



**CITY OF SOUTH PASADENA  
Planning Commission  
Meeting Minutes  
Tuesday, May 10, 2022, 6:30 PM**

**CALL TO ORDER**

A meeting of the South Pasadena Planning Commission was called to order by Chair Lesak on Tuesday, May 10, 2022 at 6:36 p.m. The meeting was held In Person Hybrid and Via Zoom webinar, in the Amedee O. "Dick" Richards, Jr., City Council Chamber, located at 1424 Mission Street, South Pasadena, California 91030.

**ROLL CALL**

**Present:** Chair: John Lesak  
Vice-Chair: Laura Dahl  
Commissioners: Amitabh Barthakur, Janet Braun

**Absent:** Commissioner: Lisa Padilla

**Council Present:** Council Liaison Diana Mahmud

**City Staff**

**Present:** Angelica Frausto-Lupo, Community Development Director  
Andrew Jared, City Attorney  
Matt Chang, Planning Manager  
Sandra Robles, Associate Planner

**PLEDGE OF ALLEGIANCE:** Chair Lesak

**APPROVAL OF AGENDA**

Approved, 4-0.

**DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS**

None.

## **PUBLIC COMMENT**

### **1. Public Comment - General (Non-Agenda Items)**

One public comment was received via email which was posted online, one public comment was received via Zoom and there were none in the Chamber.

Dr. Josh Albrektson provided public comment via Zoom, expressing concerns regarding previous consultant information, past practices and drafts of the Housing Element.

## **PUBLIC HEARING**

- 2. 1213 Fair Oaks Avenue (APN: 5319-002-034), Project No. 2436-CUP – To allow for an Instructional Tasting License (ABC Type 86) at an existing grocery store, Pavilions. The grocery store currently holds a legal nonconforming Off-Sale General License (ABC Type 21), which will be added to Project No. 2436-CUP.**

### **Recommendation**

Approve the project subject to the recommended conditions of approval.

### **Staff Presentation**

Associate Planner Sandra Robles presented a PowerPoint presentation.

### **Questions by Commissioners**

The Commissioners and City Attorney Jared conducted a robust discussion recommending several substantive changes to the conditions of approval (to also be reflected in the findings).

In addition, the Commissioners and City Attorney Jared discussed the indemnification provisions and process by which the City determines the appropriate reasonable deposit amount and the maintenance of that amount for the duration of a legal challenge.

Commissioner Braun and Associate Planner Robles discussed and clarified that this project applies only to Pavilions at 1213 Fair Oaks Avenue and does not include Vons, a limit to the number of people allowed in the designated tasting area at one time, and the temporary barrier to be used denoting the specific tasting area which includes chains and stanchions.

Commissioner Barthakur and Associate Planner Robles discussed that the Applicant has operated tasting events in stores nearby and provided a list of all the participating stores. Vons, Pavilions and Albertsons all have the same

ownership with 136 stores throughout the State of California that currently operate with a License 21 and a License 86.

**Applicant's Presentation**

None.

**Questions for Applicant**

Applicant Representative Mike McFarland of Santa Ana introduced himself. He thanked the staff, and in particular, his appreciation to Associate Planner Sandra Robles.

The Commissioners, City Attorney Jared and Mr. McFarland conducted a robust discussion regarding any future relocation of the alcohol aisles in a future store remodel. City Attorney Jared, Director Frausto-Lupo and Commissioner Braun discussed the fact that the CUP runs with the land and does not run with the business and the implications and ramifications if Pavilions sold the business to another party. Because of the included exhibit depicting a map of the floor plan, the CUP would need to be amended for any modification of the floor plan. Associate Planner Robles suggested that alcohol entitlements with percentage caps (in lieu of a map limiting alcohol to certain areas) could be implemented to ease the concern that the grocery store could turn into a liquor store, along with a more general defined area for the tasting area rather than a specified 10'x10' designated area.

**PUBLIC HEARING**

One public comment was received via email and posted online and one was indicated via Zoom.

Dr. Josh Albrektson joined the meeting via Zoom and expressed his concerns regarding information provided by City's Housing Element consultant and his telephone conversation with HCD representatives. He did not believe the Pavilions site should be included in the Housing Element site inventory due to property owner spent a lot of money renovating this grocery store. He disagreed with statements made by the City Attorney Office and the City's Housing Element consultant regarding the site inventory in the Housing Element.

