



**CITY OF SOUTH PASADENA  
CITY COUNCIL**

**AGENDA**

**SPECIAL CITY COUNCIL MEETING  
WEDNESDAY, MAY 29, 2024 AT 7:01 PM**

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

**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.

Public participation may be made as follows:

- In-Person – Council Chambers, 1424 Mission Street, South Pasadena, CA 91030
- Live Broadcast via the City website – [http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)
- Via Zoom – Meeting ID: 825 9999 2830
- Written Public Comment – written comment must be submitted by 12:00 p.m. the day of the meeting by emailing to [ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov)
- 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/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](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 GUIDELINES**

The City Council welcomes public input. Members of the public may comment on the agenda items only. Members of the public will have three minutes to address the City Council, however, the Mayor and City Council may adjust the time allotted, as needed.

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

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

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

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

## **PUBLIC HEARING**

### **1. CONSIDERATION OF A RESOLUTION AMENDING THE DOWNTOWN SPECIFIC PLAN, A RESOLUTION TO MAKE FINDINGS FOR GOVERNMENT CODE SECTION 65583.2(G), AND AN ORDINANCE TO AMEND THE ZONING CODE TO IMPLEMENT THE CITY'S 2021-2029 (6<sup>TH</sup> CYCLE) HOUSING ELEMENT**

#### Recommendation

It is recommended that the City Council open the Public Hearing, receive public testimony on the project, and then:

1. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, specifically, an exemption from public art requirements; and
2. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g); and
3. Introduce by title only and waive full reading of an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the

RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones.

**ADJOURNMENT**

**CERTIFICATION OF POSTING**

I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on May 29, 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.

May 23, 2024

/S/

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Date

Amber Tardif, Deputy City Clerk



# City Council Agenda Report

ITEM NO. 1

**DATE:** May 29, 2024

**FROM:** Arminé Chaparyan, City Manager

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

**SUBJECT:** **Consideration of a Resolution Amending the Downtown Specific Plan, a Resolution to Make Findings for Government Code Section 65583.2(g), and an Ordinance to Amend the Zoning Code to Implement the City's 2021-2029 (6<sup>th</sup> Cycle) Housing Element**

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## Recommendation

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2. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g); and
3. Introduce by title only and waive full reading of an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones.

## Executive Summary

The City continues its effort to implement policies and actions listed in the 2021-2029 (6th Cycle) Housing Element. On February 13, 2024, the City received written comments from the State Department of Housing and Community Development (HCD) that outlined outstanding issues the City needs to address before the State can certify the adopted Housing Element. The City has reviewed the letter and formulated draft amendments to the Downtown Specific Plan (DTSP) and the South Pasadena Municipal Code (SPMC) that address all of the State's concerns. The proposed amendments require at least 20 dwelling units per acre on housing

inventory sites identified the Housing Element and clarify that 100% residential projects are permitted in mixed use areas. A separate Resolution makes findings in compliance with Government Code Section 655893.2(g).

## **Background**

On May 30, 2023, the City Council adopted the 2021-2029 (6th Cycle) Housing Element. Since that time, the City has diligently worked to implement the housing programs contained in the Housing Element. In the past eleven months, the City adopted an updated General Plan, created the Downtown Specific Plan (DTSP), and adopted Zoning Code amendments in support of the Housing Element. Most recently, on March 20, 2024, the City Council adopted the Housing Opportunity Overlay for certain parcels in the Ostrich Farm and Huntington Drive Mixed Use Areas, as required by Housing Element Program 3.a (Rezone and Redesignate Sites to Meet RHNA).

On February 13, 2024, HCD sent a letter to the City listing outstanding items that needed to be addressed before the State could certify the Housing Element. That letter is included in this report as Attachment 1. The City worked with HCD and identified specific amendments to the Downtown Specific Plan and Zoning Code to address the identified issues. On April 29, 2024, HCD informed the Community Development Director that the City's proposed text changes to the Downtown Specific Plan (DTSP) and South Pasadena Municipal Code (SPMC) would address all the comments in HCD's February 13, 2024, letter and allow for HCD's certification of the City's adopted 2021-2029 Housing Element. Based on that information, staff is bringing forward applicable DTSP and SPMC amendments.

## **Analysis**

### Project Description

The project consists of a Downtown Specific Plan Amendment and Zoning Text Amendment to address issues raised by HCD regarding the City's adopted 2021-2029 Housing Element. Specifically, the amendments are in response to HCD's requirement to further clarify that any property listed in Housing Element Table VI-50 (Sites Inventory) and Table VI-51 (Zoning Program) require a minimum density of 20 units per acre. The amendments also address the requirement for ministerial review of qualifying projects that contain at least 20% affordable housing, and memorializes the City's existing policy that allows for 100% residential projects in mixed-use areas. Changes are proposed to both the SPMC and the DTSP to accommodate the State's requirements. As part of the Specific Plan Amendment, staff is also seeking authorization to reformat the DTSP document to accommodate the additional required text amendments. This would involve putting page numbers into a chapter-based format, allowing an easier process to revise the document. The project is described below:

### Specific Plan Amendment (SPA)

Certain sections of the Downtown Specific Plan would be amended to address HCD's issues. The proposed changes are shown below. Strike-through type depicts text that will be deleted, and underline type shows proposed text revisions. Black/plain text indicates verbiage that would remain unchanged. The following changes to the DTSP are proposed:

1. Amend DTSP Section C2.2 paragraph A (Regulating Plan)

Add a new subparagraph 6 as follows:

6. Any project located on a site included in either Table VI-50 or Table VI-51 of the Adopted

2021-2029 Housing Element that reserves at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of Article 3 of Chapter 36 of the City Code.

2. Amend DTSP Section C2.2 (Summary of Zoning Districts)

Mixed-use Core Zone

General Use: Buildings are occupied with ground floor retail, cultural, entertainment, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.

Fair Oaks Corridor Zone

General Use: Buildings are occupied with ground floor commercial, retail, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.

3. Add paragraph B to DTSP Section C3.1 Land Use Standards;

B. In compliance with State law, any property that is included in the 2021-2029 Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre.

4. Amend DTSP Section C4.2 (Applicability)

All proposed buildings and related improvements shall be designed in compliance with the development standards of this Section for the applicable zone, except for public and institutional buildings, which because of their unique disposition and application are not required to comply with these requirements. For properties designated in the General Plan Housing Element sites inventory as Mixed Use, in addition to all other requirements in this section, projects of 100 percent residential development shall be permitted, and at least 50 percent of the total floor area of mixed-used developments on any sites identified as Mixed Use in the Housing Element sites inventory must be developed as residential use. Mixed Use development is permitted in the following building types (see DTSP Chapter C5 Building Standards): Stacked Flats, Flex Building, Liner, and Hybrid Court.

5. Amend DTSP Section C4.3.A (Mixed Use Core—Purpose)

A. Purpose

The Mixed-Use Core Zone permits community serving retail, office, cultural, and transit-oriented residential mixed-uses ~~up to~~ with between 20 and 70 dwelling units per acre. Uses include small-scale commercial activities that are typically located along the main street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area.

6. Amend DTSP Section C4.4.A (Fair Oaks Avenue Zone—Purpose)

A. Purpose

The Fair Oaks Avenue Zone permits regional and community serving retail, office, cultural and residential mixed-uses ~~up to with~~ between 20 and 110 dwelling units per acre. Uses include larger-scale commercial uses that are typically located along this busy commercial street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area. The buildings located along the edges that back-up to residential districts require very careful residential scale massing and articulation.”

7. Amend DTSP Section C5.2 (Building Types)

A. Stacked Flats

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

B. Flex Building

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

C. Liner

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

D. Hybrid Court

8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type.

In addition to the text changes listed above, staff is also taking this opportunity to propose changing the pagination format of the DTSP document. Currently, the document’s pages are numbered sequentially, meaning a change in the front part of the document would potentially impact every page that comes afterward. Staff proposes going to a chapter-based page numbering system that would allow a particular section of the DTSP to be revised, with additional or fewer pages not affecting subsequent pages. Should those changes be authorized, staff would be able to work with a graphic designer to make the revision. While repagination is not a substantive change to the DTSP document, it would make future revisions easier to implement since only specific chapters would need to be revised, not the entire document. A draft Resolution for the Downtown Specific Plan Amendments is included in as Attachment 2.

