000 square feet
Neighborhoods			
High Density	455 units	--	--
Medium Density	350 units	--	--
Low Density	40 units	--	--
Very Low Density	10 units	--	--
Total	2,775 units	130,000 square feet	300,000 square feet

Table B3.3. Projected Growth by Place Types.

A.D. - 65

From: [Josh Albrektson](#)
To: [City Council Public Comment](#); [Jon Primuth](#); [Jack Donovan](#); [Evelyn Zneimer](#); [Janet Braun](#); [Michael Cacciotti](#)
Subject: Item 3, Inclusionary Housing Ordinance
Date: Monday, September 18, 2023 8:00:31 AM

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

I really have no idea how this is such a hard concept for your staff to understand. You were supposed to amend your inclusionary housing ordinance to 15% Low income.

NOT 7.5% Very Low and 7.5% Low.

7.5% Very Low and 7.5% low is the second highest inclusionary housing rate in the state (behind Calabasas).

To be clear, every 1% Very Low is the equivalent of 2% low, so your IHO is the equivalent of 22.5% Low Income

San Francisco just lowered their IHO to 10% Low and 5% moderate. Is the land value higher here in South Pasadena than San Francisco???

<https://www.cbsnews.com/sanfrancisco/news/sf-breed-signs-housing-stimulus-fee-reform-plan-housing-crisis/>

I hate to call you out like this, but I know that Councilmember Braun knows enough about development to know that this IHO makes every building infeasible.

I don't know if this is incompetence or willful ignorance on the part of your staff, but I look forward to discussing with HCD how South Pasadena is intentionally not doing the things they committed to in the Housing Element and was required by HCD. Did the city consult with developers on this IHO as they were required to do??

This is right up with telling them about how South Pasadena is not allowing a developer to develop housing at the density specified in the Housing Element. Both of these will go over quite well with HCD.

Maybe this will give Mayor Primuth a third chance to give his speech about how staff messed up with HCD and it took years to climb out of that hole.

When California YIMBY runs their bill next year that sets limits on inclusionary housing, you can bet that South Pasadena with no actual housing projects built in the past 17 years will be the main talking point and example listed in newspaper articles.

--

Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

Zoning Text Amendment & Zoning Map Amendment: Rezoning & Increased Density

September 18, 2023

Prepared By: Matt Chang & Dean Flores

Community Development Department

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Project Overview

SOUTH PASADENA CITY HALL

- **Zoning Text Amendment to:**
 - **Establish the Mixed-Use Overlay**
 - **Increased density in the RM, RH, and Mixed-Use zones,**
- **Zoning Map Amendment**

Background

SOUTH PASADENA CITY HALL

- **The adopted Housing Element requires increased density and rezoning.**
- **Planning Commission recommended that City Council adopt, with edits.**
- **On August 29, 2023, the City Council held a Study Session.**

Rezoning & Density Increase

- **Implements Housing Element *Programs 3.a* — *Rezone and Redesignate Sites to Meet RHNA and 3.n* — *Zoning Changes to update development standards of residential development projects;***
- **Consistent with General Plan Policies P3.2 and P3.5 and GP Actions A3.2b and A3.5a.**

Rezoning & Density Increase

- **Per the Housing Element, the City is planning for an additional 2,775 new dwelling units.**
- **To comply with this goal, rezoning of certain areas and increased density require Zoning Amendments.**

