

**RESOLUTION NO. 7869**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA ORDERING THAT A MEASURE BE SUBMITTED TO THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 RELATED TO BUILDING HEIGHTS IN ALL ZONING DISTRICTS OF THE CITY IN ORDER TO PROTECT THE CITY'S RESIDENTIAL CHARACTER, PRESERVE LOCAL CONTROL AND INCREASE HOUSING OPPORTUNITIES, INCLUDING AFFORDABLE HOUSING FOR MIDDLE AND WORKING CLASS FAMILIES, INDIVIDUALS AND SENIORS AS NECESSARY TO IMPLEMENT THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT**

**WHEREAS**, Sections 65300 *et. seq.* of the California Government Code require each city and county to adopt a comprehensive, long-term, General Plan for the physical development of land within its jurisdiction, which must include, among other requirements, a housing element meeting detailed criteria set forth in State law that provides sufficient housing development opportunities to meet existing and projected housing needs for the community;

**WHEREAS**, Sections 65580 *et. seq.* of the California Government Code require each city and county to periodically prepare and update the housing element of its General Plan;

**WHEREAS**, the Southern California Association of Government ("SCAG") periodically undertakes a Regional Housing Needs Allocation ("RHNA") process to allocate to the various agencies in the SCAG region the portion of the regional housing needs for which each of the agencies must plan in their respective housing elements. In 2019, the City of South Pasadena (the City) received its RHNA allocation of 2,062 units. The City appealed and received its final RHNA allocation of 2067 units in 2021, and thereafter started to prepare the 2021-2029 (6<sup>th</sup> Cycle) Housing Element update (hereafter, the "Housing Element" or "2021-2029 Housing Element");

**WHEREAS**, the City is required by the housing element law to plan for the City's RHNA allocation and the Housing Element contains the necessary programs and strategies to accommodate the RHNA allocation;

**WHEREAS**, based on input from residents as part of the General Plan adoption process, future units are planned primarily to be located in existing commercial and mixed-use areas and along arterial corridors that have access to shopping, services and public transportation;

**WHEREAS**, on July 12, 1983, City voters passed a voter-led initiative known as Measure No. 1 with 2,531 voting for the measure and 2,262 voting against the measure ("Measure No. 1"). Measure No. 1 established that in the City "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 percent (5%) of the required spaces.”;

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

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

**WHEREAS**, on August 19, 2022, the Court entered a Stipulated Judgment agreed upon by the parties, which committed the City to adopting a housing element certified by or eligible for certification by HCD no later than May 31, 2023. The settlement agreement and Stipulated Judgment shall be referred to collectively as the “Court Order”;

**WHEREAS**, during the 2021-2029 Housing Element process, the California Department of Housing and Community Development (“HCD”) identified the 45-foot height limit, as applied to areas with allowable base residential densities in excess of 50 dwelling units per acre, as a potential constraint to housing development in the City;

**WHEREAS**, to address the height constraint, Housing Element Program 2.n was included in the Housing Element. Program 2.n requires the City to place a ballot measure on the November 2024 election to address the current 45-foot building height limit;

**WHEREAS**, Program 2.n provides that the City will seek the repeal of the height limit as to at least any residential or mixed-use (including residential) project on parcels for which the Housing Element anticipates a base density in excess of 50 dwelling unit per acre;

**WHEREAS**, the City undertook the rezoning required by the Housing Element and Court Order to increase zoning densities in multi-family zones, adopted the Downtown Specific Plan and the Mixed-Use Overlay Zone and implemented the Housing Opportunity Overlay Zone (which includes certain parcels in the Ostrich Farm and Huntington Drive Mixed Use Areas) in an effort to plan for its RHNA obligation as well as provide housing opportunities, including affordable housing, for middle and working class families, individuals and seniors;

**WHEREAS**, on June 5, 2024 the South Pasadena City Council called a General Municipal Election to be held in the City on November 5, 2024 and requested that the Los Angeles County Board of Supervisors consolidate said election with the Statewide General Election to be held on the same date, through the adoption of Resolution Nos. 7852 and 7853;