Zoning Text Amendment (ZTA)

This item also includes Zoning Text Amendments to the SPMC. The changes are listed below. As with the proposed Specific Plan revisions listed above, text that is proposed to be deleted is shown in ~~strikethrough~~ and text proposed to be added is shown in underline. Black/plain text would remain unchanged:

1. Amend South Pasadena Municipal Code Section 36.220.020 (Purposes of Residential Districts) C. RM (Residential Medium Density district) as follows:

C. RM (Residential Medium Density) district. The RM zoning district applies to areas appropriate for a variety of housing types. Typical residential land uses include single-family bungalow courts, courtyard housing, townhomes, duplexes, triplexes, multiplexes, and other attached dwellings on smaller lots. The allowable residential density ranges from 5.1 to 30

dwelling units per acre, except that any property in the RM district that is also included on the Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre. The RM zoning district is consistent with the Medium Density Neighborhood land use designation of the General Plan.

2. Amend South Pasadena Municipal Code Section 36.220.030, Table 2-2, Employee Housing row as follows:

Land Use	RE	RS	RM	RH	Specific Use Regulations
Employee Housing	P	P	P (but only if established in a legally existing single-family residential structure)	P (but only if established in a legally existing single-family residential structure)	36.650.265

3. Amend South Pasadena Municipal Code Section 36.240. Table 2-7 Note 2 as follows:

(2) Residential development with a density of ~~up to~~ between 20 and 30 dwelling units per acre is allowed on Assessor Parcel No. 5314-003-083 pursuant to the 2021-2029 (6th Cycle) Housing Element. Any project on this parcel that includes at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.

4. Amend Municipal Code Design Review Section 36.410.040 (Design Review) D. (Design Review Authority) 6. (Ministerial Review of qualifying residential projects.) to read as follows:

6. Ministerial review of qualifying residential projects. The Community Development Director shall develop an application for ministerial approvals of qualifying residential projects pursuant to the requirements of State law, as well as procedures for processing applications for the ministerial approvals. The procedures may include a limited design review process and applicable standards. However, any limited design review process shall not constitute a “project” for purposes of the California Environmental Quality Act. “Qualifying residential projects” are either (a) residential or mixed use projects located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element with at least 20% of the residential units reserved for lower income households, or (b) residential or mixed-use projects that are subject to the Inclusionary Housing requirements of Division 36.375 of this Code. Qualifying residential project pursuant to criterion (a) above shall also qualify for priority processing as compared to other projects processed by the Community Development Department, and shall be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”



A draft Ordinance for the proposed revisions can be found in Attachment 3.

### **Specific Plan Amendment Findings**

A Specific Plan Amendment may be adopted using the same procedure specified in the SPMC for the adoption of a Specific Plan (SPMC Section 36.440.070(C)). In order to adopt a Specific Plan Amendment, the City Council must find that the proposed amendment is in conformance with the actions, goals, objectives, policies, and programs of the General Plan (SPMC Section 36.440.060(A)). The proposed DTSP Amendment is consistent with the policies and programs of the 2021-2029 (6<sup>th</sup> Cycle) Housing Element that was adopted on May 30, 2023. The following paragraph describes how and why the proposed Downtown Specific Plan Amendments are consistent with the General Plan:

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

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

### **Zoning Amendment Findings**

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

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

The proposed Zoning Code Amendments are in conformance with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The Housing Element is one of the elements required by State law. Therefore, adopting the Zoning Code Amendments that implement the policies and programs of the 2021-2029 Housing Element would be consistent with the General Plan. Further, the proposed Zoning Code Amendments support the following General Plan and Housing Element goals, policies, actions, or programs:

Housing Element Goal 2.0: *Encourage and Assist in the Provision of Affordable Housing.*

Housing Element Goal 3.0: *Provide opportunities to increase housing production.*

Housing Element Program 3.a: *Rezone and Redesignate Sites to Meet RHNA.* (“...Additional

*zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City's arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...").*

Housing Element Program 3.n: Zoning Changes. (*"This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program..."*)

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the City Council can make this finding in support of the Project.

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

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by making affordable housing available in the community, and by providing opportunities for individuals of all economic strata to reside and engage in the South Pasadena community. The amendments also further the goals and policies of the City's adopted 2021-2029 Housing Element.

*2. Additional finding for Zoning Code Amendments. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Text Amendments are internally consistent with other applicable provisions of the Zoning Code, and implement the adopted 2021-2029 Housing Element. Therefore, the City Council can make this finding.

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

No Zoning Map Amendment is proposed. Therefore, this finding does not apply.

As stated above, the City Council can make all of the necessary findings listed in SPMC Chapter 36.620.070(B) to adopt the Zoning Text Amendment.

### **Resolution Findings for Government Code 65583.2(g)**

The HCD letter dated February 13, 2014, identified the need for the City Council to make certain findings pursuant to Government Code Section 65583.2(g). These draft findings are listed below:

*The City Council hereby finds:*

- A. The existing uses on the non-vacant sites identified in Housing Element Table VI-50 (the site inventory) to accommodate the Regional Housing Needs Allocation (RHNA) are*

*likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.*

- B. *The inventory sites relied upon to meet the City's RHNA allocation for lower income housing allow for development densities of at least 30 dwelling units per acre default density pursuant to Government Code Section 65583.2(c)(3)(b), with many such sites allowing up to 70 or 110 dwelling units per acre.*
- C. *Detailed analyses of the sites included in Housing Element Table VI-50, as set forth in Appendix A provides evidence that the existing uses are likely to be discontinued and are not impediments to the planned residential uses of the sites. In addition, a multi-factor analysis was completed for the approximate 1,288 parcels included in Table VI-51, to demonstrate that a sufficient number of sites would be redeveloped during the course of the planning period to accommodate well in excess of the RHNA allocation, resulting in a buffer of approximately 120% (or 2,475) beyond the RHNA requirements of 2,067 units.*
- D. *The Table VI-51 analysis takes into account current zoning, existing units, the maximum allowed density under the Housing Element with zoning implementation actions, historic considerations, commercial utilization, date of construction of existing structures, and proximity to transit, to analyze the potential for redevelopment, and as noted above shows a significant buffer beyond the City's RHNA allocations.*

A draft Resolution to make the Government Code Section 65583.2(g) findings can be found in Attachment 4.

### **Fiscal Impact**

Upon adoption of the Specific Plan and Zoning Text Amendments, staff time would be required to implement the updated Specific Plan and Zoning Code. These costs are included in Community Development's operating budget for fiscal year 2023-24, and are also proposed in the operating budget for fiscal year 2024-2025.

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

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

### **Commission Review and Recommendation**

The Planning Commission considered this item in a duly noticed Public Hearing on May 14, 2024. At the conclusion of the Public Hearing, and after considering the staff report, public testimony, and Commissioner discussion, the Planning Commission, in a 5-0 vote, adopted Resolution P.C. 24-05 (Attachment 5) recommending the City Council approve the Project.

### **Public Notification**

A public notice for this Public Hearing was published in the South Pasadena Review on May 17, 2024. The public was also made aware of the Special City Council meeting for the Public Hearing on May 29, 2024, through its inclusion in the legally publicly noticed agenda, posted physically at City Hall and also on the City's website.

### **Legal Review**

The City Attorney has reviewed this item.

### **Next Steps**

Should the City Council approve the project, and adopt the Resolution to amend the

Downtown Specific Plan, adopt a Resolution to make the required findings pursuant to Government Code Section 65583.2(g), and conduct a First Reading of Ordinance for the Zoning Text Amendments, the following next steps are anticipated:

June 5, 2024: Conduct a Second Reading of said Ordinance.

July 5, 2024: Ordinance takes effect.