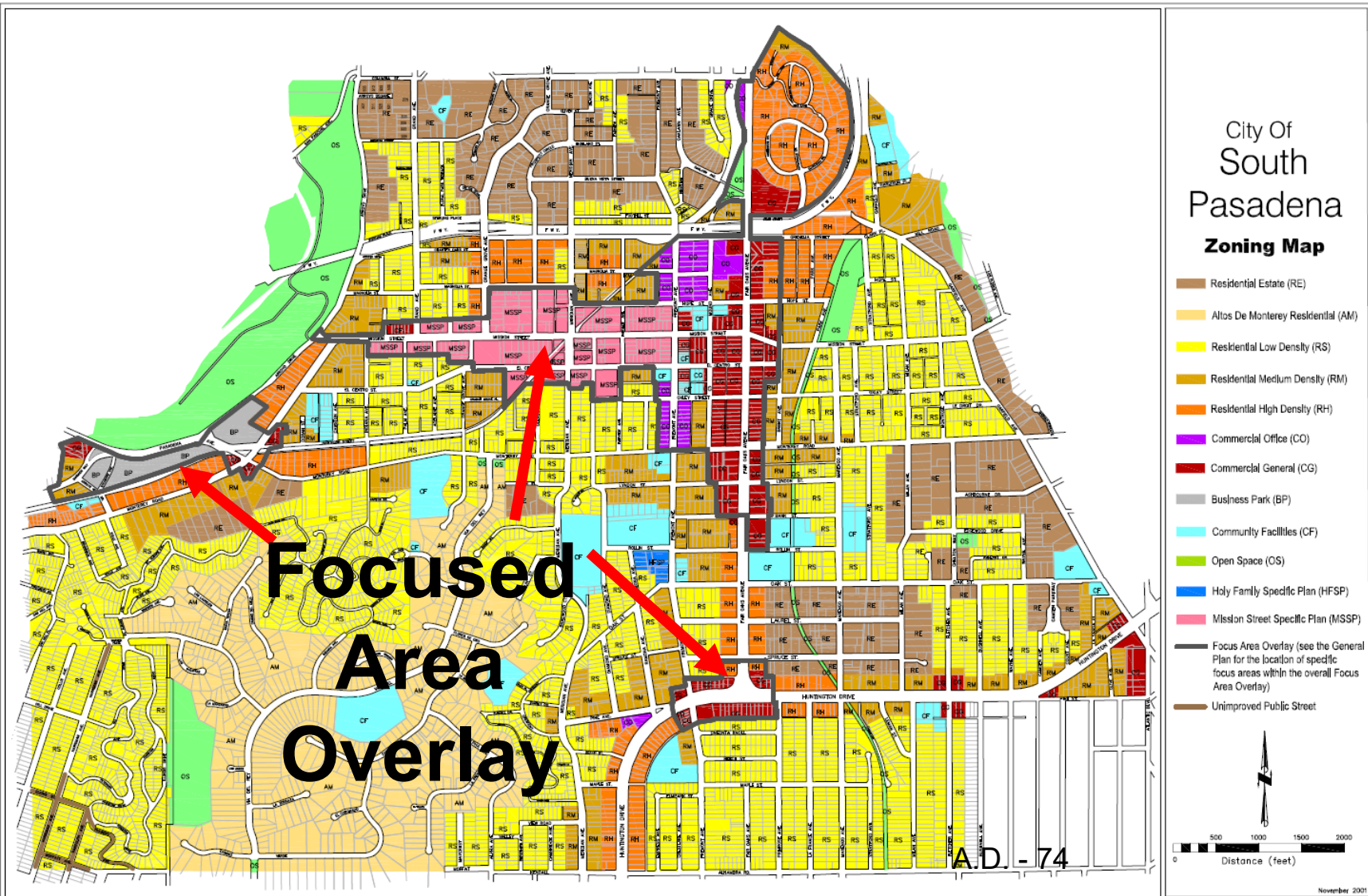
Density Increase

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

Rezoning

- **Eliminates the Focused Area Overlay and replaces with Mixed-Use Overlay zone.**
- **Establishes development standards for multi-family and mixed-use development in MU Overlay.**
- **Only the overlay zones are changing, NOT the base zoning.**