**APPLICANT'S REBUTTAL**

None.

**Discussion**

The Commissioners, City Attorney Jared and Mr. McFarland discussed and agreed to changes to several conditions of approval and the elimination of Figure No. 1.

**Decision**

Commissioner Braun motioned, seconded by Vice-Chair Dahl, to allow for an Instructional Tasting License (ABC Type 86) at an existing grocery store, Pavilions, which currently holds a legal nonconforming Off-Sale General License (ABC Type 21) that is the subject of the application at 1213 Fair Oaks Avenue, Project No. 2436, a Conditional Use Permit, with some amendments to the conditions of approval. Below are the amendments:

- Condition P-6, adding language that says the Applicant must provide a monetary deposit for the indemnification in a reasonable amount as determined by the City and maintain such reasonable amount throughout any challenge or proceeding.
- Condition P-12 is amended to read: *All alcohol sales cases/displays shall be located in such a manner to prevent 'grab and run' thefts of alcohol. The sales cases/displays and the tasting area shall be located in sight of the sales counter at all times, if possible. The area of the alcohol for sale and display and the circulation area will be limited to 15% of the sales floor area. The tasting area shall be limited to 100 square foot area and shall be fenced.*
- Condition P-13 is amended to read: *No advertising for alcoholic beverages or tastings may be displayed in store windows or outside of the store.*
- Condition P-14 is amended to read: *All persons who will engage in the sale of or pouring of alcohol must complete the State Alcoholic Beverage Control's mandated training, as well as the store's internal training on the sale of alcohol.*
- On the Resolution, page 17, Condition 3, a condition is included to limit deliveries from 6:00 am to 9:00 pm, seven days a week, and further restriction of the hours may be reduced in response to complaints of noise or other disturbance to the adjacent uses or community.
- Delete Figure No. 1.

Chair Lesak called for staff to take a roll call vote:

Commissioner Barthakur – Aye  
Commissioner Braun – Aye  
Vice-Chair Dahl – Aye  
Chair Lesak – Aye

**Motion carried, 4-0.**

## **PUBLIC COMMENT**

### **Public Comment – General (Non-Agenda Items) - Reopened**

Mr. Walter Quinn of Hanscom Drive expressed his considerable disappointment in not receiving a response to his correspondence sent to the Commissioners in January concerning the building project taking place at a neighboring property, 2121 Hanscom Drive.

## **DISCUSSION**

### **3. 2021-2029 Housing Element Update**

#### **Recommendation**

Receive a presentation from the City's consultant relating to the 2<sup>nd</sup> Public Review Draft of the Housing Element.

#### **Staff Presentation**

Director Frausto-Lupo introduced the Housing Element Update presentation to be given by consultants Amy Sinsheimer and Jennifer Gastelum of PlaceWorks and announced that the second draft was released today while also being sent to the California Department of Housing and Community Development (HCD).

The Consultants presented a PowerPoint presentation entitled *Comments on the 2021-2029 Housing Element Update* outlining the Housing Element Adoption Process and timeline.

#### **Commissioner Questions**

Vice-Chair Dahl inquired about the outreach with the property owners at the Pavilions site and the implication given that it meets HCD's requirements of a site that could turn over in the next nine years. Director Frausto-Lupo confirmed that Pavilions indicated considerable interest in a mixed-use, high density project there.

Commissioner Braun expressed interest in the staff's reactions to some of the public comments and inquired as to Director Frausto-Lupo's reaction or feeling about how the process is going with HCD.

Director Frausto-Lupo outlined the challenging process for the City and remarked specifically on the Regional Housing Needs Assessment (RHNA) allocation as an example – from a 63-unit RHNA to a current over 2,000-unit requirement in an older built-out community. The staff met with HCD's legislative staff recently and not only asked for guidance, direction and clarification after receiving the Comment Letter, but also to find out how the state is going to help cities like South Pasadena.

Commissioner Braun and City Attorney Jared discussed the discrepancy between the SCAG jurisdictions (197) in compliance (13) and those which have adopted a Housing Element (100). He recounted the process the City has been through and reminded everyone that only one employee remains from a complete staff turnover, which has also been a significant disruption to the City.