Attachment:

[Attachment 1--HCD Letter 2-13-24.pdf](#)

[Attachment 2--Draft Resolution to Amend the DTSP.DOCX](#)

[Attachment 3--Draft Ordinance SPMC Amendments for HCD compliance \(5-12-24\).docx](#)

[Attachment 4--Draft Resolution to adopt findings for GC 65583.2 5.2.24.DOCX](#)

[Draft PowerPoint Presentation 5-29-24.pptx](#)

[Attachment 5 -- Resolution PC 24-05 \(with Exhibits\).pdf](#)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)

**ATTACHMENT 1**

February 13, 2024

Angelica Frausto-Lupo, Director  
Community Development Department  
City of South Pasadena  
1414 Mission Street  
South Pasadena, CA 91030

Dear Angelica Frausto-Lupo:

**RE: City of South Pasadena's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of South Pasadena's (City) housing element that was adopted on May 30, 2023 and received for review on December 15, 2023. The California Department of Housing and Community Development (HCD) also received various resolutions and ordinances pertaining to rezoning and implementation and informal revisions to the sites inventory for review. Pursuant to Government Code section 65585, subdivision (c), HCD considered comments from Josh Albrekston, South Pasadena Tenants and YIMBY Law. Pursuant to Government Code section 65585, HCD is reporting the results of its review.

On May 16, 2023, HCD found the revised draft to meet the statutory requirements of State Housing Element Law. (Gov. Code, § 65580 et seq.) However, the element could not be found in substantial compliance until the City has completed the necessary rezones to make prior identified sites available or address the shortfall of sites to accommodate the regional housing needs allocation (RHNA) pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021) as described below. Further, to comply with State Housing Element Law, the City must adopt and submit the housing element and be approved by HCD in accordance with Government Code section 65585.

The adopted element was found to be substantially the same as the revised draft element that HCD's May 16, 2023 review determined met statutory requirements. However, the adopted element cannot be found in substantial compliance for various reasons and the element and related documents must be revised, as follows:

**Completion of Necessary Rezoning**

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline (January 31, 2023) cannot be found in compliance until rezones to make

prior identified sites available or accommodate a shortfall of sites to accommodate the RHNA are completed pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivisions (c), (h) and (i). HCD has reviewed the various resolutions and ordinances related to rezoning, particularly the General Plan Update, Downtown Specific Plan, Mixed-Use Overlay Zone and Increasing Density in the Residential Medium and Residential High Zoning District. These resolutions and ordinances do not appear to meet statutory requirements, including, among other requirements, by-right and appropriate development standards pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivisions (h) and i), as follows:

- *General Plan Update and Downtown Specific Plan:* To the extent necessary to accommodate the lower-income RHNA, sites must be zoned to permit owner-occupied and rental multifamily residential use by-right for developments in which at least 20 percent of the units are affordable to lower-income households during the planning period. The General Plan Update and Downtown Specific Plan do not appear to meet this affordability requirement.

In addition, to the extent necessary to accommodate the lower-income RHNA, rezoning must meet minimum densities and residential only performance standards. Specifically, the rezone must require a minimum density of 20 units per acre and residential only performance standards generally include 50 percent of the lower-income RHNA on residential only zoned sites or the zone allows 100 percent residential uses and requires residential to occupy 50 percent of the total floor area of a mixed-use project. The General Plan Update and Downtown Specific Plan do not appear to meet these requirements.

- *Mixed-Use Overlay:* The Mixed-Use Overlay does not appear to meet the affordability requirement, as described above. In addition, the Mixed-Use Overlay Zone may not meet statutory requirements pursuant to Government Code section 65583.2, subdivisions (c), (h) and (i). Please be aware, the recent California appellate decision in *Martinez v. City of Clovis* found that while overlays can be used in a rezone, when the base zone allows residential development, both the base zone and the overlay zone must comply with the minimum density requirements of Government Code section 65583.2, subdivision (h). The City should consult with its legal counsel regarding the impacts of this decision for the current rezone strategy and adjust its recent rezoning accordingly. *Martinez v. City of Clovis (2023) 90 Cal.App.5th 193, 307 Cal.Rptr.3d 64.*
- *Overlay Zones and Increasing Density in the Residential Medium and Residential High Zoning District:* To the extent necessary to accommodate

the lower-income RHNA, these zones or pending overlay zones (Program 2.j and 2.k) must meet the by-right requirements pursuant to Government Code section, subdivisions (h) and (i), including the recent court decision, as described above. For example, zoning associated with Site 7 (Methodist Church) should meet these by-right requirements. In addition, HCD understands rezoning with the overlays (Program 2.j and 2.k) have not been completed and the element cannot be found in compliance until these rezones are complete.

- *Heights:* Appropriate development standards to facilitate achieving the proposed maximum densities (e.g., 70 and 110 units per acre) are crucial to completing zoning. While Program 2.n (City-wide Height Limit) proposes to revise heights, zoning cannot be deemed complete without appropriate development standards to implement the densities. The City may utilize an interim procedure to meet this requirement. However, the procedure should be written and administrative and should not be subject to special requirements such as demonstrating cost reduction as required by State Density Bonus Law.

To address these requirements, the City should either submit zoning that meets all requirements pursuant to Government Code section 65583.2, subdivisions (c), (h) and (i) or provide additional documentation to demonstrate recent rezoning complies with these statutory requirements. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

#### Nonvacant Sites and Required Findings

The housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. As a result, the City must find (as part of an adoption resolution), based on substantial evidence, existing uses are not an impediment to additional residential development in the planning period and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). HCD has reviewed Resolution Number 7817, which does not appear to meet this statutory requirement. As a result, the City should re-adopt the housing element with the appropriate findings and submit the resolution, including any pertinent documentation, to HCD.

#### Effective Implementation

Effective implementation of programs is crucial to the development and conservation of housing for all segments of the community. Based on a cursory review, some programs do not appear consistent with the intent of housing programs or may pose a constraint to development. For example, regarding employee housing, the ordinance appears to exclude employee housing in some residential zones for

existing single-family residences. Also, some design and development standards be constraints on development. For example, setbacks, massing setbacks, distance requirements between buildings and open space requirements may act as a constraint. The City should closely evaluate implementation of programs and make adjustments as appropriate to address constraints and encourage and facilitate a variety of housing types as part of any future submittal of the housing element. Also, while HCD acknowledges the City's progress in implementation, HCD also recognizes many programs are pending or in progress and urges the City to continue diligently implementing programs.

#### Informal Revisions and Public Participation

The City has submitted informal revisions regarding the sites inventory, particularly revisions to Table IV-51 (Downtown Specific Plan Rezoning Capacity Analysis). The framework for revising the table is preliminarily sufficient to meet statute. However, given the amount of time since HCD's May 2023 review, recent implementation such as the General Plan Update, Downtown Specific Plan and Mixed-Use Overlay Zone and other changing circumstances, the City should re-evaluate the methodology. Particularly, the element should re-evaluate factors and probabilities and make changes, as appropriate. The re-evaluation should at least address enhanced probabilities for densities exceeding 50 units per acre and locations within half mile of a transit stop. As part of this re-evaluation, the element should consider any recent trends or interest in development, build out projections anticipated in the eight-year planning period for the planning horizon of the Downtown Specific Plan and particularly seek to engage the public and development community. Based on the outcomes of this re-evaluation, the element should make adjustments as appropriate.

Further, public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. The City should actively engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. For example, future submittals of the housing element should engage the public and representative organizations as part of re-evaluating the sites inventory and review and adjustment to recently adopted zoning and development standards and other implementation. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

The element will meet the statutory requirements of State Housing Element Law once it and associated documents such as rezoning ordinances have been revised, adopted,



submitted, and reviewed and approved by HCD to comply with the above requirements pursuant to Government Code section 65585.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the City's housing element team provided throughout the housing element review. HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact me at [paul.mcdougall@hcd.ca.gov](mailto:paul.mcdougall@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

**[DRAFT] RESOLUTION NO. \_\_\_\_**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
**SOUTH PASADENA, CALIFORNIA, AMENDING THE**  
**DOWNTOWN SPECIFIC PLAN**

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

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

**WHEREAS**, 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); and

**WHEREAS**, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

**WHEREAS**, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

**WHEREAS**, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

**WHEREAS**, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain DTSP Amendments are necessary; and

**WHEREAS**, on May 14, 2024, the Planning Commission conducted a duly noticed Public Hearing to consider the DTSP Amendments, and that after receiving the staff report, staff presentation, and public testimony, the Planning Commission, in a 5-0 vote, adopted Resolution P.C. 24-05 recommending the City Council approve the amendments to the DTSP; and

**WHEREAS**, on May 29, 2024, the City Council held a duly noticed Public Hearing as prescribed by law, to consider the DTSP Amendments; and

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

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

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

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

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

**SECTION 3.** California Environmental Quality Act (CEQA) Findings. The City Council finds that pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.” The proposed DTSP Amendments are actions necessary to bring the City’s General Plan, Housing Element, and Zoning into conformance with the Housing Law, and thus are not subject to CEQA. Further, impacts associated with the adopted Housing Element and rezoning actions contemplated therein, were analyzed in the Housing Element Environmental Assessment as required by Government Code Section 65759(a)(2), which was adopted in conjunction with the Housing Element on March 30, 2023, through Resolution 7817.