**WHEREAS**, at the said General Municipal Election, the City Council intends to submit an ordinance for consideration by the voters, relating to building height limits in all Zoning Districts, as required for the implementation of the Housing Element;

**WHEREAS**, the proposed measure retains the 45-foot height limit in the Residential Estate Zoning District, Residential Single-Family Zoning District and the Overlay District of Altos de Monterey and provides that any building or structure shall not exceed 45 feet;

**WHEREAS**, the proposed measure to repeal the 45-foot height limit as to residential and mixed-used projects on parcels with base densities in excess of 50 dwelling units per acre is not optional because it is a requirement of the Court Order as well as a requirement of the Housing Element;

**WHEREAS**, the proposed measure provides that if the voters rescind the height limitation as to properties with residential or mixed-use densities in excess of 50 dwelling units per acre and retain the 45-foot maximum height limit for single-family residential areas of the City, the City will set maximum building heights as appropriate to achieve the allowed density through a public process;

**WHEREAS**, the proposed measure provides that the City will be guided by technical studies and/or technical analysis in determining the appropriate height to achieve the allowed base density for properties with residential or mixed-use densities in excess of 50 dwelling units per acre;

**WHEREAS**, the areas that contain a base density in excess of 50 dwelling units per acre include areas set forth in the Downtown Specific Plan, specifically the Mixed Use Core Zone and the Fair Oaks Corridor Zone, the Mixed-Use Overlay Zone, and the Housing Opportunity Overlay Zone, which includes certain parcels in the Ostrich Farm and Huntington Drive Mixed Use Areas;

**WHEREAS**, many of these areas are near transit and commercial services and as such, create a pedestrian-oriented environment where residents do not have to depend on an automobile to complete their daily trips;

**WHEREAS**, the proposed measure will help ensure more affordable housing is available for middle class and working class families, individuals and seniors in areas specifically outlined within the Housing Element;

**WHEREAS**, the proposed measure will allow for additional housing in downtown South Pasadena which will create new customers for local small businesses and encourage the growth of new businesses, therefore bolstering the local economy;

**WHEREAS**, should additional housing be constructed, developers will be required to pay fees to support South Pasadena schools and improve parks and infrastructure;

**WHEREAS**, the City has worked diligently to implement the Housing Element, including undertaking the required rezoning actions and on July 29, 2024, the City received HCD certification that the City's Housing Element substantially complies with housing element law ("July 29th Letter");

**WHEREAS**, if the proposed measure is not passed by the voters, the City must comply with the Court Order and Program 2.n. to allow for increased density across the City to address the City's RHNA requirements, which would likely include increased residential density in single family areas. Pursuant to the Court Order and Program 2.n, the City would be required to complete the mid-cycle housing element revision within nine (9) months;

**WHEREAS**, pursuant to Government Code Section 65585, HCD has the authority to review cities' actions, or failures to act, for consistency with an adopted housing element. If HCD finds that an action, or failure to act, does not substantially comply with housing element law, HCD has the authority to revoke its findings and certification of the housing element;

**WHEREAS**, HCD in its July 29th Letter stated that Program 2.n. "is crucial to substantial compliance with State Housing Element Law";

**WHEREAS**, if the City is found by HCD noncompliant with Program 2.n, HCD may revoke its certification findings. In such case, cities without a certified housing element are subject to the so called "builder's remedy";

**WHEREAS**, builder's remedy is a legal provision of the State Housing Accountability Act, which takes away local control by limiting a city's ability to deny or condition a housing project. (Government Code Section 65589.5(d)). The builder's remedy allows developers to propose whatever they want even if the project is inconsistent with a community's character and planning standards, such as the City's General Plan, Zoning Code and any voter adopted land use initiatives like Measure 1, and there would be no caps on building heights or density, and cities' ability to deny projects based on the inconsistencies is severely limited;