Zoning Map Amendment



Zoning Map Amendment



Draft Zoning Map

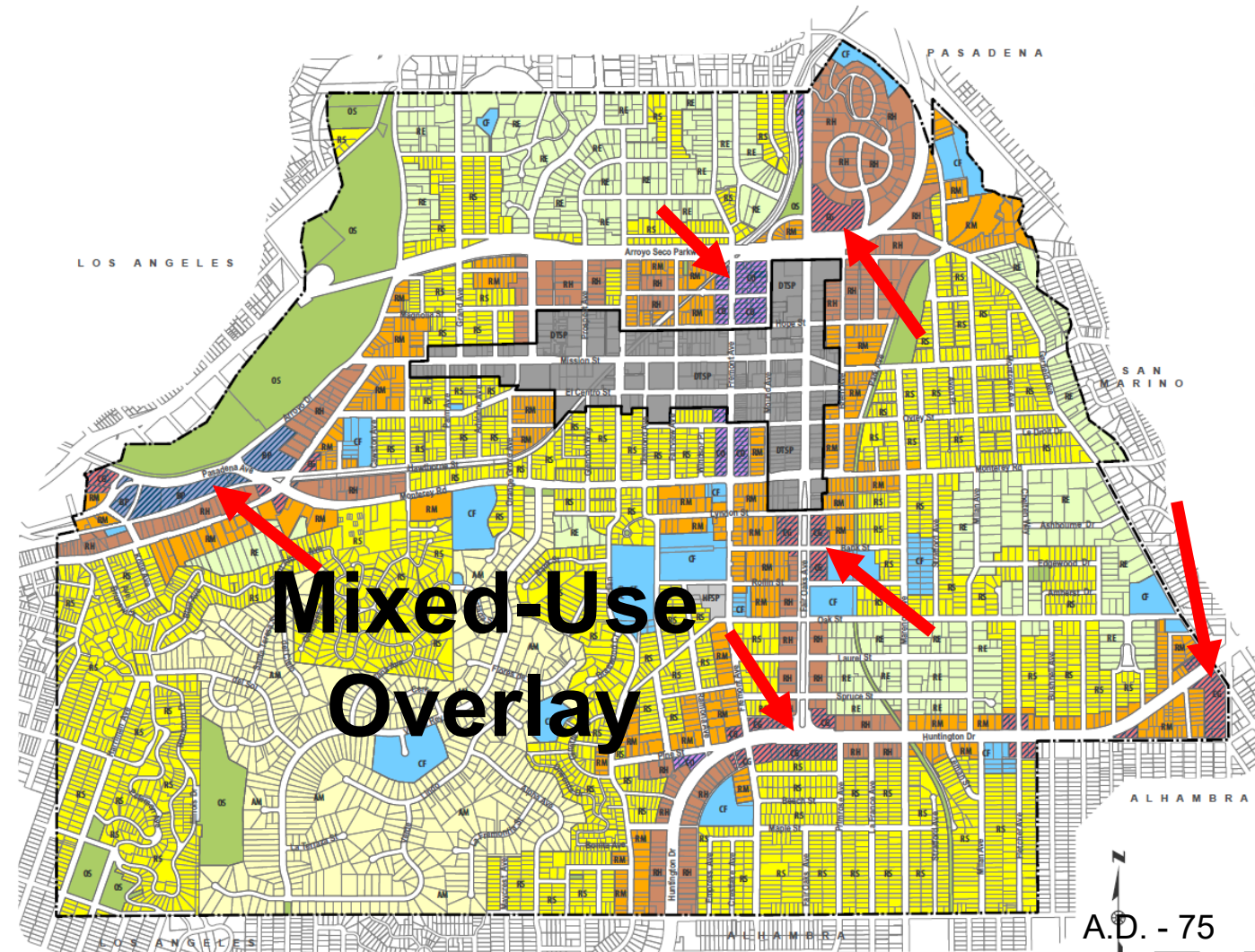
Draft Zoning Districts

- 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

**Mixed-Use
Overlay**



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



Mixed-Use Overlay – Key Standards

- **Allows multi-family residential and mixed-use projects by-right (no public hearing required).***
- **Development standards include:**
 - **Max lot coverage – 70%**
 - **Max height – 45 ft.**
 - **Max # of stories – 4**

* Unless the mixed-use project includes a use that requires a Conditional Use Permit/Administrative Use Permit