**SECTION 4.** Specific Plan Findings. Pursuant to SPMC Sections 36.440.060 and 36.440.070, the City Council may adopt an amendment to the specific plan only if it finds that:

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

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

to Meet RHNA; Program 3.b Mixed-Use Developments and Adaptive Re-Use; Program 3.n Zoning Changes; and Program 4.e Universal Design. Given the DTSP is internally consistent with the proposed General Plan and adopted 2021-2029 Housing Element, therefore, the City Council can make this finding.

**SECTION 5.** Subsection 6 of Section 2.2.A. (“Purpose and Establishment of Regulating Plan”) of Section C2.2 (“Regulating Plan”) of Chapter 2 (“Zones and Regulating Plan”) of Part C (“Code”) of the DTSP is added to read as follows:

“6. Any project located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element that reserves at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of Article 3 of Chapter 36 of the City Code.”

**SECTION 6.** The cells in the row labeled “General Use” in both the “Mixed-use Core Zone” and “Fair Oaks Corridor Zone” columns in Figure 2.2 (“Summary of Zoning District”) of Section 2.2 (“Regulating Plan”) of Chapter 2 (“Zones and Regulating Plan”) of Part C (“Code”) of the DTSP are amended to read as follows, with all other contents of the table remaining without amendment:

“Mixed-use Core Zone

General Use: Buildings are occupied with ground floor retail, cultural, entertainment, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.”

Fair Oaks Corridor Zone

General Use: Buildings are occupied with ground floor commercial, retail, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.”

**SECTION 7.** Existing Subsection B. of Section C3.1 (“Land Use Standards”) of Chapter 3 (“Land Use Standards”) of Part C (“Code”) of the DTSP is hereby relettered to

Subsection C, and a new Subsection B is added such that Subsections B and C read as follows, with all other provisions of Section C3.1 remaining without amendment:

“B. In compliance with State law, any property that is included in the 2021-2029 Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre.”

**BC.** Supplemental Standards for Day Care Uses

Adult Day Care Centers and Child Day Care Centers shall comply with the following standards:

1. The facility shall comply with all State and County licensing and health requirements.
2. A safe pick-up and drop-off area shall be provided, as approved by the Director of Public Works. The preference for passenger loading shall be on-site, but may be allowed in a curbside space if approved by the Director of Public Works, subject to any applicable permits and fees.
3. Potential noise sources shall be identified, and noise attenuation and sound dampening shall be addressed as necessary for compliance with the most recent guidelines of the Noise and Safety Elements of the General Plan.”

**SECTION 8.** Section C4.2 (“Applicability”) of Chapter 4 (“Development Standards”) of Part C (“Code”) of the DTSP is amended to read as follows:

“C4.2 Applicability. All proposed buildings and related improvements shall be designed in compliance with the development standards of this Section for the applicable zone, except for public and institutional buildings, which because of their unique disposition and application are not required to comply with these requirements. For properties designated in the General Plan Housing Element sites inventory as Mixed Use, in addition to all other requirements in this section, projects of 100 percent residential development shall be permitted, and at least 50 percent of the total floor area of mixed-used developments on any sites identified as Mixed Use in the Housing Element sites inventory must be developed as residential use. Mixed Use development is permitted in the following building types (see DTSP Chapter C5 Building Standards): Stacked Flats, Flex Building, Liner, and Hybrid Court.”

**SECTION 9.** Subsection C4.3.A (“Purpose”) of Section C4.3 (“Mixed-Use Core Zone”) of Chapter 4 (“Development Standards”) of Part C (“Code”) of the DTSP is amended to read as follows:

**“A. Purpose**

The Mixed-Use Core Zone permits community serving retail, office, cultural, and transit-oriented residential mixed-uses ~~up to~~ with between 20 and 70 dwelling units per acre.

Uses include small-scale commercial activities that are typically located along the main street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area."

**SECTION 10.** Subsection C4.4. A ("Purpose") of Section C4.4 ("Fair Oaks Avenue Zone") of Chapter 4 ("Development Standards") of Part C ("Code") of the DTSP is amended to read as follows:

"A. Purpose

The Fair Oaks Avenue Zone permits regional and community serving retail, office, cultural and residential mixed-uses ~~up to~~ with between 20 and 110 dwelling units per acre. Uses include larger-scale commercial uses that are typically located along this busy commercial street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area. The buildings located along the edges that back-up to residential districts require very careful residential scale massing and articulation."

**SECTION 11.** Subsections C5.2.A, C5.2.B, C5.2.C, and C5.2.D of C5.2 ("Building Types") of Chapter 5 ("Building Standards") of Part C ("Code") of the DTSP are each amended to include a new paragraph 8 in each subsection to read as follows, with all other provisions in those subsections remaining without amendment:

A. Stacked Flats

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

B. Flex Building

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

C. Liner

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

D. Hybrid Court

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

**Section 12:** Based upon the foregoing, the City Council:

- A. Adopts a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan

area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, specifically, an exemption from public art requirements.

**Section 13:** This Resolution shall take effect immediately upon its adoption and after the close of the statute of limitations under the California Environmental Quality Act.

**Section 14:** The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED, AND ADOPTED** on this 29<sup>th</sup> day of May, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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



[DRAFT] CITY OF SOUTH PASADENA

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CERTAIN PROVISIONS OF DIVISIONS 36.220, 36.240, AND 36.410, OF THE CITY CODE OF THE CITY OF SOUTH PASADENA RELATING TO MINIMUM DENSITY, DESIGN REVIEW, AND EMPLOYEE HOUSING**

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

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

**WHEREAS**, 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); and

**WHEREAS**, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

**WHEREAS**, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

**WHEREAS**, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

**WHEREAS**, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain Municipal Code Amendments are necessary; and

**WHEREAS**, on May 14, 2024, the Planning Commission conducted a duly noticed Public Hearing to consider the Municipal Code Amendments, and that after receiving the staff report, staff presentation, and public testimony, the Planning Commission, in a 5-0 vote, adopted Resolution P.C. 2024-05 recommending the City Council adopt a Resolution amending the Downtown Specific Plan (DTSP) and to introduce an Ordinance amending the Zoning Code; and

**WHEREAS**, on May 29, 2024, the City Council, at a regular meeting, considered the Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and

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

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

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

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

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

**Section 3.** California Environmental Quality Act (CEQA) Findings. The City Council finds that pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.” The proposed Zoning Code Amendments are actions necessary to bring the City’s General Plan, Housing Element, and Zoning into conformance with the Housing Law, and thus are not subject to CEQA. Further, impacts associated with the adopted Housing Element and rezoning actions contemplated therein, were analyzed in the Housing Element Environmental Assessment as required by Government Code Section 65759(a)(2), which was adopted in conjunction with the Housing Element on March 30, 2023, through Resolution 7817.

**Section 4.** City Council Action. The City Council adopts an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones. Specific text amendments adopted by this Ordinance can be found in Sections 5-9.

**Section 5. Zoning Amendment Findings.** South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that Zoning Amendments and Zoning Map Amendments may be approved if the following findings are made:

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

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

The proposed Zoning Code Amendments are in conformance with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The Housing Element is one of the elements required by State law. Therefore, adopting the Zoning Code Amendments that implement the policies and programs of the 2021-2029 Housing Element would be consistent with the General Plan. Further, the proposed Zoning Code Amendments support the following General Plan and Housing Element goals, policies, actions, or programs:

Housing Element Goal 2.0: *Encourage and Assist in the Provision of Affordable Housing.*

Housing Element Goal 3.0: *Provide opportunities to increase housing production.*

Housing Element Program 3.a: *Rezone and Redesignate Sites to Meet RHNA.* (“...Additional zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City’s arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...”).

