



**CITY OF SOUTH PASADENA
CITY COUNCIL**

AGENDA

**SPECIAL MEETING
CLOSED SESSION**

MONDAY, APRIL 15, 2024, 5:30 P.M.

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

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

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

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

Public participation may be made as follows:

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

Meeting may be viewed at:

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information; or
2. Click on the following unique Zoom meeting link: <https://us06web.zoom.us/j/2264427248?pwd=aEFuSGszQ2I5WjJkemoTms0RTIVUT09>; or
3. By calling: +1-669-900-6833 and entering the Zoom Meeting ID listed above; and viewing the meeting via http://www.spectrumstream.com/streaming/south_pasadena/live.cfm

CALL TO ORDER:

Mayor

Evelyn G. Zneimer

ROLL CALL:

Mayor

Evelyn G. Zneimer

Mayor Pro Tem

Jack Donovan

Councilmember

Jon Primuth

Councilmember

Michael A. Cacciotti

Councilmember

Janet Braun

PUBLIC COMMENT
CLOSED SESSION AGENDA ITEMS

A. REAL PROPERTY NEGOTIATIONS
 (Government Code Section 54956.8)

1. Property Addresses:
 - a. 216 Fairview Avenue, APN 5317-012-906
 - b. 217 Fremont Avenue, APN 5317-012-901
 - c. 225 Fremont Avenue, APN 5317-012-902
 - d. 1131 Columbia Street, APN 5317-012-900
 - e. 1707 Meridian Avenue, APN 5310-031-903
 - f. 1008 Hope Street & 1002 Hope Street/726 Meridian Avenue, APN 5315-013-906
 - g. 215 Fairview Avenue, APN 5317-007-903
 - h. 302 Fairview Avenue, APN 5317-012-903
 - i. 529 Prospect Avenue, APN 5317-036-904
 - j. 530 Orange Grove Avenue, APN 5317-036-900
 - k. 534 Orange Grove Avenue, APN 5317-036-903
 - l. 535 Meridian Avenue, APN 5317-036-903
 - m. 540 Prospect Avenue, APN 5317-035-901
 - n. 901 Bonita Drive, APN 5310-020-903
 - o. 885 Oneonta Drive, APN 5310-022-902; 5310-022-901; 5310-022-903
 - p. 1037 & 1039 Grevelia Street, APN 5315-012-903
 - q. 808 Valley View Road, APN 5310-020-901
 - r. 822 Valley View Road, APN 5310-020-902

Agency Negotiator: Arminé Chaparyan, City Manager
 Negotiating Party: State of California, Department of Transportation
 Under Negotiation: Price and Terms of Payment

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

(Government Code Section 54956.9(d)(2))
 Number of Potential Cases: 2

CERTIFICATION OF POSTING	
<i>I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on April 15, 2024, on the bulletin board in the courtyard of City Hall located at 1414 Mission Street, South Pasadena, CA 91030, and on the City website as required by law, on the date listed below.</i>	
4/11/2024	/S/
Date	Amber Tardif, Deputy City Clerk



**CITY OF SOUTH PASADENA
CITY COUNCIL**

AGENDA

**SPECIAL CITY COUNCIL MEETING
CITY COUNCIL STUDY SESSION
MONDAY, APRIL 15, 2024, AT 5:31 P.M.**

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

South Pasadena City Council Statement of Civility

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

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

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- Live Broadcast via the City website – http://www.spectrumstream.com/streaming/south_pasadena/live.cfm
- Via Zoom – **Webinar ID: 825 9999 2830**
- Written Public Comment – written comment must be submitted by 12:00 p.m. the day of the meeting by emailing to ccpubliccomment@southpasadenaca.gov.
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<https://us06web.zoom.us/j/82599992830> or
3. By calling: +1-669-900-6833 and entering the Zoom Meeting ID listed above; and viewing the meeting via http://www.spectrumstream.com/streaming/south_pasadena/live.cfm

CALL TO ORDER:

Mayor

Evelyn G. Zneimer

ROLL CALL:

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Mayor Pro Tem

Jack Donovan

Councilmember

Jon Primuth

Councilmember

Michael A. Cacciotti

Councilmember

Janet Braun

PUBLIC COMMENT GUIDELINES

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

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

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

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

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

ACTION/DISCUSSION

1. **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**

Recommendation

This is a study session for the City Council to receive information regarding a ballot measure to repeal or otherwise amend the 45-foot building height limit pursuant to Housing Element Program 2.n, and ask questions of Staff. Staff and the City Attorney's office are seeking direction regarding the approaches related to the ballot question and whether the City should retain a consultant to conduct a survey and prepare information materials regarding the proposed ballot measure.

ADJOURNMENT

FOR YOUR INFORMATION

FUTURE CITY COUNCIL MEETINGS

April 17, 2024	Special Joint Meeting with the Finance Commission – Study Session - Budget Kick-Off	5:01 P.M.
April 17, 2024	Regular City Council Meeting	7:00 P.M.
April 24, 2024	Special Joint Meeting with the Finance Commission – Study Session – LLMD and CIP Fund	TBD
May 1, 2024	Regular City Council Meeting	7:00 P.M.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

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

www.southpasadenaca.gov/CityCouncilMeetings2023

Regular meetings are live streamed via the internet at:

http://www.spectrumstream.com/streaming/south_pasadena/live.cfm

AGENDA NOTIFICATION SUBSCRIPTION

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

ACCOMMODATIONS



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

CERTIFICATION OF POSTING

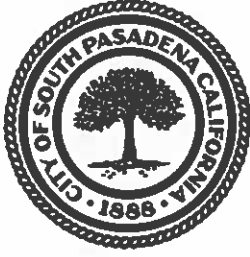
*I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on **April 15, 2024**, on the bulletin board in the courtyard of City Hall located at 1414 Mission Street, South Pasadena, CA 91030, and on the City, website as required by law, on the date listed below.*

4/11/2024

/s/

Date

Amber Tardif, Deputy City Clerk



City Council Agenda Report

ITEM NO. 1

DATE: April 15, 2024

FROM: Arminé Chaparyan, City Manager *AC*

PREPARED BY: Roxanne Diaz, City Attorney
David Snow, Assistant City Attorney

SUBJECT: **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**

Recommendation

This is a study session for the City Council to receive information regarding a ballot measure to repeal or otherwise amend the 45-foot building height limit pursuant to Housing Element Program 2.n, and ask questions of Staff. Staff and the City Attorney's office are seeking direction regarding the approaches related to the ballot question and whether the City should retain a consultant to conduct a survey and prepare information materials regarding the proposed ballot measure.

Background

In 1983, a voter-led initiative was passed by the voters at a special municipal election in July 1983 that established that no commercial, office, manufacturing or residential building in the City of South Pasadena would exceed a height of 45 feet and that no variance or conditional use permit would be granted to allow such buildings to exceed 45 feet. Specifically, the language of the 1983 voter initiative is as follows:

"No Commercial, Office, Manufacturing, or Residential building shall be built to a height in excess of forty-five (45) feet and that no variance or conditional use permit shall be granted to exceed this limit. Furthermore, that no parking variance shall be granted to exceed five per cent (5%) of the required spaces."

The matter related to the repeal or amendment of this initiative before the Council today is not optional. It is a requirement of the Housing Element as well a requirement of the

settlement agreement entered into by the City and Californians for Homeownership (“Settlement Agreement”).

Analysis

Housing Element Program and Ballot Measure Approaches

During the Housing Element process, the California Department of Housing and Community Development (“HCD”) identified this 45-foot height limit as a potential constraint to housing development in the City. To address this issue, Housing Element Program 2.n (“Program”) was included in the Housing Element. The Program requires the City to place a ballot measure on the November 2024 election to address the current 45-foot building height limit. The Program, however, does not require the repeal of the height limit city-wide. The Program language states that the City will seek the repeal of the current height limit of 45 feet:

“as to at least any residential or mixed-use (including residential) project on which the housing element anticipates a base density in excess of 50 units/acre. . . . The measure may either eliminate the height limit for these parcels entirely, or be replaced by a new height limit localized in the areas of increased density to stated density goals. If the height limit is replaced, the new limit will be no less than 84 feet to achieve the densities identified in the DTSP. . . . If the ballot measure is approved, the City will update development standards throughout the DTSP and zoning code to allow for buildings that can achieve the densities identified in the Housing Element.”