**WHEREAS**, the City desires through this proposed measure to maintain local control over housing projects and prevent developers from filing builder's remedy applications that enable housing projects that bypass elements of the City's current zoning standards;

**WHEREAS**, the proposed measure will ensure the City maintains local control over land use and planning as well as its community character preventing the utilization of “builder’s remedy” by developers that would be inconsistent with residents’ desires for the community;

**WHEREAS**, if HCD revokes its certification findings, state law and the courts also have imposed consequences on cities that lack a certified housing element. Those penalties include but are not limited to financial penalties of up to \$100,000 a month, loss of the City’s permitting authority such as not being able to issue any building permits for business remodels, new businesses or bathroom remodels, and loss of access to grant funding;

**WHEREAS**, cities have pursued lawsuits against housing mandates and have mostly lost, leaving cities with no reasonable legal pathways to fight against state mandates; and

**WHEREAS**, the November 2024 election is the only opportunity for South Pasadena voters to consider and adopt a measure that allows the City to implement the Housing Element in compliance with state mandates, or risk losing local control over land use planning;

**NOW, THEREFORE**, the City Council of the City of South Pasadena hereby finds, determines, orders, and resolves as follows:

**Section 1.** The facts set forth in the recitals of this Resolution are true and correct, and establish the factual basis for the City Council’s adoption of this Resolution.

**Section 2.** Pursuant to California Elections Code Sections 9222 and 10201, the City Council hereby orders that at the said General Municipal Election, an ordinance be submitted to the voters for consideration. The full text of the proposed ordinance is attached to this Resolution as Exhibit A and incorporated herein by reference. The measure to be submitted to the voters shall be printed on the ballot as follows:

<b>South Pasadena Neighborhood Preservation, Local Control</b>	
To protect South Pasadena’s single-family neighborhoods’ residential character; maintain local control over local land use; improve affordable housing opportunities for middle/working-class families/individuals/seniors; retain/attract local businesses; shall an ordinance be adopted retaining existing height limits in single-family residential neighborhoods; restricting multi-unit housing in commercial/mixed-use corridors/neighborhoods including Downtown, Huntington Drive, Ostrich Farm with publicly-reviewed height limits necessary to implement South Pasadena’s Housing Element?	YES
	NO

**Section 3.** The proposed ordinance shall only take effect if at least a majority (50% +1) of those voting vote in favor of it.

**Section 4.** The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280.

**Section 5.** The City Council directs that arguments for and against the measure may be filed in accordance with applicable law, and that all members of the City Council are authorized to file the argument in favor of the measure.

**Section 6.** In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. All persons qualified and registered to vote in the City of South Pasadena as of the date of such election shall be entitled to vote.

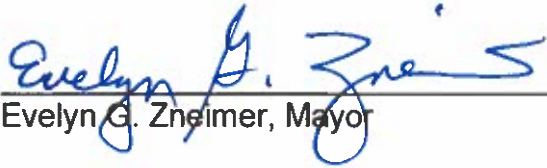
**Section 7.** Notice of the time and place of holding the General Municipal Election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form and manner as required by law, and to publish a synopsis of the measure as required by law.

**Section 8.** An Initial Study in conformity with 14 CCR 15080(c) and an Environmental Assessment (EA) in conformity with 14 CCR 15140, et seq., were prepared for the preparation and adoption of the City's 2021-2029 Housing Element. On May 30, 2023, the City Council approved and adopted the EA, not only for the Housing Element, but also for implementation of the programs identified therein. Based on the analysis presented in the EA, and as more thoroughly described therein, implementation of the Housing Element would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures: Air Quality (Air Quality Management Plan Consistency, Air Quality Standards Violation; Cumulative Air Quality Impacts); Greenhouse Gas Emissions (GHG Emissions); Noise (Direct and Cumulative Construction and Exterior Traffic Noise Standard Violation); and, Population and Housing (Population Growth). EA Table ES-1 presents a summary of significant environmental impacts identified in Sections 3.1 through 3.16 of the Environmental Assessment; Mitigation Measures that reduce any significant impacts; and the level of significance of each impact after mitigation. Significant irreversible environmental changes and growth-inducing impacts are addressed in Section 5.0, Other CEQA Considerations of the Environmental Assessment. The Housing Element, and the EA analysis, contemplated implementation of Program 2.n., therefore, the proposed ordinance to be submitted to the voters is within the scope of the EA, no further CEQA review is required, and is exempt from the California Environmental Quality Act pursuant to Government Code Section 65759.