Housing Element Program 3.n: *Zoning Changes.* (“This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program...”)

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the City Council can make this finding in support of the Project.

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

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by making affordable housing available in the community, and by providing opportunities for individuals of all economic

strata to reside and engage in the South Pasadena community. The amendments also further the goals and policies of the City’s adopted 2021-2029 Housing Element.

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

The Proposed Zoning Text Amendments are internally consistent with other applicable provisions of the Zoning Code, and implements the adopted 2021-2029 Housing Element. Therefore, the City can make this finding.

**Section 6.** Paragraph C of Section 36.220.020 (“Purposes of Residential Zoning Districts”) of Division 36.220 (“Residential Zoning Districts”) of Article 2 (“Zoning Districts, Allowable Land Uses, and Zone-Specific Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Section 36.220.020 remaining without amendment:

“36.220.020 Purposes of Residential Zoning Districts.

C. RM (Residential Medium Density) district. The RM zoning district applies to areas appropriate for a variety of housing types. Typical residential land uses include single-family bungalow courts, courtyard housing, townhomes, duplexes, triplexes, multiplexes, and other attached dwellings on smaller lots. The allowable residential density ranges from 5.1 to 30 dwelling units per acre, except that any property in the RM district that is also included on the Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre. The RM zoning district is consistent with the Medium Density Neighborhood land use designation of the General Plan.

**Section 7.** The “Employee Housing” row of Table 2-2 (“Allowed Uses and Permit Requirements for Residential Zoning Districts”) of Section 36.220.030 (“ Residential Zoning District Land Uses and Permit Requirements” ) of Division 36.220 (“Residential Zoning Districts”) of Article 2 (“Zoning Districts, Allowable Land Uses, and Zone-Specific Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other rows of Table 2-2 remaining without amendment:

Land Use	RE	RS	RM	RH	Specific Use Regulations
“Employee Housing	P	P	<u>P (but only if established in a legally existing single-family residential structure)</u>	<u>P (but only if established in a legally existing single-family residential structure)</u>	36.650.265”

**Section 8.** Note 2 of Table 2-7 (“Allowed uses and Permit Requirements for Special Purpose Zoning Districts”) in Section 36.240.030 (“Special Purpose District Land Uses and Permit Requirements.”) of Division 36.240 (“Special Purpose Zoning Districts”) of Article 2 (“Zoning Districts, Allowable Land Uses, and Zone-Specific Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Table 2-7 remaining without amendment:

“(2) Residential development with a density of up to between 20 and 30 dwelling units per acre is allowed on Assessor Parcel No. 5314-003-083 pursuant to the 2021-2029 (6th Cycle) Housing Element. Any project on this parcel that includes at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

**Section 9.** Paragraph 6 (“Ministerial review of qualifying residential projects”) of Subsection D. (“Design Review Authority”) of Section 36.410.040 (“Design Review”) of Division 36.410 (“Zoning Approvals or Disapprovals”) of Article 4 (“Zoning Approval Procedures”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Section 36.410.040 remaining without amendment:

“6. Ministerial review of qualifying residential projects. The Community Development Director shall develop an application for ministerial approvals of qualifying residential projects pursuant to the requirements of State law, as well as procedures for processing applications for the ministerial approvals. The procedures may include a limited design review process and applicable standards. However, any limited design review process shall not constitute a “project” for purposes of the California Environmental Quality Act. “Qualifying residential projects” are either (a) residential or mixed use projects located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element with at least 20% of the residential units reserved for lower income households, or (b) residential or mixed-use projects that are subject to the Inclusionary Housing requirements of Division 36.375 of this Code. Qualifying residential project pursuant to criterion (a) above shall also qualify for priority processing as compared to other projects processed by the Community Development Department, and shall be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

**Section 10.** Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance,

and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**Section 11. Effective Date.** This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** on this 5<sup>th</sup> day of June, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Evelyn G. Zneimer, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Mark Perez, Deputy City Clerk

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Roxanne Diaz, City Attorney

## RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 65583.2 FOR THE 2021-2029 GENERAL PLAN HOUSING ELEMENT UPDATE**

**WHEREAS**, Government Code § 65580 et seq. requires the City of South Pasadena to periodically prepare and update its Housing Element in its General Plan. A city's housing element establishes goals, policies, and programs to accommodate the maintenance and expansion of the city's housing supply; and

**WHEREAS**, the 2021-2029 General Plan Housing Element Update ("the 2021-2029 Housing Element") was adopted on May 30, 2023.

**WHEREAS**, pursuant to Government Code §65583.2(g) the City Council must find that the existing uses of nonvacant sites does not constitute an impediment to additional residential development during the period covered by the 2021-2029 Housing Element.

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

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

**Section 1.** The City Council hereby makes the required findings in Government Code Section 65583.2(g) and, based on substantial evidence set forth in the record of Housing Element proceedings, finds:

- A. The existing uses on the non-vacant sites identified in Housing Element Table VI-50 (the site inventory) to accommodate the Regional Housing Needs Allocation (RHNA) are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.
- B. The inventory sites relied upon to meet the City's RHNA allocation for lower income housing allow for development densities of at least 30 dwelling units per acre default density pursuant to Government Code Section 65583.2(c)(3)(b), with many such sites allowing up to 70 or 110 dwelling units per acre.
- C. Detailed analyses of the sites included in Housing Element Table VI-50, as set forth in Appendix A, provides evidence that the existing uses are likely to be discontinued and are not impediments to the planned residential uses of the sites. In addition, a multi-factor analysis was completed for the approximate 1,288 parcels included in Table VI-51, to demonstrate that a sufficient number of sites would be redeveloped during the course of the planning period to accommodate



well in excess of the RHNA allocation, resulting in a buffer of approximately 120% (or 2,475) beyond the RHNA requirements of 2,067 units.

- D. The Table VI-51 analysis takes into account current zoning, existing units, the maximum allowed density under the Housing Element with zoning implementation actions, historic considerations, commercial utilization, date of construction of existing structures, and proximity to transit, to analyze the potential for redevelopment, and as noted above shows a significant buffer beyond the City's RHNA allocations.

**Section 2.** This resolution shall take effect from and after the date of its passage and adoption.

**Section 3.** The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED AND ADOPTED ON** this 29th day of May, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Evelyn G. Zneimer, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Mark Perez, Deputy City Clerk

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Roxanne Diaz, City Attorney

# Item \_\_\_\_ Downtown Specific Plan Amendment and Zoning Text Amendment

**May 29, 2024**

**Prepared By: Community Development Department**



# Background

- **In 2023, the City adopted the 6<sup>th</sup> Cycle Housing Element (HE) as contemplated in a stipulated judgement to resolve housing element litigation.**
- **Since the time, the City has worked diligently to implement HE programs.**
- **HCD issued a letter on February 13, 2024, outlining outstanding issues to be addressed.**

# Project Description

- **The project would implement changes to the Downtown Specific Plan (DTSP) and South Pasadena Municipal Code (SPMC) in specific response to State requirements.**
- **These amendments are required in order for the Housing Element to be certified by the State.**

# DTSP Amendments

- Amend the DTSP code text to state development on any properties shown in the HE (Tables VI-50 and VI-51) will require a density of at least 20 dwelling units per acre.
- Certain eligible affordable housing projects are subject to Ministerial approval with priority processing and are not subject to the City's Public Art Program.
- 100% residential projects are allowed in Mixed Use (MU) areas, consistent with State law.
- MU projects in MU areas must have at least 50% of their building area dedicated to housing.
- Repagination to a chapter-based format.

# Zoning Text Amendments

- Amend the SPMC to state development on any properties shown in the HE (Tables VI-50 and VI-51) will require a density of at least 20 dwelling units per acre.
- Certain eligible affordable housing projects are subject to Ministerial approval with priority processing and are not subject to the City's Public Art Program.
- Clarification that Employee Housing is permitted in the RM and RH zone.



