



Community Development
Department

Memo

DATE: August 8, 2023

TO: Members of the Planning Commission

FROM: Alison Becker, AICP, Deputy Community Development Director
Ben Jarvis, AICP, Interim Senior Planner

RE: Additional Documents, Item No. 2, Public Hearing—Proposed General Plan Update,
Downtown Specific Plan and Program Environmental Impact Report

Please find the following attachments pertaining to this evening's Planning Commission meeting:

Attachment 1: Errata Tables for the General Plan and Downtown Specific Plan that have been prepared by staff.

Attachment 2: Written comments that were received by 12:00 p.m. on August 8, 2023.

The information has been attached for the Planning Commission's information.

ATTACHMENT 1

Errata Tables for the General Plan and Downtown Specific Plan that have been prepared by staff

GENERAL PLAN ERRATA TABLE

page	subject
ToC	B 54 font size "preserve stable neighborhoods ..."
P 25	Figure A2.1 replace with revised Figure B3.2
P 48	Revise A2.3b to read: Establish an economic development office . . .
P 56	Figure B3.2 revise Fair Oaks Corridor boundary to be consistent with B3.4
P 56	Figure B3.2 resolve mapping inconsistencies @ Pasadena Ave and bridge
P 56	Figure B3.2 resolve mapping inconsistencies @ Garfield north of alley
P 56	Figure B3.2 resolve mapping inconsistencies @ Mission between Forest and Grand
P 61	<p>Various Revision to draft Land Use Map</p> <p>APN 5311-012-040 to Medium Density</p> <p>APN 5311-012-041 to Medium Density</p> <p>APN 5311-012-037 to Medium Density</p> <p>APN 5320-009-025 to Mixed Use Core</p> <p>APN 5311-001-020 to Medium Density</p> <p>APN 5311-001-008 to Medium Density</p> <p>APN 5319-003-032 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5319-003-029 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-001 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-003 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-005 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-006 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-003-007 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5319-004-020 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-023 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-904 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-903 to from Fair Oaks Corridor to Mixed Use Core</p> <p>APN 5320-005-905 to from Fair Oaks Corridor to Mixed Use Core</p>
P 115	Figure B6.4 replace with updated map
P 115	Figure B6.5 replace with updated map
P 152	Delete action A9.2b
P 172	Revise table (A2.3b) to reflect revision to document text
P 177	Revise table to include policies and actions related to P4.5, P4.6, P4.7, P4.8
P 182	Revise table to include action A6.6c

P 183	Revise table to include action A6.7g
P 188	Delete action A9.2b
P 191	Revise P9.9 to read "Enhance the Public Arts Program"

DTSP ERRATA TABLE	
page	subject
4	figure ground map - correct DTSP boundaries
8	Figure A1.2 - correct DTSP boundaries
9	Figure A1.3 - correct Fair Oaks Corridor boundary
28	Figure A2.1 - correct Fair Oaks Corridor boundary
50	A2.1a - strike "senior planner or other"
57	A3.2b - revise to read "Consider seeking voter approval to raise the 45 foot height limit within the Downtown Specific Plan area."
82	Figure B.6 - correct Fair Oaks Corridor boundary
85	Delete action A9.1B
88	Figure C.1 - correct Fair Oaks Corridor boundary
88	Figure C.1 resolve mapping inconsistencies @ Pasadena Ave and bridge
88	Figure C.1 resolve mapping inconsistencies @ Garfield north of alley
93	Figure C1.1 - correct Fair Oaks Corridor boundary
99	Figure C2.1 - add within DTSP boundaries 5313-004-026 5313-004-054 5313-004-055 5315-002-061 5315-002-062 5315-002-063 5315-002-064 5315-002-065
101	Replace "Planning Commission" with "Director" (for consistency with 36.210.030 A.2)
101	Strike C3.1 A.5.
102	Table C3.1 section 2, revise to use land use definitions, starting pg. 163
103	Table C3.1 section 4, revise health fitness category to P/AUP in both zones. P for facilities 3,000 sq/ft or smaller, AUP for greater than 3,000 sq/ft

107	Remove C4.3 G. text and related illustration and replace with the following: G. Minimum Unit Size Residential units shall be no less than 450 square feet.
109	Remove C4.4 G. text and related illustration and replace with the following: G. Minimum Unit Size Residential units shall be no less than 450 square feet.
123	I.3. Strike second and third sentence.
138	Figure C6.1 - correct Fair Oaks Corridor boundary
148	Figure C8.1 - correct Fair Oaks Corridor boundary
159	Add text to complete 10.1 Administration
159	Correct muni code citation at C10.1 C to read Section 36.410.070
174	A2.1a - strike "senior planner or other"
176	A3.2b - revise to read "Consider seeking voter approval to raise the 45 foot height limit within the Downtown Specific Plan area."
186	Delete action A9.1B
186	missing photo?