Mixed-Use Overlay – Key Standards

- **Also includes objective design standards such as maximum blank wall length, minimum window glazing, and wall plane articulation.**
- **For future projects located on Housing Element Site inventory sites list:**
 - **100% multi-family projects allowed by-right;**
 - **Mixed-Use projects require at least 50% of the floor area to be residential.**

Planning Commission – Recommended Changes

- **Planning Commission recommended the following changes on Table 2-6 of the proposed Zone Text Amendments:**
 - **Maximum floor area by stories: 1st & 2nd floors: 100%, 3rd floor: 90%, 4th floor: 80%**
 - **Parking/access from site: Alley and side street, if feasible. If not feasible, a maximum of 24' in the front;**
 - **Maximum elevation above AND below street level: 2 ft.**
 - **Private open space: Balconies are optional, not req'd**

- **Planning Commission recommended that the City Council adopt an Ordinance to approve the Zoning Text Amendment and Zoning Map, with the aforementioned recommended changes.**

Environmental Analysis

- **Impacts were analyzed by the General Plan/DTSP PEIR.**
- **Native American Tribal Consultation was conducted as part of the PEIR.**
- **Housing Element Environmental Assessment.**
- **This implementation action is consistent with above.**

Next Steps

September 18th

City Council conducts public hearing and continues this item to September 27th City Council meeting

September 27th

City Council considers the project and introduce first reading of Ordinance

October 4th

Second reading of Ordinance A.D. - 81

Discussion

Questions

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From: [Douglas Yokomizo](#)
To: [City Council Public Comment](#); [CCO](#)
Cc: [Angelica Frausto-Lupo](#); [Alison Becker](#); [Matt Chang](#); [David Snow \(dsnow@rwglaw.com\)](#); [Roxanne Diaz](#); [Armine Chaparyan](#); [Domenica Megerdichian](#)
Subject: 9/18/23 City Council Meeting, Agenda Item No. 4
Date: Saturday, September 16, 2023 12:25:33 PM

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Dear Members of the City Council and City Staff:

I am writing to raise a discrepancy between the Housing Element adopted on by the Council on May 31, 2023 and the proposed Downtown Specific Plan, and the proposed zoning code amendments intended to implement them. Goal 3.0 of the Housing Element is to “provide opportunities to increase housing production.” The Housing Element includes several programs intended to achieve this Goal, including,

- Program 3.a – Rezone and Redesignate Sites to Meet RHNA, which provides, in relevant part, “Per California Government Code Section 6583.2(c), the City will also amend the zoning code to allow approval of projects that have at least 15-percent lower-income units in compliance with the inclusionary housing ordinance without discretionary review or “by right,” and
- Program 3.n—Zoning Changes, which instructs that “new or revised development standards or updates to process and procedures” will be adopted in order to facilitate development within the Downtown Specific Plan area and expressly provides that “subjective approval findings will be removed in compliance with State law to facilitate administrative approval of residential developments.”

Consistent with this Goal and the identified Programs, the Downtown Specific Plan provides that “[a]ny residential or mixed-use project with ten or more residential units that provides affordable housing in compliance with the City’s Inclusionary Housing Requirements (Division 36.375 of the Municipal code) . . . shall be subject to ministerial approval by the Community Development Director.” [Section C10.1.B.2.a.i].

The proposed amendment to Section 36.375.060 Alternatives to On-Site Provision of the Inclusionary Housing Ordinance specifies that

“[f]or rental projects of ten ^[1] or more units, the applicant may choose one of the following, **subject to Planning Commission approval:** 1. Provision of an equivalent number of offsite 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 offsite 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 . . . “

[Agenda Packet, p. 4-61 to 4-62] (emphasis added). I’ve been informed by City Staff that it interprets this to mean that a project in the DTSP area which would otherwise qualify for ministerial approval would be subject to discretionary review by the Planning Commission under this provision. Discretionary review is one requiring the exercise of the City’s subjective judgment, *Sierra Club v. Co. of Sonoma* (2017) 11 Cal.App.5h 11, 20; i.e. the very type of “subjective approval findings” to be removed from the code to facilitate residential development in the DTSP area under Program 3.n of the Housing Element. This interpretation, thus, would be inconsistent with the above-cited language from the Housing Element and the DTSP.