# Other Findings...

- **Government Code Section §65583.2(g):**
  - **Non-vacant sites on Housing Element Table VI-50 (the site inventory) are likely to be discontinued during the planning period;**
  - **The sites allow for at least 30 units per acre;**
  - **A sufficient number of sites would be redeveloped during the course of the planning period to accommodate the RHNA obligation; and**
  - **The Table VI-51 analysis takes into account zoning, existing units, density, and other factors to show the potential for redevelopment.**



# Planning Commission

- **The Planning Commission considered this item on May 14, 2024.**
- **One member of the public commented on the item.**
- **In a 5-0 vote, the Planning Commission adopted Resolution P.C. 24-05, recommending the City Council approve the project.**

# Public Noticing

- **Notice was published in the South Pasadena Review on May 17, 2024.**
- **Staff has not received any comments on the project.**

# Environmental

- **An Environmental Assessment (EA) was prepared for the Housing Element.**
- **CEQA does not apply to any action necessary to bring General Plan or relevant mandatory elements into compliance with any court order or judgement (Government Code Section 65759).**
- **No further CEQA analysis is required.**

# Next Steps

**Should the City Council approve the project, including a First Reading of the Ordinance, then:**

**June 5<sup>th</sup>**

**Second reading of said Ordinance**

**July 5<sup>th</sup>**

**Ordinance takes effect.**

# Recommendation

## It is recommended the City Council:

1. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, specifically, an exemption from public art requirements; and

# Recommendation, Continued...

2. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g); and
3. Adopt an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones.

# Discussion

## Questions & Discussion

## P.C. RESOLUTION NO. 24-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING TEXT AMENDMENTS TO THE SOUTH PASADENA MUNICIPAL CODE CHAPTER 36 (ZONING) RELATED TO MINIMUM DENSITY, DESIGN REVIEW, AND EMPLOYEE HOUSING AND TO ADOPT AMENDMENTS TO THE DOWNTOWN SPECIFIC PLAN IN FURTHERANCE OF HOUSING ELEMENT CERTIFICATION AS SHOWN IN EXHIBITS A, B, AND C.**

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

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

**WHEREAS**, 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); and

**WHEREAS**, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

**WHEREAS**, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

**WHEREAS**, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

**WHEREAS**, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain Municipal Code Amendments and Downtown Specific Plan (DTSP) Amendments are necessary; and

**WHEREAS**, on May 14, 2024, the Planning Commission held a duly noticed Public Hearing, wherein the Planning Commission received a staff presentation, staff report, public testimony, and Planning Commission discussion; and



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

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

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

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

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

**SECTION 3:** California Environmental Quality Act. Pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.”

In light of this CEQA exemption, impacts associated with the adopted Housing Element and rezoning actions contemplated therein were analyzed in the Housing Element Environmental Assessment (EA), as required by Govt. Code Section 65759(a)(2), that was adopted by the City Council on May 30, 2023. As the proposed amendments would implement programs which was part of the Housing Element adopted in reliance on the EA in 2023, no further analysis is required under the California Environmental Quality Act.

**SECTION 4:** Specific Plan Amendment Findings: A Specific Plan Amendment may be adopted using the same procedure specified in the SPMC for the adoption of a Specific Plan (SPMC Section 36.440.070(C)). In order to adopt a Specific Plan Amendment, the City Council must find that the proposed amendment is in conformance with the actions, goals, objectives, policies, and programs of the General Plan (SPMC Section 36.440.060(A)). The proposed DTSP Amendment is consistent with the policies and programs of the 2021-2029 (6<sup>th</sup> Cycle) Housing Element that was adopted on May 30, 2023. The following paragraph describes how and why the proposed Downtown Specific Plan Amendment is consistent with the General Plan:

1. *Findings required for all Specific Plan amendments; The proposed plan is in conformance with the actions, goals, objectives, policies, and programs of the General Plan and other adopted goals and policies of the City.*

The proposed DTSP Amendments are consistent with the actions, goals, objectives, policies, and programs of both the proposed General plan and adopted

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

**SECTION 5: Zoning Amendment Findings.** South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that a Zoning Amendment may be approved if the following findings are met:

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

The proposed Zoning Text Amendments are consistent with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. Specifically, the amendments would support the following:

Housing Element Goal 2.0: *Encourage and Assist in the Provision of Affordable Housing.*

Housing Element Goal 3.0: *Provide opportunities to increase housing production.*

Housing Element Program 3.a: *Rezone and Redesignate Sites to Meet RHNA. ("...Additional zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City's arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...").*

Housing Element Program 3.n: Zoning Changes. *("This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program...")*

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the Planning Commission can make this finding and recommend that the City Council in turn make this finding in support of the Project.

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

The Zoning Amendments would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because they would achieve consistency, including with the adopted 2021-2029 Housing Element. The implementation of the General Plan goals, policies, and actions further support the convenience and general welfare of the City by making affordable housing available in the community, and by providing opportunities for individuals of all economic strata to reside and engage in the South Pasadena community. The General Plan supports mixed-use, walkable neighborhoods, and provides the development capacity to accommodate projected future growth along with the housing programs identified in the Housing Element. Therefore, the Planning Commission can make this finding.

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

The proposed Zoning Text Amendments are internally consistent with other applicable provisions of the Zoning Code, and implements the adopted 2021-2029 Housing Element. Therefore, the Planning Commission can make this finding and recommend the City Council also make this finding.

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

No Zoning Map Amendment is proposed. Therefore, this finding does not apply.

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

**SECTION 6:** Based upon the foregoing, the Planning Commission recommends the City Council:

- A. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income

households, specifically, an exemption from public art requirements as shown in Exhibit A; and

- B. Adopt a Resolution to make the required findings in Government Code Section 65583.2(g) as shown in Exhibit C; and
- C. Adopt an Ordinance to approve a Zoning Text Amendment to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, providing additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single family residences located in the Residential Medium (RM) and Residential High (RH) zones as shown in Exhibit B.

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

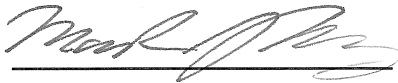
**PASSED, APPROVED, AND ADOPTED** on this 14<sup>th</sup> day of May, 2024.



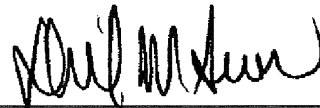
\_\_\_\_\_  
Lisa Padilla, Planning Commission Chair

**ATTEST:**

**APPROVED AS TO FORM:**



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



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

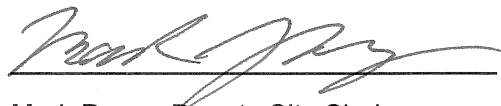
**I HEREBY CERTIFY** the foregoing Resolution No. 24-05 was duly adopted by the Planning Commission of the City of South Pasadena, California, at a special meeting held on the 14th day of May, 2024, by the following vote:

**AYES:** Padilla, Barthakur, Gallatin, Claypool, Dahl

**NOES:**

**ABSENT:**

**ABSTAINED:**



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

Exhibits:

Exhibit A: Draft Resolution -- Downtown Specific Plan Amendments

Exhibit B: Draft Ordinance -- Zone Text Amendments

Exhibit C: Draft Resolution -- Government Code Section 65583.2(g) Findings

**[DRAFT] RESOLUTION NO. \_\_\_\_**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
**SOUTH PASADENA, CALIFORNIA, AMENDING THE**  
**DOWNTOWN SPECIFIC PLAN**

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

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

**WHEREAS**, 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); and

**WHEREAS**, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

**WHEREAS**, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

**WHEREAS**, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

**WHEREAS**, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain DTSP Amendments are necessary; and

**WHEREAS**, on May 14, 2024, the Planning Commission conducted a duly noticed Public Hearing to consider the DTSP Amendments, and that after receiving the staff report, staff presentation, and public testimony, the Planning Commission, in a \_\_\_ vote, adopted Resolution P.C. 24-05 recommending the City Council approve the amendments to the DTSP; and

**WHEREAS**, on June 5, 2024, the City Council held a duly noticed Public Hearing as prescribed by law, to consider the DTSP Amendments; and

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

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

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

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

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

**SECTION 3.** California Environmental Quality Act (CEQA) Findings. The City Council finds that pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.” The proposed DTSP Amendments are actions necessary to bring the City’s General Plan, Housing Element, and Zoning into conformance with the Housing Law, and thus are not subject to CEQA. Further, impacts associated with the adopted Housing Element and rezoning actions contemplated therein, were analyzed in the Housing Element Environmental Assessment as required by Government Code Section 65759(a)(2), which was adopted in conjunction with the Housing Element on March 30, 2023, through Resolution 7817.