ATTACHMENT 2

Written comments that were received by 12:00 p.m. on August 8, 2023

August 6, 2023

To: South Pasadena Community Development Department
Re: 2023 South Pasadena "Draft" General Plan and Downtown Specific Plan Comments
from Lisa Pendleton

Historically South Pasadena's planners, residents and stakeholders have worked diligently to produce progressive planning opportunities while maintaining our small town qualities. Our current General Plan and Mission Street Specific Plan (adopted in the 90s) included moving the Metro Station to our downtown where we planned for mixed-use residential projects along with the adaptive re-use of our historic buildings. At the same time, we made sure to preserve and enhance our downtown and residential neighborhoods with reasonable density, conditional use requirements and design review to assure projects were compatible with their neighbors. In addition, the plans supported a variety of commercial opportunities from large convenience stores to small retail, offices, and live-work options. These plans also removed the long-standing freeway threat that would have divided our city. At the end of the day our city has more to show in multi-family and affordable housing along with diverse commercial uses, than most of our comparable neighboring cities. This history and where we are today is important because as we embark on new plans that will provide our share of much needed housing, we need to also understand how we have done so in the past while still preserving our city's unique character.

I believe the new Draft General Plan and Specific Plan are going too far down an unnecessary path of extreme density which impacts are not fully vetted nor understood by the public. It is not too late to assess the full impact of these proposed plans and consider alternatives that still achieve the state housing mandates and inclusionary goals while providing plans that understand the importance of controlled growth and maintaining our neighborhood identities. To that end, I have the following comments that I would like considered and addressed:

1. Provide a Build-Out Analysis of the Proposed Plans – A build-out analysis is a common planning tool used to create a projection of all development that would occur in a proposed plan's framework. It is important to give the total number of units and population calculated on all proposed density increases for the entire city if the plan was fully built out. This number should also include ADUs as allowed throughout the city and any bonus density or inclusionary housing provisions. The projected increased density and population numbers currently given in the Draft General Plan and PEIR are not true "build-out" numbers. The public should understand the total density and population increase that these plans would be committing the city to going forward and if the total build-out numbers are more than what is the absolute minimum required they should be reduced. This is especially important given the state may impose more housing mandates in the future and we do not want to have to add on top of already inflated density.
2. Address the Disparity between the Proposed Plan's Density and Existing Single Family Neighborhoods – The proposed plan's increase in density with increased units per acre, smaller lot sizes, along with current allowed multi-story ADUs with reduced setbacks and lack of required parking, needs to be addressed. The impact of these new developments to our existing single family neighborhoods is very significant and is not being truly reflected in the plans. The plans need to better convey the physical differences between the proposed (including ADUs) and the existing and show ways these differences can be mitigated. If the proposed increase in density along with ADUs is too extreme then ways to reduce the density and scale in our predominantly single family neighborhoods needs to be considered.
3. Explain Where and How Projected Commercial Growth Will Occur – There needs to be an explanation of how the plans propose to add 100s of thousands of commercial (office and retail) square feet when most of the key sites shown for multi-family development are significant existing commercial uses that would be removed with the proposed multi-family developments. Where is the commercial growth expected under these circumstances? The proposed retail component of a mixed-use residential project would not come close to replacing the commercial that would be removed, let alone grow it, and the proposed plans make no provision for future "exclusive" substantial commercial development. The proposed plans need to show specifically how and where this expanded commercial growth will occur.

