



City Council Agenda Report

ITEM NO. 1

DATE: July 17, 2024

FROM: Sheila Pautsch, Acting City Manager

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Roxanne Diaz, City Attorney

SUBJECT: **STUDY SESSION ON THE PROPOSED BALLOT MEASURE RELATED TO THE 45-FOOT BUILDING HEIGHT LIMIT TO BE PLACED ON THE NOVEMBER 5, 2024 MUNICIPAL ELECTION AND A PRESENTATION BY FM3 RELATED TO THE COMMUNITY SURVEY AND DISCUSSION AND DIRECTION REGARDING THE BALLOT QUESTION TEXT AND EDUCATIONAL MATERIALS**

Recommendation

This is a study session for the City Council and the community to receive information regarding the November 2024 ballot measure related to the 45-foot building height limit and to ask questions from Staff. In addition, the City's consultant will present a summary of the community survey results; from that presentation we anticipate discussion and direction regarding the text of the ballot question.

Background

In 1983, a voter-led initiative was passed by the voters at a special municipal election in July 1983 that established that no commercial, office, manufacturing or residential building in the City of South Pasadena would exceed a height of 45 feet and that no variance or conditional use permit would be granted to allow such buildings to exceed 45 feet. Specifically, the language of the 1983 voter initiative is as follows:

“No Commercial, Office, Manufacturing, or Residential building shall be built to a height in excess of forty-five (45) feet and that no variance or conditional use permit shall be granted to exceed this limit. Furthermore, that no parking variance shall be granted to exceed five per cent (5%) of the required spaces.”

On April 15, 2024, a study session was held on this issue and staff presented potential options for the ballot measure. At the study session the City Council directed staff to solicit the assistance of consultants to help in this effort.

As a reminder, the matter related to the repeal or amendment of this initiative before the Council today is not optional. It is a requirement of the settlement agreement entered into by the City and Californians for Homeownership (“Settlement Agreement”) and incorporated into the Housing Element.

Analysis

Housing Element Program

During the Housing Element process, the California Department of Housing and Community Development (“HCD”) identified this 45-foot height limit as a potential constraint to housing development in the City. To address this issue, Housing Element Program 2.n (“Program”) was included in the Housing Element. The Program requires the City to place a ballot measure on the November 2024 election to address the current 45-foot building height limit. The Program, however, does not require the repeal of the height limit city-wide. The Program language states that the City will seek the repeal of the current height limit of 45 feet:

“as to at least any residential or mixed-use (including residential) project on which the housing element anticipates a base density in excess of 50 units/acre. . . . The measure may either eliminate the height limit for these parcels entirely, or be replaced by a new height limit localized in the areas of increased density to stated density goals. If the height limit is replaced, the new limit will be no less than 84 feet to achieve the densities identified in the DTSP. . . . If the ballot measure is approved, the City will update development standards throughout the DTSP and zoning code to allow for buildings that can achieve the densities identified in the Housing Element.”

It should be noted that the Program is narrow in scope in that the City is required to address the height limit for residential or mixed-use projects where the base density is in excess of 50 units/acre, which would be parcels in the Downtown Specific Plan (“DTSP”), the Mixed-Use Overlay Zone and the Housing Opportunity Overlay Zone, which covers much of the Residential Medium Density (RM) and Residential High Density (RH) zones.

Currently, the base densities in those areas are:

Zone Area	Density
Downtown Specific Plan	70 du/acre in the Mixed Use Core Zone, and 110 du/acre in the Fair Oaks Corridor Zone
Mixed-Use Overlay Zone	70 du/acre
Housing Opportunity Overlay Zone	70 du/acre

Community Survey and Education

At the April 24, 2024, City Council meeting, the City Council approved a professional services agreement with FM3 Research and Tripepi Smith to conduct a community survey and prepare informational materials regarding the ballot measure. The community survey has been completed and FM3 will be providing a high-level summary presentation of the survey at the study session.

In terms of education and informational material, City Staff has been working with its consultant Tripepi Smith to develop background materials related to the upcoming ballot measure. On the City’s website is a page dedicated to the ballot measure, southpasadenaca.gov/ballotmeasure, which will be updated as necessary through the election date.

On June 12, 2024, Community Development staff and consultant Tripepi Smith held a virtual Town Hall with over 40 attendees. Moderator Ryder Smith of Tripepi Smith and Planning staff

gave a brief presentation on the City's Housing Element, efforts to retain local control and the upcoming ballot measure regarding the height limit. After the presentation, a question and answer period was held with several questions that had been submitted before the meeting and live questions from the chat feature from those in attendance. The meeting was scheduled from 6:30 pm to 7:30 pm but due to the turnout and continued questions coming in through the live feed, the meeting ended at about 8:00 pm. The meeting was recorded and is on the webpage.

In addition, the Community Development Staff also attended a meeting of South Pasadena Chamber of Commerce Economic Development committee to speak about the height limit and the ballot measure.

City Staff anticipates providing additional educational material to the public related to the height limit and the ballot measure including a four-page informational brochure and postcard. Staff will be returning to the City Council with a contract amendment to conduct additional educational outreach and materials leading up to the November election.

In terms of the ballot measure, South Pasadena has planned for new housing in the Downtown, at the Ostrich Farm and on Huntington Drive, areas already identified for increased density. As already discussed, a ballot measure is needed to modify the height limit in these areas. If the ballot measure does not pass, the City will be required to begin a new planning process to identify other areas for higher density including single family residential neighborhoods.

Staff is available to answer questions and take direction regarding the potential language of the ballot question.

Attachment:

[Attachment No. 1 - HE Program 2N Ballot Initiative.pdf](#)