**SECTION 4.** Specific Plan Findings. Pursuant to SPMC Sections 36.440.060 and 36.440.070, the City Council may adopt an amendment to the specific plan only if it finds that:

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

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

to Meet RHNA; Program 3.b Mixed-Use Developments and Adaptive Re-Use; Program 3.n Zoning Changes; and Program 4.e Universal Design. Given the DTSP is internally consistent with the proposed General Plan and adopted 2021-2029 Housing Element, therefore, the City Council can make this finding.

**SECTION 5.** Subsection 6 of Section 2.2.A. (“Purpose and Establishment of Regulating Plan”) of Section C2.2 (“Regulating Plan”) of Chapter 2 (“Zones and Regulating Plan”) of Part C (“Code”) of the DTSP is added to read as follows:

“6. Any project located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element that reserves at least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of Article 3 of Chapter 36 of the City Code.”

**SECTION 6.** The cells in the row labeled “General Use” in both the “Mixed-use Core Zone” and “Fair Oaks Corridor Zone” columns in Figure 2.2 (“Summary of Zoning District”) of Section 2.2 (“Regulating Plan”) of Chapter 2 (“Zones and Regulating Plan”) of Part C (“Code”) of the DTSP are amended to read as follows, with all other contents of the table remaining without amendment:

“Mixed-use Core Zone

General Use: Buildings are occupied with ground floor retail, cultural, entertainment, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.”

Fair Oaks Corridor Zone

General Use: Buildings are occupied with ground floor commercial, retail, and office activity. Upper floors and the floor area behind shopfronts is flexible for a wide variety of office, lodging, or housing uses. The intent of this district includes implementation of General Plan policy direction and applicable State laws to allow for 100 percent residential development. 100 percent residential projects are permitted in this zone in the Stacked Flat, Flex Building, Liner, and Hybrid Court building types.”

**SECTION 7.** Existing Subsection B. of Section C3.1 (“Land Use Standards”) of Chapter 3 (“Land Use Standards”) of Part C (“Code”) of the DTSP is hereby relettered to



Subsection C, and a new Subsection B is added such that Subsections B and C read as follows, with all other provisions of Section C3.1 remaining without amendment:

“B. In compliance with State law, any property that is included in the 2021-2029 Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre.”

BC. Supplemental Standards for Day Care Uses

Adult Day Care Centers and Child Day Care Centers shall comply with the following standards:

1. The facility shall comply with all State and County licensing and health requirements.
2. A safe pick-up and drop-off area shall be provided, as approved by the Director of Public Works. The preference for passenger loading shall be on-site, but may be allowed in a curbside space if approved by the Director of Public Works, subject to any applicable permits and fees.
3. Potential noise sources shall be identified, and noise attenuation and sound dampening shall be addressed as necessary for compliance with the most recent guidelines of the Noise and Safety Elements of the General Plan.”

**SECTION 8.** Section C4.2 (“Applicability”) of Chapter 4 (“Development Standards”) of Part C (“Code”) of the DTSP is amended to read as follows:

“C4.2 Applicability. All proposed buildings and related improvements shall be designed in compliance with the development standards of this Section for the applicable zone, except for public and institutional buildings, which because of their unique disposition and application are not required to comply with these requirements. For properties designated in the General Plan Housing Element sites inventory as Mixed Use, in addition to all other requirements in this section, projects of 100 percent residential development shall be permitted, and at least 50 percent of the total floor area of mixed-used developments on any sites identified as Mixed Use in the Housing Element sites inventory must be developed as residential use. Mixed Use development is permitted in the following building types (see DTSP Chapter C5 Building Standards): Stacked Flats, Flex Building, Liner, and Hybrid Court.”

**SECTION 9.** Subsection C4.3.A (“Purpose”) of Section C4.3 (“Mixed-Use Core Zone”) of Chapter 4 (“Development Standards”) of Part C (“Code”) of the DTSP is amended to read as follows:

“A. Purpose

The Mixed-Use Core Zone permits community serving retail, office, cultural, and transit-oriented residential mixed-uses ~~up to~~ with between 20 and 70 dwelling units per acre.

Uses include small-scale commercial activities that are typically located along the main street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area."

**SECTION 10.** Subsection C4.4. A ("Purpose") of Section C4.4 ("Fair Oaks Avenue Zone") of Chapter 4 ("Development Standards") of Part C ("Code") of the DTSP is amended to read as follows:

"A. Purpose

The Fair Oaks Avenue Zone permits regional and community serving retail, office, cultural and residential mixed-uses ~~up to~~ with between 20 and 110 dwelling units per acre. Uses include larger-scale commercial uses that are typically located along this busy commercial street. The standards in this zone are intended to promote a walkable, diverse, and well-connected area. The buildings located along the edges that back-up to residential districts require very careful residential scale massing and articulation."

**SECTION 11.** Subsections C5.2.A, C5.2.B, C5.2.C, and C5.2.D of C5.2 ("Building Types") of Chapter 5 ("Building Standards") of Part C ("Code") of the DTSP are each amended to include a new paragraph 8 in each subsection to read as follows, with all other provisions in those subsections remaining without amendment:

A. Stacked Flats

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

B. Flex Building

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

C. Liner

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

D. Hybrid Court

"8. Mixed use development, including 100% residential as described in Chapter C4.2 (Applicability), is allowed in this building type."

**Section 12:** Based upon the foregoing, the City Council:

- A. Adopts the Amendments to the Downtown Specific Plan which are consistent with the General Plan and adopted 2021-2029 Housing Element.

**Section 13:** This Resolution shall take effect immediately upon its adoption and after the close of the statute of limitations under the California Environmental Quality Act.

**Section 14:** The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED, AND ADOPTED** on this 5<sup>th</sup> day of June, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

[DRAFT] CITY OF SOUTH PASADENA

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CERTAIN PROVISIONS OF DIVISIONS 36.220, 36.240, 36.410, OF THE CITY CODE OF THE CITY OF SOUTH PASADENA CODE RELATING TO MINIMUM DENSITY, DESIGN REVIEW, AND EMPLOYEE HOUSING**

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

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

**WHEREAS**, 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); and

**WHEREAS**, the City entered into a Settlement Agreement with Californians for Homeownership to resolve the lawsuit which was adopted by the Court Order as a Stipulated Judgment; and

**WHEREAS**, on May 30, 2023, the City Council adopted the Environmental Assessment (EA) prepared for the Housing Element and then adopted the Housing Element; and

**WHEREAS**, on September 27, 2023, the City Council adopted the Downtown Specific Plan (DTSP).

**WHEREAS**, in conjunction with adoption, implementation, and certification of the City's 2021-2029 Housing Element, by the California Department of Housing and Community Development (HCD), certain Municipal Code Amendments are necessary; and

**WHEREAS**, on May 14, 2024, the Planning Commission conducted a duly noticed Public Hearing to consider the Municipal Code Amendments, and that after receiving the staff report, staff presentation, and public testimony, the Planning Commission, in a \_\_\_ vote, adopted Resolution P.C. 2024-05 recommending the City Council adopt a Resolution amending the Downtown Specific Plan (DTSP) and to introduce an Ordinance amending the Zoning Code; and

**WHEREAS**, on June 5, 2024, the City Council, at a regular meeting, considered the Ordinance at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter; and

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

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

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

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

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

**Section 3.** California Environmental Quality Act (CEQA) Findings. The City Council finds that pursuant to Government Code Section 65759, “[t]he California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, does not apply to any action necessary to bring its general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under this article.” The proposed Zoning Code Amendments are actions necessary to bring the City’s General Plan, Housing Element, and Zoning into conformance with the Housing Law, and thus are not subject to CEQA. Further, impacts associated with the adopted Housing Element and rezoning actions contemplated therein, were analyzed in the Housing Element Environmental Assessment as required by Government Code Section 65759(a)(2), which was adopted in conjunction with the Housing Element on March 30, 2023, through Resolution 7817.