**Section 9.** The City Clerk is hereby directed to submit a complete certified copy of this Resolution to the Los Angeles County Registrar of Voters and to the Los Angeles County Board of Supervisors forthwith.

**Section 10.** The Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 31st day of July, 2024.

  
\_\_\_\_\_  
Evelyn G. Zheimer, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

I **HEREBY CERTIFY** the foregoing Resolution No.7869 was duly adopted by the City Council of the City of South Pasadena, California, at a Special City Council meeting held on the 31st day of July, 2024, by the following vote:

**AYES:** Braun, Cacciotti, Donovan, Primuth, Mayor Zneimer

**NOES:** None.

**ABSENT:** None.

**ABSTAIN:** None.

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



**EXHIBIT A**  
**ORDINANCE NO.**

CITY OF SOUTH PASADENA

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF SOUTH PASADENA RELATED TO BUILDING HEIGHTS IN ALL ZONING DISTRICTS OF THE CITY IN ORDER TO PROTECT THE CITY'S RESIDENTIAL CHARACTER, PRESERVE LOCAL CONTROL AND INCREASE HOUSING OPPORTUNITIES, INCLUDING AFFORDABLE HOUSING, FOR MIDDLE AND WORKING CLASS FAMILIES, INDIVIDUALS AND SENIORS IN COMPLIANCE WITH THE UPDATED GENERAL PLAN AND THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT**

**WHEREAS**, Sections 65300 *et. seq.* of the California Government Code require each city and county to adopt a comprehensive, long-term, General Plan for the physical development of land within its jurisdiction, which must include, among other requirements, a housing element meeting detailed criteria set forth in State law that provides sufficient housing development opportunities to meet existing and projected housing needs for the community;

**WHEREAS**, Sections 65580 *et. seq.* of the California Government Code require each city and county to periodically prepare and update the housing element of its General Plan;

**WHEREAS**, the Southern California Association of Government (SCAG) periodically undertakes a Regional Housing Needs Allocation (RHNA) process to allocate to the various agencies in the SCAG region the portion of the regional housing needs for which each of the agencies must plan in their respective housing elements. In 2019, the City of South Pasadena (the City) received its RHNA allocation of 2,062 units. The City appealed and received its final RHNA allocation of 2,067 units in 2021, and thereafter started to prepare the 2021-2029 (6<sup>th</sup> Cycle) Housing Element update (hereafter, the "Housing Element" or "2021-2029 Housing Element");

**WHEREAS**, on July 12, 1983, City voters passed a voter-led initiative known as Measure No. 1 with 2,531 voting for the measure and 2,262 voting against the measure ("Measure No. 1"). Measure No. 1 established that in the City "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 percent (5%) of the required spaces.";

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

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

**WHEREAS**, on August 19, 2022, the Court entered a Stipulated Judgment agreed upon by the parties, which committed the City to adopting a housing element certified by or eligible for certification by HCD no later than May 31, 2023. The settlement agreement and Stipulated Judgment shall be referred to collectively as the "Court Order";

**WHEREAS**, during the 2021-2029 Housing Element process, the California Department of Housing and Community Development ("HCD") identified the 45-foot height limit, as applied to areas with allowable base residential densities in excess of 50 dwelling units per acre, as a potential constraint to housing development in the City;

**WHEREAS**, to address the height constraint, Housing Element Program 2.n was included in the Housing Element. Program 2.n requires the City to place a ballot measure on the November 2024 election to address the current 45-foot building height limit;

**WHEREAS**, Program 2.n provides that the City will seek the repeal of the height limit as to at least any residential or mixed-use (including residential) project on parcels for which the Housing Element anticipates a base density in excess of 50 dwelling unit per acre;