August 6, 2023

2023 South Pasadena "Draft" General Plan and Specific Plan Comments
from Lisa Pendleton (continued)

4. Provide True Data on the Loss of Key Commercial Sites Proposed to be Redeveloped with Multi-Family Residential – With most of the large retail sites in our city targeted for redevelopment to multi-family there needs to be an analysis that shows the impact of the loss of these shopping opportunities and the loss of sales tax revenue generated by those larger retail uses. Typically, the type of mixed-use projects proposed to replace these existing commercial uses would only have small retail spaces which would not come close to generating the same type of shopping opportunity or sales tax revenue, even with a gain in property tax from the proposed mixed-use residential project, the loss of sales tax revenue would still be significant. The plans need to address the loss of convenience to the residents and loss of sales tax to the city if these commercial uses are to be demolished.
5. Clarify Public Input and the Role of Council Appointed Commissions and Committees in Reviewing Proposed Projects - It is not clear what mixed-use or multi-family projects will still be publicly reviewed under the proposed plans. Only relying on city planners to review projects, even with form-based massing and design guidelines in place, cannot replace the role of public input. History has shown when public eyes are removed from the process the results often do not enhance the neighborhood and in some cases, as experienced in other cities, can lead to corruption. The proposed plans should make a specific case for continued public input at all stages of the project design and specifically show how the public and city council appointed committee/commissions will play a role in reviewing projects going forward.

In conclusion, I believe it is important that South Pasadena control its own destiny. It is not too late to make changes, including reducing density and adding other planning measures as necessary to assure South Pasadena remains the city we all can be proud of for the foreseeable future.

Respectfully submitted by,

Lisa Pendleton, Architect
Former South Pasadena Planning Commissioner
Former member of South Pasadena's 1990s General Plan and Mission Street Specific Plan Advisory Committees

cc: Mayor Pro Tem Evelyn Zneimer

From: [Josh Albrektson](#)
To: [PlanningComments](#)
Subject: 8/8 Planning commission meeting.
Date: Thursday, August 3, 2023 11:58:04 PM

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I will yet again quote the bottom of page 14 of the June 10, 2020 HCD memo on Housing Elements. I have quoted this paragraph many times and it has been directly stated to the South Pasadena staff by HCD, and yet they still have no idea what this paragraph means. I have highlighted the most important part.

https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf

"The analysis of "appropriate zoning" **should not include** residential buildout **projections** resulting from the implementation of a jurisdiction's inclusionary program or **potential increase in density due to a density bonus**, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households."

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Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Josh Albrektson](#)
To: [PlanningComments](#)
Subject: 8/8 Planning Commission item 2.
Date: Tuesday, August 8, 2023 4:57:31 AM

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

1. The zoning in these plans \neq the zoning you guys have in the Housing Element.

You guys worked so hard to get a Housing Element that HCD found acceptable. In that Housing Element it had commitments to the zoning that you guys were going to enact. I wrote a letter of support for the Housing Element based on that zoning.

The Downtown Specific Plan and General plan presented today does not have the same zoning as what was in the Housing Element. I don't know what the staff is thinking, but that is pretty amazing considering they have to turn it into HCD for approval.

Apparently Staff Doesn't think the Housing Element is binding.....

2. Whoever wrote the downtown specific plan has no fucking idea how the state density program works or what the requirements is. And I am getting very sick and tired of the South Pasadena staff REPEATEDLY proposing illegal NIMBY things.

It shows a stunning lack of competence that the people in charge of evaluating a density bonus project in South Pasadena don't understand the basics of how the density bonus is supposed to be implemented. So I am going to explain it.

A city CANNOT apply restrictions to what properties can use the state density bonus. The ENTIRE point of the density bonus is to overrule the local community. If a property is zoned for 4 units, they can add a low income unit and they can waive EVERY standard that they need in order to make their project viable.

What is listed on pages 107 and 109 of the Downtown Specific plan on "F. Standards for any buildings with a density bonus" is blatantly illegal. You ABSOLUTELY CANNOT require a minimum lot size, a minimum courtyard, setbacks, of space between adjacent buildings.

And it is amazing that the people South Pasadena has hired to evaluate housing projects thinks this is true. And the fact our city attorney reviewed this and it is still in the document is amazing.

This is why South Pasadena has been sued and this is why South Pasadena will be sued again.

There was an article on the density bonus on the front page of this past Sundays LA Times

<https://www.latimes.com/homeless-housing/story/2023-08-01/developer-akhilesh-jha-california-housing-apartments>

I will pull the Quote from Ben Metcalf, the previous head of HCD.

"You can basically choose anything you don't like in the zoning rules and you get free passes to throw it out the window," Metcalf said. "It's kind of an amazing law."

So just so our staff is clear, for all density bonus projects the applicant can waive whatever zoning they would like and you cannot apply restrictions like minimum lot sizes.