**Section 4.** Zoning Amendment Findings. South Pasadena Municipal Code (SPMC) Section 36.620.070(B) stipulates that Zoning Amendments and Zoning Map Amendments may be approved if the following findings are made:

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

The proposed Zoning Code Amendments are in conformance with the actions, goals, objectives, policies, and programs of the 2021-2029 (6th Cycle) Housing Element that was adopted on May 30, 2023. The Housing Element is one of the elements required by State law. Therefore, adopting the Zoning Code Amendments that implement the policies and programs of the 2021-2029 Housing Element would be consistent with the General Plan. Further, the proposed Zoning Code Amendments support the following General Plan and Housing Element goals, policies, actions, or programs:

Housing Element Goal 2.0: Encourage and Assist in the Provision of Affordable Housing.

Housing Element Goal 3.0: Provide opportunities to increase housing production.

Housing Element Program 3.a: Rezone and Redesignate Sites to Meet RHNA. (“...Additional zoning capacity will be achieved through the adoption of the Downtown Specific Plan (DTSP) and the expansion of mixed-use areas along the City’s arterial corridors either through inclusion within the DTSP or through a zoning overlay district. Allowable densities within these mixed-use areas will be 70 du/ac...comparable Zoning Code revisions outside of the DTSP area will implement this program...”).

Housing Element Program 3.n: Zoning Changes. (“This program will be achieved through inclusion of new or revised development standards or updates to processes and procedures to address constraints identified in this Housing Element and facilitate increased densities in the updated General Plan and the Downtown Specific Plan (DTSP)...In addition, comparable Zoning Code revisions outside of the DTSP area will further implement this program...”)

As the proposed Zone Text Amendment is consistent with the General Plan/Housing Element policies, goals, and programs listed above, the City Council can make this finding in support of the Project.

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

The Ordinance furthers the public interest and general welfare of the City, and will not impact health, safety or convenience, by making affordable housing available in the community, and by providing opportunities for individuals of all economic strata to reside and engage in the South Pasadena community. The amendments also further the goals and policies of the City’s adopted 2021-2029 Housing Element.

- 2. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code.

The Ordinance has been designed to be internally consistent with all applicable provisions contained in the Zoning Code, and implements the adopted 2021-2029 Housing Element. Therefore, the City can make this finding.

**Section 5.** Paragraph C of Section 36.220.020 (“Purposes of Residential Zoning Districts”) of Division 36.220 (“Residential Zoning Districts”) of Article 2 (“Zoning Districts, Allowable Land Uses, and Zone-Specific Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Section 36.220.020 remaining without amendment:

“36.220.020 Purposes of Residential Zoning Districts.

C. RM (Residential Medium Density) district. The RM zoning district applies to areas appropriate for a variety of housing types. Typical residential land uses include single-family bungalow courts, courtyard housing, townhomes, duplexes, triplexes, multiplexes, and other attached dwellings on smaller lots. The allowable residential density ranges from 5.1 to 30 dwelling units per acre, except that any property in the RM district that is also included on the Housing Element Tables VI-50 or VI-51 shall require a minimum density of 20 dwelling units per acre. The RM zoning district is consistent with the Medium Density Neighborhood land use designation of the General Plan.

**Section 6.** The “Employee Housing” row of Table 2-2 (“Allowed Uses and Permit Requirements for Residential Zoning Districts”) of Section 36.220.030 (“ Residential Zoning District Land Uses and Permit Requirements” ) of Division 36.220 (“Residential Zoning Districts”) of Article 2 (“Zoning Districts, Allowable Land Uses, and Zone-Specific Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other rows of Table 2-2 remaining without amendment:

Land Use	RE	RS	RM	RH	Specific Use Regulations
“Employee Housing	P	P	<u>P (but only if established in a legally existing single-family residential structure)</u>	<u>P (but only if established in a legally existing single-family residential structure)</u>	36.650.265”

**Section 7.** Note 2 of Table 2-7 (“Allowed uses and Permit Requirements for Special Purpose Zoning Districts”) in Section 36.240.030 (“ Special Purpose District Land Uses and Permit Requirements.”) of Division 36.240 (“Special Purpose Zoning Districts”) of Article 2 (“ Zoning Districts, Allowable Land Uses, and Zone-Specific Standards”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Table 2-7 remaining without amendment:

“(2) Residential development with a density of up to between 20 and 30 dwelling units per acre is allowed on Assessor Parcel No. 5314-003-083 pursuant to the 2021-2029 (6th Cycle) Housing Element. Any project on this parcel that includes least 20% of the residential units reserved for lower income households, shall a) be processed through a ministerial approval process, b) qualify for priority processing as compared to other projects processed by the Community Development Department, and c) be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

**Section 8.** Paragraph 6 (“Ministerial review of qualifying residential projects”) of Subsection D. (“(Design Review Authority”) of Section 36.410.040 (“Design Review”) of Division 36.410 (“Zoning Approvals or Disapprovals”) of Article 4 (“Zoning Approval Procedures”) of Chapter 36 (“Zoning”) of the City Code of the City of South Pasadena is amended to read as follows, with all other provisions of Section 36.410.040 remaining without amendment:

“6. Ministerial review of qualifying residential projects. The Community Development Director shall develop an application for ministerial approvals of qualifying residential projects pursuant to the requirements of State law, as well as procedures for processing applications for the ministerial approvals. The procedures may include a limited design review process and applicable standards. However, any limited design review process shall not constitute a “project” for purposes of the California Environmental Quality Act. “Qualifying residential projects” are either (a) residential or mixed use projects located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element with at least 20% of the residential units reserved for lower income households, or (b) residential or mixed-use projects that are subject to the Inclusionary Housing requirements of Division 36.375 of this Code. Qualifying residential project pursuant to criterion (a) above shall also qualify for priority processing as compared to other projects processed by the Community Development Department, and shall be exempt from and not subject to the Public Art Program and Public Art Development requirements of Divisions 36.390 and 36.395 of this Article 3 of Chapter 36 of the City Code.”

**Section 9.** Severability. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**Section 10.** Effective Date. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its



approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** on this 19<sup>th</sup> day of June, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

## RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 65583.2 FOR THE 2021-2029 GENERAL PLAN HOUSING ELEMENT UPDATE**

**WHEREAS**, Government Code § 65580 et seq. requires the City of South Pasadena to periodically prepare and update its Housing Element in its General Plan. A city's housing element establishes goals, policies, and programs to accommodate the maintenance and expansion of the city's housing supply; and

**WHEREAS**, the 2021-2029 General Plan Housing Element Update ("the 2021-2029 Housing Element") was adopted on May 30, 2023.

**WHEREAS**, pursuant to Government Code §65583.2(g) the City Council must find that the existing uses of nonvacant sites does not constitute an impediment to additional residential development during the period covered by the 2021-2029 Housing Element.

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

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

**Section 1.** The City Council hereby finds:

- A. The existing uses on the non-vacant sites identified in Housing Element Table VI-50 (the site inventory) to accommodate the Regional Housing Needs Allocation (RHNA) are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.
- B. The inventory sites relied upon to meet the City's RHNA allocation for lower income housing allow for development densities of at least 30 dwelling units per acre default density pursuant to Government Code Section 65583.2(c)(3)(b), with many such sites allowing up to 70 or 110 dwelling units per acre.
- C. Detailed analyses of the sites included in Housing Element Table VI-50, as set forth in Appendix A, provides evidence that the existing uses are likely to be discontinued and are not impediments to the planned residential uses of the sites. In addition, a multi-factor analysis was completed for the approximate 1,288 parcels included in Table VI-51, to demonstrate that a sufficient number of sites would be redeveloped during the course of the planning period to accommodate well in excess of the RHNA allocation, resulting in a buffer of approximately 120% (or 2,475) beyond the RHNA requirements of 2,067 units.

D. The Table VI-51 analysis takes into account current zoning, existing units, the maximum allowed density under the Housing Element with zoning implementation actions, historic considerations, commercial utilization, date of construction of existing structures, and proximity to transit, to analyze the potential for redevelopment, and as noted above shows a significant buffer beyond the City's RHNA allocations.

**Section 2.** This resolution shall take effect from and after the date of its passage and adoption.

**Section 3.** The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED AND ADOPTED ON** this 5th day of June, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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