**WHEREAS**, on May 30, 2023, the City Council held a duly noticed Public Hearing to consider the Draft Housing Element, including the Environmental Assessment ("EA") pursuant to Government Code Section 65759. After hearing public testimony, considering the staff report, staff presentation, and Council discussion, in keeping with the Court Order, the City Council (i) approved and adopted the EA, not only for the Housing Element adoption, but also for implementation of the programs identified therein, and (ii) adopted the Housing Element;

**WHEREAS**, the City has worked diligently to implement the Housing Element, including undertaking the required rezoning actions, and on July 29, 2024, the City received HCD certification that the City's Housing Element substantially complies with housing element law ("July 29th Letter");

**WHEREAS**, on April 15, 2024, the City Council held a public meeting to discuss a ballot measure to implement Program 2.n and the various approaches regarding such measure;

**WHEREAS**, the City Council was informed at the April 15, 2024, public meeting that the placement of the ballot measure to repeal the 45-foot height limit at least as to

residential and mixed-used projects on parcels with base densities in excess of 50 dwelling units per acre was not optional because it is a requirement of the Court Order entered into by the City and Californians for Homeownership as well as a requirement of the Housing Element.;

**WHEREAS**, if the voters rescind the height limitation as to properties with residential or mixed-use densities in excess of 50 dwelling units per acre and retain the 45-foot maximum height limit for single-family residential areas of the City, the City Council will set maximum building heights as appropriate to achieve the allowed density through a public process;

**WHEREAS**, when establishing the maximum building heights, the City Council shall be guided by technical studies and/or technical analysis in determining the appropriate height to achieve the allowed base density;

**WHEREAS**, if the voters retain the 45-foot height limit in the single-family residential areas the City Council will continue to have the authority to set height limits less than or equal to 45 feet;

**WHEREAS**, if the voters maintain the currently adopted 45-foot height limit for areas with allowed residential and mixed-use density in excess of 50 dwelling units per acre, the Court Order and Program 2.n. requires the City to complete a mid-cycle revision to the Housing Element, which would include additional rezoning to address the City's RHNA requirements, which would likely include increased residential density in single family areas. Pursuant to the Californians for Homeownership Court Order, the City would be required to complete the mid-cycle housing element revision within nine (9) months;

**WHEREAS**, the voters are not being asked to make revisions to the parking provision set forth in Measure 1;

**WHEREAS**, pursuant to Government Code Section 65585, HCD has the authority to review cities' actions, or failures to act, for consistency with an adopted housing element. If HCD finds that an action, or failure to act, does not substantially comply with housing element law, HCD has the authority to revoke its findings and certification of the housing element;

**WHEREAS**, HCD in its July 29th Letter stated that Program 2.n. "is crucial to substantial compliance with State Housing Element Law";

**WHEREAS**, if HCD revokes its certification findings, the City would be open to the so called "builder's remedy," whereby housing development projects that are inconsistent with general plan land use designations and zoning can be proposed, with the City's authority to deny such proposals significantly constrained pursuant to the State Housing Accountability Act (Government Code Section 65589.5(d));

**WHEREAS**, if HCD revokes its certification findings, state law and the courts also have imposed consequences to cities that lack a certified housing element. Those penalties include but are not limited to financial penalties of up to \$100,000 a month, loss of the City's permitting authority such as not being able to issue any building permits for business remodels, new businesses or bathroom remodels, and loss of access to grant funding; and

**WHEREAS**, under California law every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF SOUTH PASADENA DO ORDAIN AS FOLLOWS:**

**Section 1.** Recitals. The facts set forth in the recitals of this Ordinance are true and correct and incorporated herein as if set forth in full.