Further, the only arguably discretionary finding to be made by the Planning Commission under this provision is whether or not the location is in a “comparable neighborhood” if the location is more than 1,500 feet from the proposed residential project; if the location is within that distance, there is no discretionary finding to be made. At most, therefore, Staff’s interpretation should be limited to the approval of an alternative location which is more than 1,500 feet from the proposed residential project.

Moreover, Staff's interpretation is inconsistent with the proposed parallel code amendments implementing the State Density Bonus Law. Proposed Section 36.370.090.B allows the "review

authority"^[2] to "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 . . ." [Agenda Packet, p. 4-41]. The use of "review authority" recognizes that the same issue may be vested in a different person or body depending on the circumstances. On this question, the "review authority" is the Planning Commission for a project outside of the DTSP area, [SPMC §36.400.020, Table 4-1], and is the Community Development Director for a project within the DTSP area, [DTSP, Section C10.1.B.2.a.i].

So, whether to approve the off-site location of affordable units for a project within the DTSP area is up to the Community Development Director under Section 36.370.090.B, but, the same question is up to the Planning Commission under the City Staff's interpretation of Section 36.375.060. This discrepancy could be resolved by simply amending Section 36.375.060 by replacing "Planning Commission" with "review authority." This would also give clear direction to City Staff that a project within the DTSP area is entitled to ministerial approval if at least 15 percent of the units are reserved for lower-income households regardless of whether the affordable units are provided in an alternative location.

Thank you for your consideration.

Doug Yokomizo

[1] The only change being made to this section of the Inclusionary Housing Ordinance is the increase in the number of units necessary to qualify from 5 units to 10 units.

² "Review authority" is defined as "the individual or official City body (the Director of Planning and Building, Design Review Board, Cultural Heritage Commission, Planning Commission, or City Council) identified by this Zoning Code as having the responsibility and authority to review and approve or disapprove the permit applications described in Article 6 (Zoning Code Administration)". [SPMC §36.700.020].

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Zoning Text Amendments: 120-Day Programs

September 18, 2023

City Council Meeting

Prepared By: Community Development Department

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Project Overview

SOUTH PASADENA CITY HALL

- Density Bonus
- Employee Housing
- Inclusionary Housing Requirement

Background

SOUTH PASADENA CITY HALL

- In 2022, the City was the subject of a lawsuit because it did not have an adopted Housing Element.
- The resulting Court Order stipulated a 120-day timeframe for completion of certain Housing Element programs.

Background

“120-Day Programs” include:

- Rezoning to support the Housing Element
- Density Bonus update
- Employee Housing update
- Inclusionary Housing Regulations Update

Density Bonus Update

- Implements Housing Element *Program 2.e* — *Facilitate Density Bonus for Projects with On-site Affordable Housing*
- SPMC Division 36.370.040 will be updated to reflect State law

Employee Housing

- Implements Housing Element *Program 2.h* — *Incentivize Special-Needs Housing*
- Adds new language to SPMC 36.350 for Employee Housing, consistent with State law
- Employee Housing is six or fewer employees living in a single-family home

Inclusionary Housing

- Implements Housing Element *Program 2.m Update Inclusionary Housing Regulations*
- Updates SPMC Division 36.375
- Reduces the inclusionary unit requirement from 20% to 15%
- Increases the applicable threshold from 3 units to 10 units.

Planning Commission

- Planning Commission considered the item on August 21st.
- No comment letters were received, and no one spoke on the item during the public hearing.
- Commission recommended the City Council adopt the Zoning Text Amendments.

Next Steps

- Public Hearing is scheduled to conclude on September 27, 2023, with a First Reading of the Ordinance.
- Second Reading would occur on October 4, 2023.

SOUTH PASADENA CITY HALL

Thank you for your attention