You also CANNOT require a Pro-Forma like you guys did for 815 Fremont. Page 5 of the following Density Bonus primer which you guys should read:

“A 2021 appellate court case, Schreiber v. City of Los Angeles, held that a local government may not require an applicant to submit a pro forma or other documentation to prove that a requested incentive or concession is required in order to make the housing development economically feasible”

https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2023.pdf

3. Mixed Use Core on page 7 of your agenda packet- “The development intensity would allow up to 70 dwelling units per acre with allowable buildings height up to five stories (assuming State Density Bonus provisions).”

The Housing Element requires this to be 84 ft. Hcd has told your staff this many many many times. This is literally in the HCD letter to South Pasadena on January 27th.

<https://www.southpasadenaca.gov/home/showpublisheddocument/31366/638106825930930000>

Program 2.n (Citywide Height Limit Ballot Initiative): While the program now commits to height limits no less than 60 feet or six stories, it should also consider appropriate height limits for 70 units per acre. The Program could either commit to (a) remove height limits all together and replace all height limits as appropriate to encourage maximum densities, (b) specifically commit to accommodate 70 units per acre (e.g., seven stories and 84 feet) in addition to accommodating 50 units per acre or (c) replace the minimum height to be established with seven stories and 84 feet

This is supposed to be 7 stories, but regardless, the parts of the staff report where they limit heights with the density bonus like saying it would be 5 stories is illegal.

4. I will yet again pull the quote from the bottom of page 14 of the HCD Housing Element guidelines. I have read this multiple times and I am SHOCKED that city staff still has a problem understanding what it means.

“The analysis of “appropriate zoning” **should not include** residential buildout projections resulting from the implementation of a jurisdiction’s inclusionary program or **potential increase in density due to a density bonus**, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households”

Your staff repeatedly does this and thinks HCD will find it acceptable and they are so shocked claiming they had no idea it wasn’t ok.

This paragraph from the staff report literally outlines what they are not supposed to do.

“The DTSP contains two primary zoning designations: Mixed Use Core and Fair Oaks Corridor. The Mixed Use Core encompasses the vicinity of Mission Street and contemplates a development intensity of 70 dwelling units per acre with a height range of **1-5 stories (building height above 45 feet is subject to State Density Bonus concessions and waivers)**. The Fair

Oaks Corridor allows for more intensive development with a maximum density of 110 dwelling units per acre. While the General Plan outlines **development envelope standards such as allowable density and height, including provisions for taller building height in keeping with State Density Bonus concessions and waivers**, the DTSP contains specific development standards under what is known as a “form-based code.” A form-based code provides objective development standards that aim to create an active streetscape and a walkable community, and these standards would apply to both Mission Street and Fair Oaks Avenue. The new DTSP contemplates a maximum of 1,230 additional units—880 units for Fair Oaks Avenue and 350 units for Mission Street—over the life of the plan (2040). “

It is the base zoning that must accommodate the units and that is what the Housing Element committed to do and these plans intentionally don't

I would be there in person, but I care more about the LAFC game. Staff is just going to lie to you guys again and say I don't know what I am talking about, and then yet again HCD is going to say no, and staff will say no one could have seen this coming. I already reported the density bonus restrictions to HCD.

At some point of time city council and you guys will realize staff is costing you hundreds of thousands of dollars and causing HCD to crack down on your and other organizations to sue you because they keep trying to legally and illegally stop housing from being built in South Pasadena.

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Josh Albrektson MD
Neuroradiologist by night
Crime fighter by day

From: [Joanne Nuckols](#)
To: [PlanningComments](#)
Subject: 45" Height limit via citizens initiative, 1983, not mentioned in GP or MSSP
Date: Tuesday, August 8, 2023 8:59:49 AM
Attachments: [height limit.pages](#)

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners, I am writing to you, because of concern over the lack of mention of the South Pasadena (SP) voter initiative which passed in 1983 instituting a 45' height limit as well as a prohibition on parking variances over 5% in the General Plan (GP) and Mission Street Specific Plan (MSSP). In fact, there is a graphic and wording in the MSSP which literally states that with a state density bonus, you could build over 45,' which is not true. This is an absolute violation of the voter initiative imposed 45' and SP Zoning Code and should be changed in the MSSP.