Chair Lesak and Director Frausto-Lupo discussed the opportunities for the public to comment once certification is received from the HCD. The public hearing

process will start then and there will be an opportunity for the public to come in person and make additional comments at that time.

Commissioner Barthakur requested that the Department reach out to HCD Representative Paul McDougal during the HCD 60-day review period to get feedback.

Chair Lesak asked to review the timeline and elaborate on other places (other than written comments) where the public would have an opportunity - like this hearing tonight - to make comments.

Consultant Jennifer Gastelum explained the timeline in detail and the complexities of the process regarding the submittal of the Housing Element through adoption hearings and certification.

Chair Lesak and Consultant Amy Sinsheimer discussed the realistic capacity model - Appendix F.

Commissioner Barthakur and Consultant Jennifer Gastelum discussed the ramifications if additional clarifications or requirements are required and the impact on the timeline and process.

Commissioner Braun and City Attorney Jared discussed the consequences of a failure to meet due dates and the subsequent enforcement. City Attorney Jared explained the penalties allowed under State law and the mandated timeframes that need to be met. The process is further complicated by the requirements for public notice and the requirements to address things at certain public meetings.

City Attorney Jared reported on a lawsuit in which the City and five other cities are individually being sued for failing to have met the October 15<sup>th</sup> deadline which has been filed less than a month ago. It was a follow up to ensure essentially that the Housing Element gets done. However, the City was already well into that process and will continue to undergo that process.

### **Public Comment**

Dr. Josh Albrektson expressed his concerns about the Housing Element process and consultant information, including his conversation with the HCD representative.

### **Commissioner Discussion**

Vice-Chair Dahl and City Attorney Jared discussed that HCD is increasingly observant of comments from the public and have been very clear that they intend to take comments directly from the public.

Consultant Jennifer Gastelum further clarified the directions/instructions suggested by HCD and the changes and revisions to the Housing Element made to affect those recommendations. Consultant Amy Sinsheimer directed everyone to Appendix A where details have been added for many of the sites.

Chair Lesak and City Attorney Jared discussed the completion of the Downtown Specific Plan, including how it dovetails with the timeline for the Housing Element and how they are interrelated. City Attorney Jared explained that it is a zoning document requiring some lead time in order to get it adopted and developed. The Downtown Specific Plan is part of that effort to meet the 2,067 units that need to be developed which requires a change in zoning. City Attorney Jared said there is a dual track where the Housing Element and the Specific Plan work are going on concurrently.

## **ADMINISTRATION**

### **4. Comments from City Council Liaison**

Councilmember Mahmud remarked on the importance of the October deadline. She reemphasized the 2,067 units RHNA number assigned to the City and expressed her concerns that there is no consideration from the legislature as to how to address all of the necessary infrastructure upgrades, including physical infrastructure upgrades that flow from the addition of the needed units, and the impact on the school district.

### **5. Comments From Planning Commissioners**

Vice-Chair Dahl requested an update on a future agenda about the situation at 2121 Hanscom Drive that the gentleman raised tonight to make sure that what's being built is in compliance with what the Commission approved.

Commissioner Barthakur requested the Commission be apprised of any updates from HCD when received rather than waiting for the end of the 60-day period.

Chair Lesak remarked that he appreciated the efforts of staff during this challenging time and commended them for doing really great work.

### **6. Comments from Staff**

Director Frausto-Lupo invited everyone to the Commission Congress on Wednesday, June 22<sup>nd</sup> from 6:00–8:00 pm. All Commissions have been invited to come and present accomplishments and goals for the new year.

Director Frausto-Lupo reiterated that the Housing Element, including the redlined version, is available for the public to review and comment.

Director Frausto-Lupo reported that the planning staff is continuing to work on the case log. Although it may appear that the numbers are not going down, it is because Staff continues to receive new applications.

**ADJOURNMENT**

**7. Adjournment to the Regular Planning Commission meeting scheduled for June 14, 2022 at 6:30 pm.**

There being no further matters, Chair Lesak adjourned the meeting at 8:58 pm.

  
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John Lesak, Chair