**Section 2.** Purpose. The purpose and intent of this Ordinance is to increase housing opportunities in South Pasadena for renters and owners, including affordable housing for middle and working class families, individuals and seniors; to comply with the Court Order; to implement Program 2.n of the Housing Element; to ensure the City maintains local control over its zoning, planning and building; to create opportunities for local businesses to provide shopping and dining experiences along the commercial and mixed-use areas planned for future housing units; ; and to protect South Pasadena's single-family neighborhoods' residential character.

**Section 3.** Measure No. 1 adopted at a special municipal election held on July 12, 1983 and is attached hereto as Exhibit A and incorporated herein by reference, is hereby repealed in the manner set forth in Exhibit A.

**Section 4.** The maximum height of a building or structure in the Residential Estate Zoning District, Residential Single-Family Zoning District and the Overlay District of Altos de Monterey, shall not exceed 45 feet, and the City Council shall set by ordinance, adopted through a public process, allowed heights in these areas that are less than or equal to 45 feet.

**Section 5.** The maximum height of a building or structure in any Zoning District not referenced in Section 4 above shall be set by City Council ordinance adopted through a public process.

**Section 6.** In order to comply with the Court Order and implement Program 2.n. of the Housing Element, when establishing the maximum height allowed for a residential or mixed-use (including residential) building or structure in any Zoning District with a base density in excess of 50 dwelling units per acre pursuant to Section 5 above, City Council shall set the height limit by ordinance, adopted through a public process, at a height limit to achieve the applicable base density. As of the Effective

Date of this Ordinance, the areas that contain a base density in excess of 50 du/ac include areas set forth in the Downtown Specific Plan, specifically the Mixed Use Core Zone and the Fair Oaks Corridor Zone, the Mixed-Use Overlay Zone, and the Housing Opportunity Overlay Zone, which includes certain parcels in the Ostrich Farm and Huntington Drive Mixed Use Areas.

**Section 7.** If any provision of the City Code of the City of South Pasadena (“City Code” but also sometimes referred as the South Pasadena Municipal Code), including the Zoning Code (codified as Chapter 36 of the City Code) in existence as of November 4, 2024 (“November 2024 City Code”) conflicts with any provision contained in this Ordinance, including any ordinance adopted by the City Council as provided for in Sections 4 or 5 herein, the provisions of this Ordinance and any further ordinance adopted by the City Council to implement this Ordinance shall supersede any conflicting provisions of the November 2024 City Code.

**Section 8.** The City of South Pasadena and its City Council are hereby authorized and directed to amend the General Plan, the City Code, Zoning Code, specific plans, and any other City plans, ordinances and policies affected by this Ordinance, including any ordinance adopted by the City Council as provided for in Sections 4 and 5 herein, as soon as possible and periodically thereafter as necessary and in the manner and time required by any applicable state law, to implement the intent of this Ordinance and ensure consistency between this Ordinance, including any ordinance adopted by the City Council as provided for in Sections 4 or 5 herein, and any other sections of the City’s General Plan, City Code, Zoning Code, specific plans, and any other City plans, ordinances and policies.

**Section 9.** Effective Date. If a majority of the voters voting at an election on this measure approves this Ordinance, it shall take effect ten (10) calendar days following the City Council’s final certification of the election result, as required by applicable law. Except as provided herein, this Ordinance may be substantively amended or repealed only with the approval of a majority of the voters voting at an election on the proposal.

**Section 10.** Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of South Pasadena hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

**Section 11.** Environmental Findings. An Initial Study in conformity with 14 CCR 15080(c) and an Environmental Assessment (EA) in conformity with 14 CCR 15140, et seq., were prepared for the preparation and adoption of the City’s 2021-2029 (6th Cycle) Housing Element. Based on the analysis presented in the Environmental

Assessment, and as more thoroughly described therein, implementation of the Housing Element would result in the following significant and unavoidable impacts after implementation of feasible mitigation measures: Air Quality (Air Quality Management Plan Consistency, Air Quality Standards Violation; Cumulative Air Quality Impacts); Greenhouse Gas Emissions (GHG Emissions); Noise (Direct and Cumulative Construction and Exterior Traffic Noise Standard Violation); and, Population and Housing (Population Growth). EA Table ES-1 presents a summary of significant environmental impacts identified in Sections 3.1 through 3.16 of the Environmental Assessment; Mitigation Measures that reduce any significant impacts; and the level of significance of each impact after mitigation. Significant irreversible environmental changes and growth-inducing impacts are addressed in Section 5.0, Other CEQA Considerations of the Environmental Assessment. The Housing Element, and the EA analysis, contemplated implementation of Program 2.n., therefore, this action is within the scope of the EA, no further CEQA review is required, and this measure is exempt from the California Environmental Quality Act pursuant to Government Code Section 65759.