See statement below in response to my question to City Attorney in city meeting August of 2022 and response in writing to my comment to draft Housing Element (HE) in 2023:

"City staff responded that a voter approved initiative supersedes both the General Plan and Zoning Ordinance of the city, and that if they conflict the voter approved initiative prevails. However, if the voter approved initiative is in conflict with State law, then the state Law superseded the voter approved initiative. Since South Pasadena's height limit does not directly contradict State law, and because there are alternative ways for the City to meet it's requirement under State law that do not require the repeal of the height limit, it's the opinion of the City that State law cannot supersede the City's height limit."

I brought this up in writing to city staff in an email of June 21, 2023 (bottom of comment) with no response and verbally several times at the city meeting June 17th about the GP and MSSP. My concern, which is now amplified with factually incorrect information in the MSSP and no mention whatsoever in the GP, is that this information is being ignored in hopes that it will go away. It will not go away!

I'm asking that the Planning Commission, as SP citizens representatives, ask the staff to revise the MSSP and GP to reflect the fact of the citizens of SP imposed height limit until that time it is repealed.

I have skimmed both documents and may have missed something and if that's the case please direct me to the information about the 45' height limit? But, the graphic and wording about building over 45' with a density bonus validates my statements and concern that the document is factually incorrect and illegal per the voters of SP 40 years ago.

A friend, a former Deputy City Attorney for City of Los Angeles, and I have been doing research on this issue for the last year, and we know that our information is rock solid

as validated by the former City Attorney for South Pasadena and city staff above in bolded HE statement. Additionally, I brought up the issue to the new City Attorneys in June who said they were starting to do research as well. It's been about 2 months now and no responses or information from City Hall causes a lot of concern for the citizens of SP let alone incorrect information in the documents that are a promise to the community for the development future of our city.

Additionally, if the 45' height limit was not absolute law in SP and superseded state law, why did the YIMBY, group that sued the city, negotiate as part of their settlement that the issue be put on the ballot for repeal by December, 2024? That group knows that the city's position defending the voter initiative is law. There is no getting round it, 45' is the height limit for SP as well as no parking variances over 5% and must be reflected in these new planning documents. It's not far to developers nor, most of all, the citizens of SP to not be crystal clear on the city position.

Thank you in advance of your clarity, consideration and action for the citizens of SP. We are counting on you to be our voices.

Joanne Nuckols

Former Member of the General Plan and Mission Street Specific Plan Committee, 1996

----- Forwarded Message -----

From: Joanne Nuckols

To: afraustolupo@southpasadenaca.gov <afraustolupo@southpasadenaca.gov>; abecker@southpasadenaca.gov <abecker@southpasadenaca.gov>; mchang@southpasadenaca.gov <mchang@southpasadenaca.gov>

Cc: dmegerdichian@southpasadenaca.gov <dmegerdichian@southpasadenaca.gov>; achaparyan@southpasadenaca.gov <achaparyan@southpasadenaca.gov>

Sent: Wednesday, June 21, 2023 at 11:00:34 AM PDT

Subject: Height limit via citizens initiative

Angelica, Alison and Matt, attached is a summary of the height limit from my perspective after doing research for the last year which I sent to some South Pasadenan's a few months ago that were asking about the height limit and does or doesn't it apply? The second attachment is a picture of the twin towers that were approved by the city council to be built at 625 and 711 Fair Oaks and which prompted the citizens initiative which imposed the height limit and parking variance prohibition. I think the quote from one of the HE drafts, which I assume was written by Andrew Jared and echoed his comment last August at the Sat morning meeting at city hall, are sufficient to establish the city's position. Andrew Jared and CHW's position is absolutely right on this particular issue.

I have been in discussion with a local former city attorney who's been doing legal

research, and will continue to, which confirms the statement and city's position stated here that the voter imposed height limits AND the accompanying parking variance restriction supersede state law. There are very few cities in California that have voter imposed height limits and only the voters can overturn it.

I assume the council or staff will have the new city attorneys do their due diligence to confirm this statement and even strengthen it and most of all use it to possibly chart a different path for the General Plan before it's too late. As I stated Saturday, it makes no sense to spend time and city resources allowing for higher building in the General Plan, which distracts from the day to day work, without first having the vote of the people to repeal the height limit and doing due diligence as to consequences of not looking before you leap.

We have had this height limit in place for 40 years, which has shaped the development of the city, and some feel it has saved South Pasadena from going the way of over development like some areas of Pasadena. Our strength is in our small town character and we need to fight to protect it from State overreach like the freeway fighters did decades ago.

Thank you for your consideration.

Joanne Nuckols