

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE SP

State planning law requires South Pasadena to adopt a legally compliant Housing Element to plan for existing and future housing needs for all income levels. South Pasadena must accommodate its share of regional housing needs, and must currently plan for 2,067 housing units, including 757 very low, 398 low and 334 moderate income units.

South Pasadena is not required to build housing. It's required to plan and create zoning and development regulations that encourage and provide opportunities for varied housing types affordable at all income levels, including multi-family rental housing. Under the law, regulatory constraints on housing development must be removed.

The State's Department of Housing and Community Development ("HCD") identified the City's building height limit as one such constraint in certain areas of the City. In 1983, South Pasadena voters adopted, on a vote of 2531-2262, a requirement that no commercial, office, manufacturing or residential building would exceed a height of 45 feet.

In 2022, South Pasadena settled a Housing Element lawsuit; the settlement requires South Pasadena to seek, through voter approval, repeal of the 45-foot height limit for residential or mixed-use residential projects on parcels for which the Housing Element anticipates higher base density in excess of 50 du/ac. The Housing Element recognizes this obligation (Program 2.n). Only voters can change the 1983 height limit, thus Measure SP is on the ballot.

Density is the number of residential units allowed on a parcel and is measured in dwelling units per acre (du/ac). The larger number of units permitted per acre, the higher the density. Lower height limits constrain residential densities in excess of 50 du/ac.

Measure SP repeals the height limit, but preserves the same not to exceed 45-foot height for buildings in all single-family residential zones. For all other zones, the maximum height is set by ordinance adopted by the City Council after a public hearing allowing public participation.

The height limit for residential or mixed-use buildings in any zoning district on parcels with a base density in excess of 50 du/ac will be set by the City Council to achieve the necessary base density. The areas where those densities are allowed are Downtown Specific Plan, Ostrich Farm, Huntington Drive and Mixed-Use Overlay.

The 1983 voter initiative also contained a restriction on granting parking variances, which is not changed by the Measure.

A **Yes** vote keeps the not to exceed 45-foot height limit in certain residential districts, allows the City Council to set the height limit by ordinance in all zoning districts, provided that where the base density is in excess of 50 du/ac, height limits will achieve the applicable base density.

A **No** vote retains the current height limit and requires South Pasadena within 9 months to reduce the sites for which the Housing Element anticipates a base density in excess of 50 du/ac through a mid-cycle revision. If HCD does not approve, South Pasadena may lose its Housing Element certification, which has negative ramifications on State funding and local land use control.



Roxanne M. Diaz
City Attorney, City of South Pasadena

The above statement is an impartial analysis of Measure SP. If you desire a complete copy of the Ordinance, please call the City Clerk at (626) 403-7230 and a copy will be sent to you at no cost.