**Section 12.** Execution. The Mayor is hereby directed to attest to the adoption of this Ordinance by signing where indicated below upon certification by the City Clerk that a majority of those electors voting on this Ordinance have voted in the affirmative.

**PASSED, APPROVED and ADOPTED** by the voters at the general municipal election November 5, 2024. Election results were certified by the South Pasadena City Council on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Evelyn G. Zneimer, Mayor

ATTEST:

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

**EXHIBIT A TO ORDINANCE  
MEASURE NO. 1**



RESOLUTION NO. 5642

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.

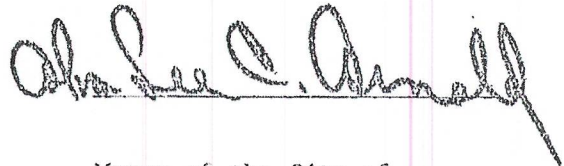
SECTION 4. That the number of votes given at each precinct and the number of votes given in the City for and against the measure were as listed in Exhibit "A" attached.

SECTION 5. The City Clerk shall enter on the records of the City Council of said City, a statement of the result of said election, showing:

- (1) The whole number of votes cast in the city;
- (2) The measure voted upon;
- (3) The number of votes given at each precinct for and against the measure;
- (4) The number of votes given in the city for and against the measure.

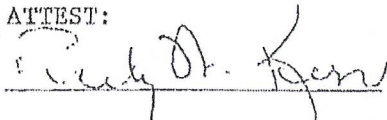
SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED AND ADOPTED ON July 19, 1983.



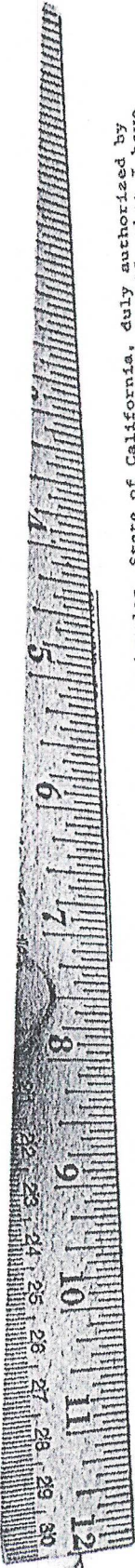
Mayor of the City of  
South Pasadena, California

ATTEST:



City Clerk of the City of  
South Pasadena, California

Vote: Ayes - Councilmembers Knowles, Margrave, Shaw, Mayor Arnold  
Noes - None  
Absent - Councilmember Montgomery



I, Ruby W. Kerr, City Clerk of the City of South Pasadena, County of Los Angeles, State of California, duly authorized by Resolution No 5625, adopted by the City Council of said City on the 20th day of April, 1983, do hereby certify that I have canvassed the returns of the Special Municipal Election held in said city on the 12th day of July, 1983, and find that the number of votes given at each precinct and the number of votes given in the City for and against Measure 1 were as follows:

*Ruby W. Kerr*  
 City Clerk of the City of South Pasadena

Dated July 15, 1983

PRECINCT	YES	NO	TOTAL VOTES CAST AT PRECINCT
1	330	260	590
2	191	186	377
4	377	171	548
9	288	176	464
13	263	248	511
16	277	153	430
19	297	262	559
22	269	310	579

TOTAL	2292	1766	4058
ABSENTEE VOTE	239	496	735
TOTAL VOTES CAST	2531	2262	4793