The Housing Element, at page 232, also discusses height limits in the context of creating additional housing capacity through rezoning. This discussion states:

“Within the Mission Street Zone, it is anticipated that the maximum Floor Area Ratio will be 7.0, with an additional intensity bonus of up to a FAR of 7.5 available through community benefit incentives. The maximum building height for this zone is anticipated to be 84 feet and seven stories, once the citywide height limit is repealed or replaced in this area.

Within the Fair Oaks Avenue Zone, it is anticipated that the maximum Floor Area Ratio will be 10.0, with an additional intensity bonus of up to a FAR of 11 available through community benefit incentives. The maximum building height for this zone is anticipated to be 110 feet and 10 stories, once the citywide height limit is repealed or replaced in this area.”

While one approach can be a ballot measure asking the voters to eliminate or repeal the 1983 45-foot height limit in its entirety, the Program does not require that the City take such action. The Program is more narrow in scope in that the City is required to address the height limit for residential or mixed-use projects where the base density is in excess of 50 units/acre, which would be parcels in the Downtown Specific Plan (“DTSP”), the

Mixed-Use Overlay Zone and the Housing Opportunity Overlay Zone, which covers much of the Residential Medium Density (RM) and Residential High Density (RH) zones. An alternative approach would be a ballot measure asking the voters to replace or adopt a new height limit, which must be no less than 84 feet, to achieve densities of 50 du/acre or greater in certain areas.

Currently, the base densities in the areas the ballot measure would need to address are:

Zone Area	Density
Downtown Specific Plan	70 du/acre in the Mixed Use Core Zone, and 110 du/acre in the Fair Oaks Corridor Zone
Mixed-Use Overlay Zone	70 du/acre
Housing Opportunity Overlay Zone	70 du/acre

The potential options for the ballot measure could be as follows, although other options may be developed through consultant work described below:

- Repeal the 45-foot height limit in its entirety and replace with height limit districts for all zones enacted through zoning ordinances.
- Repeal the 45-foot height limit as to residential or mixed-use projects in areas where the base density is in excess of 50 units/acre only, leaving discretion to the City Council to set appropriate height limits by ordinance for those areas.
- Increase the height limit in areas where the base density is in excess of 50 units/acre to no less than 84 feet, and 110 feet in areas where base allowed density is 110 du/acre or greater, thus leaving the 45-foot limit in place for areas with base densities of 50 units/acre or less.

Retention of a Consultant Regarding the Ballot Measure

Cities often retain professional consultants to conduct what is referred to as a feasibility poll that explores voter support for city-initiated ballot measures. While typically these polls are done in conjunction with measures related to adoption of or an increase to a local sales tax or other monetary measure, conducting a poll or survey on the City's proposed height limit measure may be warranted because of the rezoning ramifications contemplated by the Program and the Settlement Agreement if a ballot measure allowing increased height is not approved. The proposed polling would help the City refine the ballot measure language and test various alternatives for addressing the requirements of the Program. Also, a consultant could also develop impartial information material to help voters understand the issues related to the ballot measure and the reasons the measure is placed on the ballot.

As stated above, the Program provides the parameters as to what the ballot measure should address in terms of a minimum height to achieve certain densities in specific areas. The Program also addresses what the City must do if the ballot measure is not adopted by the voters. Should that occur, the City will be required to complete a mid-cycle revision to the Housing Element to shift from the current housing inventory sites with densities and conduct additional rezoning to address the remaining RHNA on sites allowing densities greater than 50 units/acre. While this likely would require increasing densities in various areas of the City, much additional study would be necessary to determine how to implement the Program to HCD's satisfaction. The Settlement Agreement also addresses what the City is required to do in the event the ballot measure is not approved by the voters and states that the City must 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/acres. The Settlement Agreement also states that this is to be done within nine months assuming from the date the results of the measure are certified.

