



## Additional Documents Distributed for the City Council Meeting of April 15, 2024

Item No.	Agenda Item Description	Distributor	Document
01.	PUBLIC COMMENT - DISCUSSION OF PROPOSED BALLOT MEASURE REGARDING THE 45-FOOT BUILDING HEIGHT LIMIT AT THE NOVEMBER 5, 2024 MUNICIPAL ELECTION, INCLUDING DISCUSSION AND DIRECTION REGARDING APPROACHES RELATED TO THE BALLOT QUESTION AND CONSIDERATION AND DIRECTION OF RETAINING A CONSULTANT TO CONDUCT A SURVEY REGARDING THE PROPOSED BALLOT MEASURE AND THE PREPARATION OF INFORMATIONAL MATERIALS REGARDING THE PROPOSED BALLOT MEASURE	Bianca Richards	Email to Council
01.	PUBLIC COMMENT - DISCUSSION OF PROPOSED BALLOT MEASURE REGARDING THE 45-FOOT BUILDING HEIGHT LIMIT AT THE NOVEMBER 5, 2024 MUNICIPAL ELECTION, INCLUDING DISCUSSION AND DIRECTION REGARDING APPROACHES RELATED TO THE BALLOT QUESTION AND CONSIDERATION AND DIRECTION OF RETAINING A CONSULTANT TO CONDUCT A SURVEY REGARDING THE PROPOSED BALLOT MEASURE AND THE PREPARATION OF INFORMATIONAL MATERIALS REGARDING THE PROPOSED BALLOT MEASURE	Ed Simpson	Email to Council

01.	PUBLIC COMMENT - DISCUSSION OF PROPOSED BALLOT MEASURE REGARDING THE 45-FOOT BUILDING HEIGHT LIMIT AT THE NOVEMBER 5, 2024 MUNICIPAL ELECTION, INCLUDING DISCUSSION AND DIRECTION REGARDING APPROACHES RELATED TO THE BALLOT QUESTION AND CONSIDERATION AND DIRECTION OF RETAINING A CONSULTANT TO CONDUCT A SURVEY REGARDING THE PROPOSED BALLOT MEASURE AND THE PREPARATION OF INFORMATIONAL MATERIALS REGARDING THE PROPOSED BALLOT MEASURE	Joanne Nuckols	Email to Council
-----	--	----------------	------------------

**From:** [Bianca Richards](#)  
**To:** [City Council Public Comment](#)  
**Subject:** Public Comment Item No. 1, Study Session  
**Date:** Monday, April 15, 2024 8:54:10 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.

From Bianca Richards  
Public Comment for Special Council Meeting of Monday, April 15, 2024. Item No.  
1  
Discussion of Proposed Ballot Measure Regarding the 45-Foot Building Height  
Limit

I would like to recommend an approach regarding preparing information materials for the proposed ballot measure. I strongly recommend the use of visuals and 3D modeling to explain where the proposed height limit zones are. Visuals are usually more effective than lengthy explanations. The visuals might help voters understand better and decrease misinformation regarding the height limit.

Thank you,  
Bianca Richards

**From:** [Ed Simpson](#)  
**To:** [City Council Public Comment](#)  
**Subject:** Height Limits  
**Date:** Monday, April 15, 2024 10:06:39 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.

Dear City Council Members:

We strongly support the current height limit in South Pasadena. It has helped retain the appeal of our City for residents and those who wish to live here.

We oppose repealing this current limit, and urge the City Council to support the actions of residents and past Councils, and maintain the current height limit.

Thank you.

Edward and Beatrice Simpson  
[REDACTED] Milan Avenue  
South Pasadena, CA 91030

**From:** [Joanne Nuckols](#)  
**To:** [City Council Public Comment](#)  
**Subject:** Special CC meeting, Agenda Item #1  
**Date:** Monday, April 15, 2024 10:15:25 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.

Special City Council meeting, Agenda Item #1

Mayor Zneimer, Mayor Pro Tem Donovan and City Council members Primuth, Cacciotti and Braun,

Below is a written statement in the Housing Element in response to a comment asking for the city's official position on the 45' height limit. This written response is practically verbatim what former City Attorney Jared stated at a public meeting in August, 2022 when he was reporting about the lawsuit settlement and the requirement to put the issue on the ballot by December of 2024. He was asked about the city's position on the height limit and he stated that a voter initiative trumps most if not all of the state laws.

**"City staff responded that a voter approved initiative supersedes both the General Plan and Zoning Ordinance of the city, and that if they conflict the voter approved initiative prevails. However, if the voter approved initiative is in conflict with State law, then the state Law superseded the voter approved initiative. Since South Pasadena's height limit does not directly contradict State law, and because there are alternative ways for the City to meet it's requirement under State law that do not require the repeal of the height limit, it's the opinion of the City that State law cannot supersede the City's height limit."**

This position of the city staff and city attorney is the correct interpretation of the power of a voter initiative. Only the voters can repeal this height limit.

The height limit is the most objective standard, which I understand is a very important and lawful...objective, not subjective.

Since I first read about how important voter initiatives are to local control, about 4 years ago, I have been doing a lot of research which confirms

former City Attorney Jared's opinion for the city. I have talked to other city attorneys and our state legislators who all agree with the above opinion.

The other few cities in California who have voter imposed height limits are in bigger cities and more complex than ours. In fact, I believe we may be the only small city with a voter enacted height limit.

On the flip side, since there is not much definitive information available and wanting to get the correct answer, I contacted HCD four times, the Turner Center and UC Davis law professor Elmendorf, who rediscovered Builders Remedy. Non response from most or I don't know from Elmendorf. One would think, from these pro development sources, that they would be ready to poke holes in any argument in favor of local control, but no! My conclusion is that they either don't know anything or agree with the position that a voter initiative trumps state housing laws, but would not admit it.

With the change of City Attorneys last year and various planning discussions, I was concerned that this important city opinion was being eroded or not being applied properly and wrote to city staff and planning commission in 2023 asking if the city's position had changed from that stated in the Housing Element? I have yet to receive a response.

**Recommendation 1:** the city should not be hiring a consultant, that's impersonal and they could manipulate the information, no one will trust yet again another consultant that we really can't afford. The city council would be better off talking with constituents directly in a number of town hall type meetings and getting the public's input on the issue and, in particular, on the ballot wording. As I recall, some council members had suggested in the past that there be community input, now is the time. And please, no more surveys! They are too vague, impersonal, non specific and distance the council from the voters. South Pasadena is small enough to be able to get the true pulse of the community by just talking to people.

**Recommendation 2:** Please provide a staff report that a layman can understand. This height limit and development are very complex and further complicating the issue with dense narratives is not helpful. What I did get from the staff report is potential heights of 84' and 110' which is enough to think that hardly any South Pasadena resident, who appreciates our small town character, will vote for those heights when we have a very reliable 45' that we have been using for 40 years, that trumps state law, to keep our

small town character that we protected for 70 years from the 710 freeway. There are other alternatives than raising the height limit that were discussed last year at the planning workshops and proposed by design professions in town. You should be looking at those alternatives now

**Request:** Can I please get an answer to my question that I've been asking since last year about the city's position? In fact, this is the basic question you should be asking yourselves before any discussion of the ballot issue. What exactly is the city's position on the voter imposed height limit?

Thank you for your consideration.

Joanne Nuckols  
South Pasadena