Undertaking a mid-cycle revision to the Housing Element would be an additional work effort requiring significant funding and staff time, and likely would preclude HCD from finding the Housing Element in substantial compliance until the mid-cycle revisions were completed. Therefore, it is important for the City to educate the voters as what the Program actually requires, how the proposed ballot measure densities could be limited to areas where the City has already found that increased densities and increased height to be appropriate (DTSP, Mixed-Use Overlay Zone, and Housing Opportunities Overlay Zone).

Staff has reached out to various consultants for a scope of work and cost to conduct such work and will present this information at the study session.

Fiscal Impact

The proposed ballot measure will be placed on the November 5, 2024 ballot, which is the City's regular municipal election. Each ballot measure added to the municipal election will cost about \$35,000; funding for this Housing Element program implementation was included in the Fiscal Year 2023-2024 Community Development Department Budget under "ballot measure and height limit study" in Professional Services Account Number 101-7010-7011-8170-000.

Attachments:

1. Resolution No. 5642 Containing the 1983 45-Foot Height Limitation Language
2. Housing Element Program 2n

ATTACHMENT 1

Resolution No. 5642 Containing the 1983 45-Foot Height Limitation
Language

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN SAID CITY ON JULY 12, 1983, DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW.

WHEREAS, a special municipal election was held and conducted in the City of South Pasadena, California, on Tuesday, July 12, 1983, as required by law; and

WHEREAS, notice of said election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects said election was held and conducted and the votes cast thereat, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

WHEREAS, pursuant to Resolution No. 5625 adopted April 20, 1983, the City Clerk of said City canvassed the returns of said election and has certified the results to this City Council, said results are received, attached and made a part hereof as "Exhibit A."

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

SECTION 1. That there were eight (8) voting precincts established for the purpose of holding said election consisting of consolidations of the regular election precincts in said City as established for the holding of state and county elections.

SECTION 2. That at said special municipal election, the following measure was submitted to the electors of said City and was voted upon, to wit:

No Commercial, Office, Manufacturing, or Residential building shall be built to a height in excess of forty-five (45) feet and that no variance or conditional use permit shall be granted to exceed this limit. Furthermore, that no parking variance shall be granted to exceed five per cent (5%) of the required spaces.

YES _____

NO _____

SECTION 3. That the whole number of votes cast in said City (except absent voter ballots) was 4058.

That the whole number of absent voter ballots cast in said City was 735, making a total of 4793 votes cast in said City.

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ATTACHMENT 2
Housing Element Program 2n

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Program 2.n – Citywide Height Limit Ballot Initiative

Consistent with requirements under state law concerning cities placing measures on the ballot, the City will seek through voter approval in a local election, the repeal of the current height limit of 45 feet as to at

least any residential or mixed-use (including residential) project on which the housing element anticipates a base density in excess of 50 units/acre. Such measure will be brought to the City Council for consideration prior to being placed on the ballot. The measure may either eliminate the height limit for these parcels entirely, or be replaced by a new height limit localized in the areas of increased density to stated density goals. If the height limit is replaced, the new limit will be no less than 84 feet to achieve the densities identified in the DTSP... In addition, the City will facilitate residential projects that may exceed 45 feet by utilizing the existing options for exceptions to the citywide height limit, including state Density Bonus law. (See also Program 3.n.) If the ballot measure is approved, the City will update development standards throughout the DTSP and zoning code to allow for buildings that can achieve the densities identified in the Housing Element. If the ballot measure is not approved by the voters, the City will complete a mid-cycle revision to the housing element, reducing sites for which the housing element anticipates a base density in excess of 50 units/acre; the City will conduct additional rezoning to address the remaining RHNA on sites allowing densities greater than 50 dwelling units per acre. This will include preparing a mid-cycle Housing Element.

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